

Ashfield District Local Plan Examination. Matter 2 Hearing Statement Amendment.

On behalf of Hallam Land.

Date: 31 October 2025 | Pegasus Ref: P25- 0863 (EMS.2254)

Local Plan Respondent ID: 240

LPA Ref: SA001 Land southeast of Sutton-in-Ashfield / SA024 (H1Sal) Newark Road/Coxmoor Road

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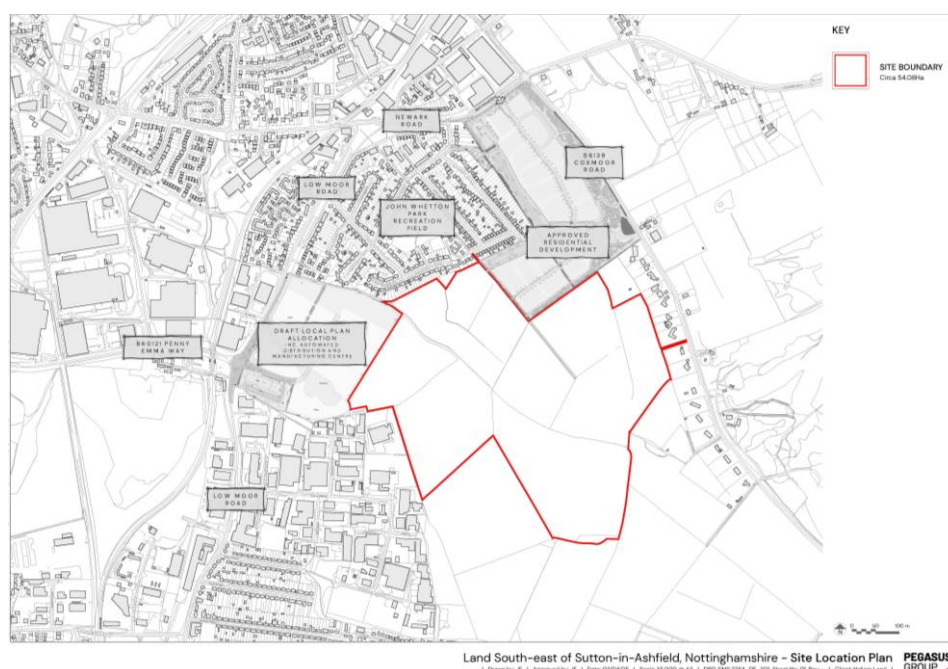
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1. Introduction

- 1.1. This Hearing Statement has been prepared by Pegasus Group on behalf of **Hallam Land** with regards to their land interests in **Land southeast of Sutton-in-Ashfield**, between Newark Road/Coxmoor Road (and draft allocation EM2 K4: Land to the East of Lowmoor Road, which is controlled by Nottinghamshire County Council. This is a non-Green Belt site adjacent to the Main Urban Area of Sutton, at the top of the settlement hierarchy with a range of facilities, services and employment opportunities serving the local community and beyond.
- 1.2. Hallam Land has engaged in each stage of the Local Plan preparation including the Call for Sites (2019), Options consultation (2021) and Regulation 19 consultation (2024). On behalf of our client, Pegasus Group participated in the Hearing Sessions in November 2024 and representations were submitted to the Additional Site consultation in February 2025.
- 1.3. The land under the control of Hallam Land and the County Council was collectively submitted to the Call for Sites in 2019 and assigned the **SHELAA reference: SA001**. Site SA001 extends to approximately 75.64 hectares, located to the southeast of the town of Sutton-in-Ashfield. This site was identified as a **non-greenbelt sustainable urban extension option** and **discounted** for exceeding the Councils arbitrary 500 home threshold.
- 1.4. Two other parcels within this area were also submitted as smaller options and assigned the **SHELAA references SA024** and KA035. These smaller parcels were identified in the pool of developable sites but **discounted** and not included in the Pre-Submission Draft Local Plan. Our client recently secured **outline consent at appeal** for 300 homes on SA024 (APP/W3005/W/24/3350529). The site was included in the Additional Housing Site Allocations consultation and is now **proposed allocation H1Sal** Newark Road/Coxmoor Road.
- 1.5. **Appendix A**, reproduced below, shows the extent of the remaining land under the control of Hallam Land, within the originally proposed sustainable urban extension area (SA001), between the site approved on appeal (SA024, allocation H1Sal and now with permission) and draft employment allocation EM2 K4, which also originally formed part of SA001.



1.6. The remainder of the site, for up to 500 homes adjacent to the Main Urban Area of Sutton, at the top of the settlement hierarchy and outside the Green Belt, remains suitable, available and achievable within the proposed plan period and provides a logical option for addressing the shortfall in housing provision. An EIA Screening Request has been submitted to the Council in relation to this site and an opinion provided that the proposed development is not EIA development.

1.7. **Appendix B**, reproduced below, shows the relationship between the three parcels of land southeast of Sutton-in-Ashfield, namely (west to east):

- Draft Employment allocation EM2 K4: Land to the East of Lowmoor Road;
- Remaining non-Green Belt land being promoted by Hallam Land for up to 500 homes; and
- Appeal site/new allocation H1Sal Newark Road/Coxmoor Road.



1.8. This Concept Masterplan demonstrates how comprehensive development can be achieved and the opportunity to deliver additional important infrastructure including a primary school, local centre and road link, creating a sustainable urban extension which delivers infrastructure to the benefit of the wider urban area.

1.9. This Hearing Statement was originally prepared to inform the Hearing Sessions held in November 2024 but has been updated and amended to reflect the new information consulted on by the Council earlier this year and to address the Inspector's Addendum Question 2.7.1.

2. Matter 2 – Meeting Ashfield’s Housing Needs

Issue 1 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs

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

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

- 2.1. Yes. The housing requirement proposed reflects the current Local Housing Need for Ashfield District of 446 dwellings per annum, which is based on the current standard methodology.
- 2.2. It is important to keep in mind that the proposed changes to the standard methodology will increase the Local Housing Need figure for Ashfield to 604 dwellings per annum. Whilst this is not directly relevant to the housing requirement for the Plan, as the authority benefit from the transitional arrangements, it is important context and shows the direction of travel of significantly increasing housing needs in the District. This is important context particularly in light of the fact that the proposed Plan doesn't make sufficient provision even for the current, significantly lower, housing need figure.

Question 2.2 – Has the correct median workplace-based affordability ratio been used to undertake the LHN calculation having regard to the date of submission of the Plan?

- 2.3. Yes, it is based on the 2023 affordability ratio published March 2024.
- 2.4. The Plan was submitted in April 2024, at which point the dataset for 2023 was available (released 25th March 2024).
- 2.5. The Government's consultation on the changes to the standard method published in July 2024 state the current LHN figure for Ashfield is 446 based on the 2023 affordability ratio. This is unchanged from the previous LHN figure based on the 2022 affordability ratio which the Council used to inform the Pre-Submission Local Plan.
- 2.6. The affordable ratio issue does not detract from the context explained above of the now current Local Housing Need figure for Ashfield which has increased to 604 dwellings per annum (+35%).

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

- 2.7. There are three key factors which might result in an upward adjustment to the overall housing need which have not been considered sufficiently:
 - The need to balance economic growth and housing provision to limit the need to travel.
 - The implications of infrastructure investment on the economic dynamics / growth.

- The need to address unmet needs.

Economic Uplift

- 2.8. Paragraph 61 of the Framework is clear that the outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area and that there may be exceptional circumstances which justify a different approach to assessing housing need. Paragraph 67 expands on this and sets out that the requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment.
- 2.9. This important step in the process of identifying a housing requirement is not addressed in the Submission Plan (SD.01), Background Paper 2: Housing (BP.02), the Sustainability Appraisal (SD.03) or Housing Needs Assessment (SEV.19).
- 2.10. The Council's housing needs evidence is set out in the Greater Nottingham & Ashfield Housing Needs Assessment (2020) (SEV.19). The assessment does not consider the relationship between economic forecasts and housing need or whether the Local Housing Need figure should be uplifted. The analysis undertaken in the report simply accepts the standard method figures for each of the authorities assessed.
- 2.11. There is however an assessment of what employment land needs arise from meeting the housing needs in Background Paper No 3: Economy & Employment Land (2023), which is an update of the Nottingham Core HMA and Nottingham Outer HMA, Employment Land Needs Study (ELNS) (May 2021, Lichfields). This evidence set out how the employment land target aligns with housing need and suggests that there are exceptional circumstances that should have been considered.
- 2.12. The Council summarise this assessment in their original Hearing Statement for Matter 3 in paras 3.5.1–3.5.17. This modelling shows the following:
- **Meeting housing delivery target of 446 dpa** (and the associated uplift to Ashfield's local labour-force) creates a need for 16.84 ha of **additional employment land – 17 ha**.
 - **Forecast job demand by sector** using Experian data creates the need for between 15–28 ha of **additional employment land – 15–28 ha**.
 - **Preferred Option based on past take up rates** to reflect the regional demand for logistics which creates the need for 81 ha of **additional employment land – 81 ha**.
- 2.13. The proposed approach to meeting employment needs responds to the evidence and the growth the Council wants to continue to support. However, this has not been reflected in the housing requirement for the District. **The employment land need arising from 446 additional homes per annum is 17 ha. The Council is planning for nearly 5 times this amount of employment land, so to balance housing provision with employment would need materially more housing** as set out in para 3.5.9 Hearing Statement for Matter 3 (HS 3.1):

"The Council has opted to identify an overall employment land requirement that exceeds the labour demand and labour supply forecasts and factors in an uplift to go some way

towards addressing the Functional Economic Market Area [FEMA]-wide demand for strategic logistics"

- 2.14. There is an argument that some of this employment land is to meet regional needs and therefore the housing need implications would be wider than Ashfield. The Council suggests at paragraph 3.5.11 (HS 3.1) around 53.5 ha of land would be required to meet wider strategic needs (extending across the much wider FEMA that includes the neighbouring Outer HMA districts of Mansfield and Newark & Sherwood). But this still leaves significant implications for Ashfield and a need to avoid a situation where growth is serviced through increased commuting.
- 2.15. There are in any event the 27.5 ha of what is described as for 'local need' (paragraph 3.5.12, HS 3.1), which is 10 ha more than is generated by the delivery of 446 homes – whilst the need for contingency and flexibility in supply is very much supported (and being argued for in relation to housing land), this is 38% more. It is not within a margin of flexibility.
- 2.16. The employment position being advanced by the Council (even adjusting for some of the land being to meet regional needs) indicates a material mismatch between the homes for local employees and jobs for local employees. There is a strong case for meeting the additional housing needs in Ashfield, to be sustainable in terms of travel and proximity of homes and jobs.

Infrastructure Investment

- 2.17. The Planning Practice Guide (PPG) sets out circumstances where it may be appropriate to consider a higher figure than the standard method including situations where increases in housing need are likely to exceed past trends because of strategic infrastructure improvements that are likely to drive an increase in the homes needed locally. The guidance is clear that this matter needs to be assessed prior to, and separate from, considering how much of the overall need can be accommodated.
- 2.18. Clearly, there is a need to assess whether the actual housing need is higher than the standard method indicates. In Ashfield's case, the Submission Plan and supporting evidence sets out plans for significant infrastructure improvements. These are related to new infrastructure associated with the **Maid Marian Railway Line** and the opportunity to reopen the freight-only line and convert it to a passenger train, connecting four existing stations in Ashfield and Mansfield to Derby/ Leicester/ Nottingham and beyond.
- 2.19. Background Paper 1: Spatial Strategy and Site Selection (BP.01), highlights that there are plans for the **electrification of the Midland Mainline** and major development sites at **Ratcliffe on Soar Power Station**, and **East Midlands Airport** as part of the **East Midlands Freeport** proposal.
- 2.20. There is no indication in the supporting evidence for the Local Plan that these infrastructure improvements and major employment developments have been considered in setting the housing requirement for the District.

Unmet Need

- 2.21. Whilst the Pre-Submission Draft Local Plan and supporting Sustainability Appraisal acknowledge that Ashfield District Council is part of a wider Nottingham Outer Housing

Market Area and the Council is a member of the Greater Nottingham Joint Planning Partnership, the issue of the unmet need for Nottingham City is not addressed.

- 2.22. The Sustainability Appraisal (SD.03) in rejecting the option for a 20% uplift on the standard method figure notes:

*‘Furthermore, **no additional housing requirements have been identified** as arising from neighbouring council area under the duty to cooperate’ (para 5.3.19, emphasis added).*

- 2.23. This is **incorrect**. There is documented unmet need identified by Nottingham City, as set out in the Regulation 19 consultation published in November 2024 and previously as part of the Preferred Approach consultation in January 2023.

- 2.24. The [Greater Nottingham Strategic Plan Regulation 19 consultation](#) makes provision for 26,690 homes in Nottingham City where the Local Housing Need is 33,210 homes (1,845 homes a year over the 18 year plan period 2023–41). There is no redistribution of this unmet need. This means the plan is making provision of 54,670 homes between 2023–41 to meet a Local Housing Need of 59,382 over this plan period, leaving the plan 4,712 homes short.

- 2.25. There does not appear to have been any work undertaken to establish where this need could be redistributed to. The clear and obvious question is whether it could be met by the Nottingham Outer HMA authorities, including Ashfield or other authorities with substantial non-Green Belt land. This is also a matter previously raised at this examination, in the context of the Duty to Cooperate, where it was argued that to meet that duty must include evidenced and justified answers to questions such as this.

- 2.26. The role that the authority has in meeting unmet needs and the relationship between economic growth, investment and demographics should have been assessed. It has not been. A series of important considerations have been missed.

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

Post Additional Site Consultation – Continued Failure to Meet Needs

- 2.27. The Local Plan has not positively prepared. To meet this soundness test it needs to provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs over the plan period.

Position in November 2024

- 2.28. When this question was originally posed in preparation for the November 2024 Hearing Sessions, the Council had identified land for less homes than the local housing need of 7,582 homes over the plan period. This led, in part, to the decision to pause the Local Plan Examination and require the Council to identify further sites.

Additional Housing Sites Allocations Consultation

- 2.29. In February 2025 the Council consulted on Additional Housing Sites (HSC.01) and identified the 13 new allocations totalling 828 homes, summarised in the table below.

- 2.30. The new sites include new commitments, including our client's site at Newark Road, Sutton for 300 homes approved at appeal (H1Sal). There are also sites which have a resolution to grant from Ashfield Plans Committee including a further Green Belt site at Abbey Road, Kirby (highlighted green in the table). Finally, there are five additional brownfield and one greenfield site without planning permission.

Additional Allocations	No. of Homes	Sites (number of homes)
New planning permissions (commitments)	328	H1KI – Central Avenue, Kirby (16) H1Sai – Pendean Way (12) H1Sal – Newark Road, Sutton (300)
Sites with a resolution to grant planning permission	224	H1Km – Abbey Road, Kirkby (38) H1Saj – Between Redcliffe St & Leyton Ave, Sutton (18) H1Sak – Rookery Lane, Sutton (78) H1San – Radford's Farm, Dawgates Lane, Skegby (90)
New Brownfield Site Allocations	170	H1Kn – Southwell Lane, Kirkby (60) H1Ko – Former Kirkland's Care Home, Fairhaven, Kirkby (20) H1Kp – Pond Hole, Kirkby (54) H1Kq – Former Wyvern Club site, Lane End, Kirkby (12) H1Kr – Ellis Street, Kirkby (24)
New Greenfield Site Allocations	106	H1Sam – Beck Lane South, Skegby (106)
Total	828	

- 2.31. The consultation document (HSC.01) included a track change version of Policy H1 at Appendix 1, with the new sites added. The track changes also set out updates to the yields of existing proposed allocations to reflect new information or completions and removed completed sites or those identified as too small to be listed.

- 2.32. The consultation document (HSC.01) sets out at paragraph 4.4–4.5 that based on updated monitoring data, dated April 2024, the Council is able to demonstrate:

*'a **small over provision of 136 dwellings**, or the equivalent of around **2% buffer** on the balance of housing need'. (emphasis added)*

- 2.33. There are two key concerns that we raised in response to this consultation:

1. Inadequate buffer
2. Lack of deliverability and developability of the new sites.

- 2.34. **Inadequate Buffer:** The Council note that the proposed new sites will provide a 2% buffer, this is totally inadequate. It is essential that the Council make provision for sufficient sites to ensure there is flexibility and contingency to deal with unanticipated delays or delivery issues with sites. It is suggested that a more appropriate buffer would be 20% (some 1,300 dwellings). This is explored further in our response to new question 2.7.1 below.
- 2.35. **Lack of Deliverability and Developability:** Whilst some of the new sites proposed for allocation by the Council (summarised in the table above) have planning permission or resolutions to grant and could be considered to be deliverable (though even with some of these they have been discounted by the Council before because of doubts), there are deliverability and developability questions about the new brownfield and greenfield sites without planning permission, totalling 276 homes.
- 2.36. All these sites without planning permission were assessed when the plan was originally prepared and were discounted due to uncertainty about their deliverability or developability. As explored in more detail below, there is no new evidence presented by the Council to demonstrate that anything has changed and therefore these sites should not be allocated. **This means the 136 overprovision needs to be reduced by 276, placing the Council back into a deficit of 140 homes.**
- 2.37. This demonstrates well how a small number of sites failing to deliver could undermine the ability of the Local Plan to meet housing needs over the plan period.
- 2.38. The Local Plan strategic policies continue to fail to identify a strategy capable of successfully meeting the housing needs, even taking into account the additional sites identified, due to the deliverability of some of the new sites and the lack of contingency the strategy allows for.

Plan Period

- 2.39. The National Planning Policy Framework states that policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. In response to this the Plan proposed a plan period 2023–2040 on the basis of adoption in early 2025. This was an ambitious timetable in the context of Examination Hearings at the end of 2024 but following the pause in the process, this is no longer possible. It is more likely the plan will be adopted in the second half of 2026, at the earliest, which means the plan period now needs to be extended to at least 2042 to provide a 15 year horizon as required by the NPPF. This extra two year period adds at least another 892 dwellings to the housing requirement.

Strategy Failure

- 2.40. There is no reason that the Council could not have identified sufficient sites to provide an appropriate buffer to ensure there is sufficient flexibility and contingency to ensure the local plan meets the housing needs. It remains a self-inflicted constrain. Background Paper 1 (BP.01) sets out that the new preferred spatial strategy of dispersed growth means sites are **excluded** solely for having **capacity for more than 500 homes**:

'Chapter 3 of this paper describes how the spatial approach to growth has evolved throughout the Local Plan process. In respect of housing growth, this means a strategy which does not rely on large scale strategic sites such as new settlements or Sustainable

*Urban Extensions (SUEs) and reflects Option 3 in the SA (see Chapter 4). **The sites listed below are excluded as they are inconsistent with the approach for dispersed development with no individual site delivering 500 or more dwellings.*** (paragraph 8.15).

- 2.41. The preferred strategy restricts the sites available for development, regardless of suitability, and excludes two sustainable urban extension options adjacent to the Main Urban Areas of Sutton and Kirby, the most sustainable locations in the District (Sutton Parkway (our client's site) and Mowlands, Kirby SUE's which formed part of Alternative Strategy Options 4, 5 & 6 set out in the Sustainability Appraisal SD.03). The Background Paper notes this approach excludes the potential for up to 3,573 homes. The decision to pursue a dispersed strategy (excluding sites of more than 500 homes rather than dispersing growth to lower tier settlements) and not consider any site just because it is over 500 dwellings led to our client's site south east of Sutton-in-Ashfield being discounted despite being in a sustainable location. Adjacent to the Main Urban Area of Sutton, at the top of the settlement hierarchy.
- 2.42. The preferred strategy also conflicts with the broad thrust of paragraph 74 of the Framework, which is clear that the supply of large numbers of new homes can often be best achieved through planning for larger scale development. Whilst there is no national policy requirement to insist on larger sites, the rejection of suitable, deliverable and sustainable land that is not in the Green Belt in favour of a strategy which fails to make provision for sufficient homes, without rational justification is not sound.

Previously Discounted Site – Allowed on Appeal

- 2.43. Whilst the Council preference is not to allocate large strategic sites, the opportunity to deliver a smaller to medium scale of development was also missed in preparing the Pre-Submission Local Plan.
- 2.44. Our client's site SA024 Land south of Newark Road, Sutton-in-Ashfield (part of one of the rejected Sustainable Urban Extensions) was available and conformed with the preferred strategy with a capacity for up to 300 homes but rejected based on incorrect and out of date information that there was an outstanding highways objection and uncertainty of delivering development (BP.01, paragraph 8.18).
- 2.45. Since the Hearing Sessions in November 2024, this Site – SA024: Land south of Newark Road/Coxmoor Road has been granted planning permission following an appeal against non-determination of an outline planning application for 300 homes (application reference: V/2022/O629 and appeal reference: APP/W3005/W/24/3350529). The appeal was granted with a full award of costs against the Council. The site is now the subject of a Reserved Matters application from a housebuilder (planning reference: V/2025/O228, validated in May 2025). It has been confirmed to be suitable, sustainable, with no planning impediments and is proceeding quickly to delivery. The remaining land identified at the start of this Matter Statement is similar.
- 2.46. Whilst the site approved at appeal is also now a new proposed allocation H1Sal Newark Road/Coxmoor Road for 300 homes, this was a reactive decision by the Council, in the face of losing an appeal, rather than a positive decision to allocate a suitable non-Green Belt site, below the 500 home threshold adjacent to a Main Urban Area.
- 2.47. Despite the new commitments which have been identified as 'new allocations', including our client's site, the Council's continued use of the 500-unit threshold means many of the new

proposed sites have significant deliverability issues which is a significant concern in the context of the limited buffer available in the supply.

2.48. As set out in the table above, six of the thirteen new sites are sites without planning permission or a resolution to grant and in all cases these sites were previously discounted by the Council due to delivery concerns. Despite no new evidence having been presented to demonstrate that anything has changed these sites are now proposed to be allocated. They include existing regeneration sites for which there is no evidence to demonstrate these complicated town centre sites will deliver housing in the plan period (see further details in the answer to new question 2.7.1). It therefore remains the case that the Local Plan will fail to meet the Local Housing Need for the District **and** there is a lack of contingency to take account of the delivery doubts around some of the proposed new sites. The Additional Housing Sites consultation (HSC.01) sets out the Council view that the additional sites will provide only 2% buffer. Even this looks very optimistic.

2.49. The preferred strategy still needs to be reconsidered as it fails the positively prepared soundness test. The Matters, Issues and Questions for Matter 3, discussed at the Hearing Sessions in November 2024 included the questions:

'Why was the submitted approach to disperse development chosen and is it an appropriate strategy having regard to reasonable alternatives?'

'Not all of Ashfield District is within the Green Belt. Could the need for new housing and employment be met by locating such uses outside Green Belt? If not, why is this the case?'

2.50. The Council have not yet provided a clear answer to this in the context of sites, like our clients, that are sustainably located outside the Green Belt adjacent to the Main Urban Area of Sutton which have been discounted solely on the basis of the site being more than 500 units. There is a clear need to reconsider Spatial Strategy Options 4, 5 and 6 and a Sustainable Urban Extension to Kirkby/Sutton, set out in the SA (SD.03).

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

2.51. No. By virtue of the fact that the Council had failed to allocate sufficient housing sites over the plan period in the Submitted Plan, there could be no certainty as to whether the Green Belt boundaries will be subject to further alteration at the end of the plan period.

2.52. Whilst the amendments proposed with the Additional Housing Site Allocations consultation (HSC.01) seek to address the shortfall, this includes a further Green Belt site at Abbey Road, Kirby (H1Km) and there is still insufficient supply and an inability to ensure flexibility, with a limited buffer of just 2% identified in the consultation document. Therefore, there remains no certainty as to whether the Green Belt boundaries will be subject to further alteration

2.53. There are two related Green Belt issues. The first is the extent of Green Belt release **now**, and the exceptional circumstances to justify that, in the context of suitable and well located non-Green Belt land that could allow for a supply during the plan period. The second is making sure that at the **end of the plan period**, whatever the Green Belt release accepted now, there

is no need to release more Green Belt land, because there is enough land to meet longer term needs identified now. **Both points lead to making sure the allocation of suitable non-Green Belt land is maximised.**

- 2.54. To provide certainty, the Council should be seeking to address not only the identified shortfall in the Submitted Plan but also provide sufficient sites to build in an appropriate level of contingency to reflect both the nature of the additional sites identified, many of which have inherent deliverability issues and the longer term needs of the District, which shouldn't be allowed to require the Green Belt to be revised again at the end of the Plan period. This should be done through the allocation of additional sites, which are not constrained by Green Belt.

- 2.55. One such site is the remainder of our client's site Land south east of Sutton-in-Ashfield. This site is part of a site identified as a sustainable urban extension option (site reference SA001). It falls in the pool of developable sites that the draft allocations were selected from. As indicated above, part of this site has now been granted planning permission at appeal (APP/W3005/W/24/3350529) leaving the land shown in **Appendix A** available. This land is capable of delivering up to 500 additional homes on non-Green Belt land adjacent to the Main Urban Area, and, being combined with the appeal site, which will deliver 300 homes (800 homes in total), would provide an opportunity to deliver a site for primary school, link road and mixed use local centre including community uses as shown in **Appendix B**.

- 2.56. Paragraph 145 of the Framework sets out that Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. Paragraph 146 sets out that, before concluding that exceptional circumstances exist, the authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need. The drafting of these paragraphs provides a clear sequence of events; the Council must first explore alternative options of non-Green Belt sites before it proceeds to consider whether exceptional circumstances exist. When this is combined with the need in policy terms (NPPF 143(e)) not have to alter the Green Belt at the end of the plan period, the case for more non-Green Belt allocations is clearly a critical soundness issue.

- 2.57. In Ashfield's case, the Council has decided not to allocate suitable and sustainable non-Green Belt sites solely because they are larger than 500 dwellings. These sites could make a material contribution to addressing the District's housing need. This leads to two critical issues of soundness, as indicated above. The 500 unit cap **both** causes Green Belt to be put forward for allocation **now** when reasonable non Green Belt alternatives have been rejected just because of an arbitrary size limit baked into the approach to site selection (a lack of exceptional circumstances – at least to the full extent of Green Belt proposed to be released) **and** it means that in the longer term, at the end of the plan period, more land will be needed and there will be pressure on further Green Belt releases, particularly if the same approach with the 500 unit cap was perpetuated.

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

- 2.58. The SA supporting the Submitted Local Plan failed entirely to consider the under-allocation of housing, compared to the housing requirement over the full plan period.

- 2.59. Within Appendix E of the SA (SD.03f) the Council appraised a 'flexible buffer', comprising 535 dpa, alongside the 'preferred option' of 446 dpa. This higher growth option would see the

provision of an additional 20%, in turn allowing for greater flexibility in achieving the need required in the District through the identification of a greater range and choice of housing sites. No option was appraised for the under-allocation of homes.

- 2.60. There is also no clear justification or planning based explanation provided in the Draft Local Plan, background papers or SA to explain how the SA informed the new preferred spatial option or whether the resultant lack of deliverable sites was taken into account in assessing whether it remained a reasonable option.
- 2.61. The outcome of the work by the Council to identify additional housing sites (HSC.01) continues to suggest that the preferred strategy is constraining the Council's ability to positively identify a sufficient supply of housing land and to ensure there is flexibility to respond to changes and meet the housing needs over the plan period. This has still not been addressed in the SA.

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

- 2.62. The latest Housing Delivery Test 2023 measurement results for Ashfield of 86% highlight a long-term issue of housing delivery which will be significantly worsened over the coming year once the authority are being measured against the new standard methodology of 604 a year. The Council has withdrawn two Local Plans before this one, with local politics impacting the Council's ability to successfully adopt a Local Plan. The Housing Delivery Test result is a symptom of not having an adopted Local Plan combined with the reluctance of elected Members to approve applications, despite officer recommendations to do so.
- 2.63. This is evidenced by the Council's poor success rate with section 78 planning appeals. Since the turn of the decade, there have been at least 6 relevant appeal decisions which pertain to major residential development, all of which were allowed. Three applications for awards of costs were also successful.
- 2.64. The Council's track record as regards housing delivery means the need for flexibility in supply is essential to ensure the Council can meet its housing needs. The Local Plan needs to include an appropriate buffer of 20%, particularly given the history of poor housing delivery.

New Question 2.7.1 – Would the proposed additional sites put forward by the Council provide sufficient capacity to address the housing shortfall over the plan period?

- 2.65. The Council maintain that the proposed allocations would address the housing shortfall over the plan period, but as set out elsewhere in this Statement that is not the case when delivery concerns are factored in. In addition, there remains insufficient capacity to meet the housing needs of the District due to the lack of buffer included in the supply identified.
- 2.66. The Council has done the absolute minimum to address the concerns raised following the Hearing Sessions in November 2024 and still failed. The Council has simply updated its monitoring data, added sites with a resolutions to grant (including two brownfield sites) and only proposed six new sites for allocation, five of which are brownfield sites previously discounted for concerns as to delivery and one of which is a greenfield and Green Belt site with deliverability issues, also previously discounted. The result is that the Council has, on its own assessment only marginally met the shortfall by identifying only just enough additional sites. That assessment is however disputed.

- 2.67. The Additional Housing Sites consultation documentation (HSC.01) claims, at paragraph 4.5, that the new allocations create a small overprovision of 136 dwellings, the equivalent of around 2% buffer, which is completely inadequate for Ashfield given the history of poor delivery and supply and nature of half of the additional sites proposed for allocation, which have identified delivery issues and for which the Council has offered no new evidence to support their allocation (explored further below where delivery concerns are set out on some of the additional supply that Council has identified). There is therefore insufficient contingency built into the supply to account for high potential for unforeseen delays or deliver issues.
- 2.68. The process of preparing a Local Plan is intended to give the Council, in consultation with their community and stakeholders, an opportunity to positively plan for the future development of their District. This latest consultation further demonstrates the Council's approach of avoiding difficult decisions and taking the path of least resistance.
- 2.69. The proposed changes do not address the issues raised about the effectiveness and soundness of the spatial strategy and fail to positive plan for Ashfield's housing needs.
- 2.70. The Additional Housing Sites consultation (HSC.01) and the response to the Inspectors from the Council (ACD.12) also fail to adequately address the other concerns raised in the Post Hearing Letter in relation to whether exceptional circumstances can be demonstrated and whether the need for further alterations to the Green Belt before the end of the plan period has been avoided.
- 2.71. The Council has further sites available outside the Green Belt in sustainable locations, including our client's site south of Sutton-in-Ashfield on the remaining land between employment allocation EM2 K4 and the new proposed allocation H1Sal (the remainder of SHLAA site SA001 shown in **Appendix A**). The site is unconstrained, located outside of the Green Belt, located adjacent to the Main Urban Area of Sutton-in-Ashfield and occupying a sustainable location.
- 2.72. In light of the above, to be sound there needs to be reconsideration of Spatial Strategy Options 4, 5 and 6 and a Sustainable Urban Extension to Kirkby/Sutton, as set out in the SA (SD.03). Our client's site shown in **Appendix A** remains available, a site for up to 500 homes adjacent to the Main Urban Area only discounted because it forms part of a wider proposal for 800 homes (when combined with draft allocation H1Sal for 300 homes, approved at appeal), which exceeds the Council's arbitrary 500 home threshold. The site approved at appeal and now allocated as H1Sal for 300 homes is the subject of a live Reserved Matters application validated in May, submitted by a housebuilder. This site has been found to be entirely suitable by the Inspector considering the appeal.
- 2.73. An analysis of the additional sites is set out below in more detail to assist the Examination process. A summary table is provided at the end of this analysis to provide an overview.

Proposed Additional Housing Site Allocations Analysis

Commitments

- 2.74. **Three of the proposed allocation are new commitments and total 328 homes.**

- 2.75. Whilst on the face of it the Council appears to have identified thirteen additional sites, three of these sites are new commitments that already have permission, rather than being a positive decision to allocate sites.
- 2.76. One of the three is my client's land at Newark Road (SHLAA reference SAO24) now proposed for allocation (H1Sa1). Whilst it is positive that, following our client's success at appeal, the Council has proposed the site for allocation, the conclusions of the appeal Inspector vindicate our earlier submissions that SAO24 should have been included as an allocation at the Pre-Submission stage. The site aligns fully with the Council's strategy, it comprises non-Green Belt land, and it is located in a sustainable location, adjacent to the Main Urban Area of Sutton-in-Ashfield. The reasons for the site not being allocated were predicated on incorrect information and political objection. There was, and remains, no good planning reason for the site not to be allocated.
- 2.77. On sustainability the Inspector concluded:
- 'In conclusion, there would be a genuine choice of transport modes for future occupiers of the proposed development which would reduce reliance on the car...The appeal proposal would readily integrate within the main urban area of Sutton-in Ashfield, one of the largest settlements in the district, with good services, frequent buses, train station with regular services and a good network of footway and cycle paths'* (para 22).
- 2.78. The Inspector noted that no objections on technical matters were raised by statutory consultees during the application process and concluded that 'There is no reason to refuse the appeal on highway grounds as set out at paragraph 116 of the NPPF' (para 61).
- 2.79. Overall, the Inspector concluded that 'Cumulatively, the harms identified would be limited and of no more than limited weight' (para 96) and awarded full costs against the Council.
- 2.80. The costs award letter notes the long planning history of the site 'including "political" resistance to its inclusion within draft Local Plans' (para 21). The Inspector also noted that 'Other than local concern and anxiety, there is little else to explain why Members deviated from the advice from the technical consultees.' (para 28)
- 2.81. The reason for highlighting the details of the appeal decision and award of costs is that they further support what we have been raising through the Examination process to date, that decisions about future growth of the District have not been informed by an assessment of reasonable options or by the evidence, but driven by a political reaction to public objections.

Resolutions to Grant

- 2.82. **Four of the proposed allocations had resolutions to grant and total 224 homes.**
- 2.83. In addition to the three new commitments listed as new allocations, there are also four sites which had a resolution to grant planning permission subject to the signing of a Section 106 agreement, following approval by Plans Committee.
- 2.84. Of these four, three were approved at the Plans Committee which proceeded the consultation, on 5th February. One for 38 homes at Abbey Road, Kirby-in-Ashfield is a Green Belt site and subject to a referral to the Secretary of State (H1Km) and one for 90 homes at Radfords Farm, Dawgates Lane in Sutton-in-Ashfield, against officer recommendation to refuse (H1San).

- 2.85. The Officers Report for the proposed allocation H1San sets out that the application is “unacceptable to the Highways Authority, which objects on the grounds of unsafe access, unsustainable location, increased traffic risks, and inadequate mitigation measures”. The reasons for refusal proposed by officers also sets out “significant harm to the character and appearance of the surrounding area through the visual impact of the built form on green fields and the further encroachment of development into the open countryside”.
- 2.86. The proposal for the allocation of these four sites which had a resolution to grant does not therefore represent a positive response from the Council to identify further sites for allocation in response to the concerns set out in the Inspectors Letter (INSO5). Whilst these sites may now have a resolution to grant their actual delivery is far from certain.

New Brownfield Sites

- 2.87. **Five of the proposed new allocations are brownfield sites previously discounted by the Council and these total 170 homes.**
- 2.88. This leaves just six new proposed allocations that were not already commitments or soon to be commitments. Of the six new sites, five are brownfield sites and all five were already known to the Council when the Pre-Submission Local Plan. As set out below there are significant deliverability concerns will all these sites. Deliverability concerns that informed the Council’s decision not to include sites in the Pre-Submission Local Plan.

H1Kn Southwell Lane

- 2.89. The first is proposed allocation H1Kn Southwell Lane, Kirkby for 60 dwellings. Background Paper 1 – Spatial Strategy and Site Section (BP.01) sets out at Table 3 that this site was proposed for allocation as there was uncertainty surrounding realistic delivery (extract below).

Extract of Table 3: Large permissioned sites from the Brownfield Land Capacity Assessment

Site Name	Total Site Area (ha)	Proposed Housing Yield (dwellings)	Proposed allocation?
Land off Southwell Lane, Kirkby in Ashfield	2.0	60	No – A Reserved Matters application was submitted for this site in 2018 and remains pending a decision. There has been little recent activity and therefore uncertainty surrounding realistic delivery.

- 2.90. The Consultation on Additional Housing Site Allocations document set out that the site, a reclaimed employment site, is now the subject of a lapsed permission. There is no evidence provided to suggest this site is more deliverable than it was when Background Paper 1 was prepared, and it appears to be less deliverable now that the previous permission has lapsed.
- 2.91. It is also noted that the new supporting text for this allocation states that there are surface water flooding issues associated with this site. It is unclear whether the proposed allocation of this site has been informed by a Sequential Test in line with the Planning Practice Guidance which confirms that all sources of flooding must be taken into account in selecting sites for allocation.

H1Ko Former Kirklands Care Home

- 2.92. The second brownfield site proposed for allocation, H1Ko Former Kirklands Care Home, Kirkby, was also considered as part of Background Paper 1 (BP.01). In Table 4 the Council sets out its conclusion that the site is not proposed for allocation as the availability of the site is not certain. The paper notes that the Council have tried and been unable to contact the landowners to confirm whether they are a willing landowner.
- 2.93. The Consultation on Additional Housing Site Allocations document did not provide any new evidence to suggest this position has changed. The deliverability of this site therefore must remain uncertain.
- 2.94. It is also noted that the supporting text proposed for this new allocation references the potential for contaminated land and possible ground stability issues. These are significant issues which will require further investigation before the deliverability of the site can be confirmed.

Extract of Table 4: Large non-permissioned sites from the Brownfield Land Capacity Assessment

Site Name	Total Site Area (ha)	Proposed Housing	Proposed allocation?
Former Kirklands Home Day Centre, Fairhaven, Kirkby in Ashfield.	0.55ha	19	No - This site was formerly occupied by a care home before being demolished in 2020. It is owned by Nottinghamshire County Council but was not put forward for assessment via the SHELAA. In respect of housing, the site cannot be deemed developable where the availability of the site is not certain, and therefore cannot be relied upon for future delivery. Ashfield Council have been proactive in approaching the landowners but have not received any submission for the site to be assessed for development potential.

H1Kp Pond Hole, H1Kr Ellis Street & H1Kq Former Wyvern Club Site, Lane End

- 2.95. There are then three of the sites from the Kirkby Town Centre Spatial Masterplan – Shaping Kirkby’s Future published four years ago in February 2021. This document was available to the Council when they prepared the Pre-Submission Local Plan so it is unclear what has changed in terms of the Council’s understanding of the deliverability of these three sites.
- 2.96. The stated aim of the Spatial Masterplan is to provide a framework for future investment and development which maximises the opportunities for Kirkby and capitalises on its existing assets. In particular this includes setting out how developments/projects and initiatives could be delivered, who would be involved in delivery, how they might be funded and by what mechanism.
- 2.97. The Spatial Masterplan identifies a number of projects and categorises them as Priority Projects (A), Medium Term Projects (B) and Long Term Projects (C). The map below is taken from the Spatial Masterplan.

- 2.98. Proposed allocations H1Kp Pond Hole, Kirkby for 54 dwellings and H1Kr Ellis Street, Kirkby for 24 dwellings are both identified in the Kirkby Town Centre Masterplan as a Priority Project and given the reference Priority Project A3. Project A3 is identified in the Spatial Masterplan as a housing led mixed-use development with active frontage to Civic Square, for example service, commercial/leisure.
- 2.99. Proposed allocation H1Kq Former Wyvern Club Site, Lane End, Kirkby for 12 dwellings is identified as a Medium Term Project and given reference B1. Project B1 in the Spatial Masterplan is identified a new landmark structure to address views towards railway station gateway. It is therefore unclear how the proposal for 12 dwellings fits with this.
- 2.100. The Spatial Masterplan sets out a vision for the town centre and potential mechanisms for delivery, it does not in itself provide any evidence of deliverability or developability of these sites within the plan period. These are complicated town centre sites and will require the private sector to invest in bringing the sites forward. The Consultation on Additional Housing Site Allocations document did not provide any additional evidence on the deliverability or developability of these inherently challenging sites. This challenge was recognised when these sites were not included in the Pre-Submission Local Plan and it is unclear what evidence there is to now allocate these sites. The deliverability of these sites is therefore also uncertain..

KIRKBY IN ASHFIELD TOWN CENTRE MASTERPLAN



- 2.101. In total these five brownfield sites account for 170 of the new homes proposed and there are significant question marks over the deliverability of these homes. The Council didn't include them in the Submission version of the Local Plan because of the uncertainty about their deliverability and there is no new evidence provided to suggest there has been a change.
- 2.102. All these sites could be brought forward for development at any time as they are located within the limits to development, and they haven't been despite efforts from the Council to encourage this in some cases and attempts by the private sector. Whilst allocating these sites is not objected to, the Council cannot rely on these sites to meet the housing needs of the District. There are unanswered questions about the ability of them to contribute.

New Greenfield Sites

- 2.103. **One proposed allocation is a new greenfield site and total 106 dwellings.**
- 2.104. Finally, there is one new greenfield allocation which is not an existing commitment and does not already have a resolution to grant. This is H1Sam Beck Lane South, Skegby for 106 dwellings. This is a site that the Council considered when preparing the Submission Local Plan but it was previously discounted due to access constraints.
- 2.105. The Consultation on Additional Housing Site Allocations document sets out that:
- 'further investigations **are progressing** regarding the provision of a suitable access to the site **which may potentially** result in little or no further capacity being required from Beck Lane and the junction directly off'. (emphasis added)*
- 2.106. On this basis the Council have identified that the land would be available in the medium term, but notes that this is subject to a satisfactory position being reached with a third party and the County Council's Highways Department. This doesn't suggest that the original concerns have been overcome, or that a satisfactory solution can be found.
- 2.107. The proposed supporting text sets out that direct access from Beck Lane will not be supported by Nottinghamshire County Council Highways authority and therefore the only way for the site to come forward is with the cooperation of a third party which means a commercial discussion between landowners, which presumably hasn't been successful to date. This reliance on a third party suggests a significant level of uncertainty about the deliverability of the site.
- 2.108. The draft supporting text also notes that there is a potential network capacity issue to overcome with Severn Trent Water to ensure the necessary infrastructure to accommodate surface water.
- 2.109. This new proposed allocation needs to be supported with clearer evidence of deliverability particularly in relation to road and drainage infrastructure capacity.

Conclusion

- 2.110. The table below provides a summary of the above analysis and includes notes on the sites where there are deliverability concerns.

Additional Allocations	No. of Homes	Sites	Notes
Sites with planning permission (new commitments)	328	H1KI – Central Avenue, Kirby (16) H1Sai – Pendean Way (12) H1Sal – Newark Road, Sutton (300)	
Sites with a resolution to grant	224	H1Km – Abbey Road, Kirkby (38) H1Saj – Between Redcliffe St & Leyton Avenue, Sutton (18) H1Sak – Rookery Lane, Sutton (78) H1San – Radford's Farm, Dawgates Lane, Skegby (90)	
New Brownfield Sites without planning permission	170	H1Kn – Southwell Lane, Kirkby (60) H1Ko – Former Kirkland's Care Home, Fairhaven, Kirkby (20) H1Kp – Pond Hole, Kirkby (54) H1Kq – Former Wyvern Club site, Lane End, Kirkby (12) H1Kr – Ellis Street, Kirkby (24)	Lapsed permission No willing landowner confirmation Regeneration Site Regeneration Site Regeneration Site
New Greenfield Site without planning permission	106	H1Sam – Beck Lane South, Skegby (106)	Third party land required for access
Total	828		

- 2.111. In total the analysis above calls into question the deliverability of 276 of the new dwellings proposed (170 from the brownfield sites and 106 from the one new greenfield allocation).
- 2.112. All these sites without planning permission were assessed when the plan was originally prepared and were discounted due to uncertainty about their deliverability or developability. As explored above, there is no new evidence presented by the Council to demonstrate that anything has changed and therefore these sites should not be allocated. This means the **136 overprovision** claimed in the Additional Housing Sites consultation documentation (HSC.01) needs to be **reduced by 276**, placing the Council back into a **deficit of 140 homes**.
- 2.113. The assessment of the individual sites highlights the Council's lack of positive response to the lifeline being offered by the Post Hearing Letter, with a reliance on sites with significant long standing deliverability issues alongside new and soon to be commitments.
- 2.114. There is continued uncertainty about the delivery of some of the new sites that don't already have planning permission or a resolution to grant and this uncertainty led to these sites not

being allocated originally so it is unclear what has changed and what new evidence is available to justify their inclusion.

- 2.115. Even if the Council claimed 2% buffer was correct, it is clearly inadequate to deal with unknown circumstances or provide enough flexibility.

Issue 2 – Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether these are justified, effective and consistent with national policy.

No comment

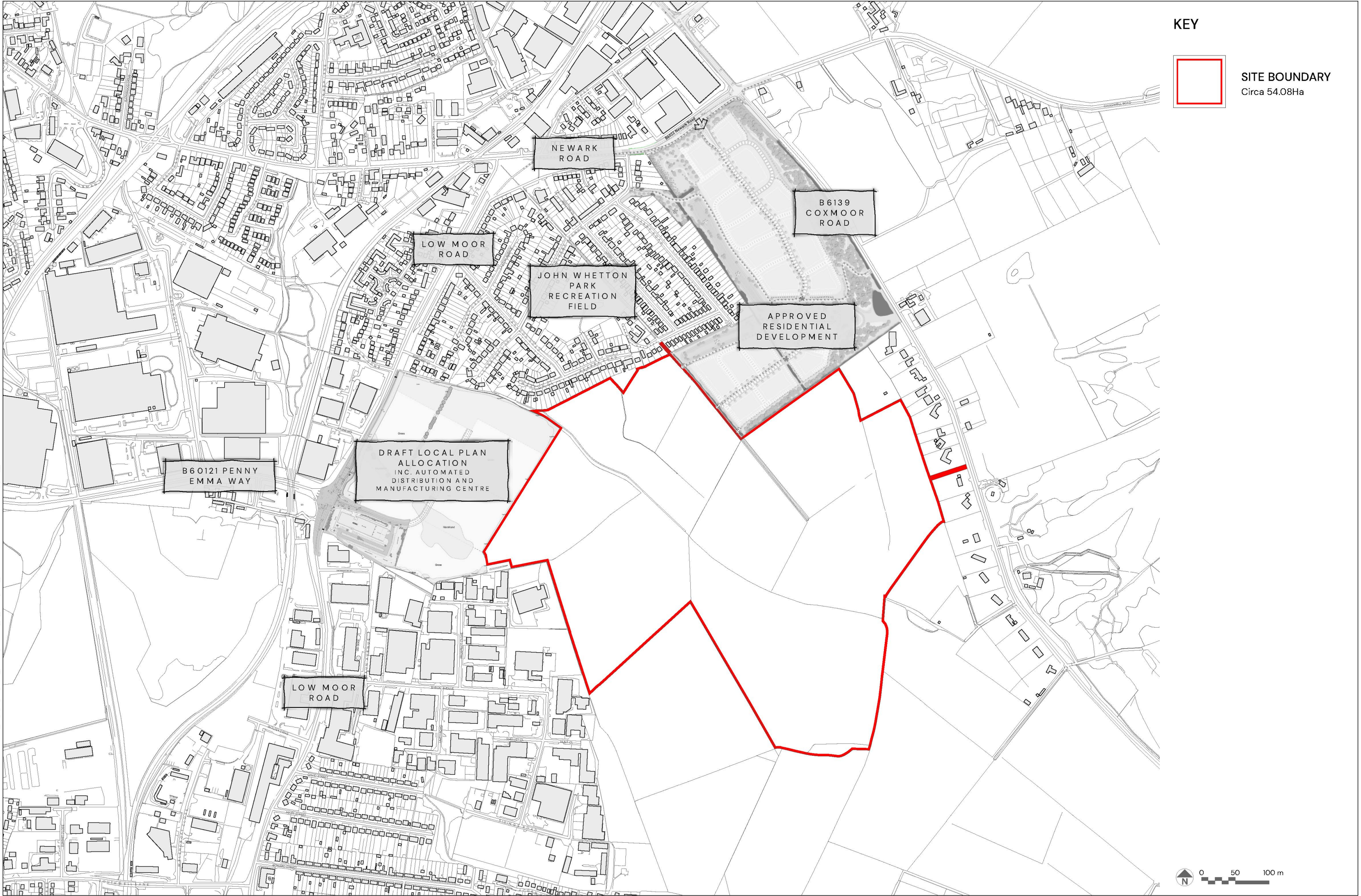
Issue 3 – Whether the plan will meet the needs of Gypsies, Travellers and Travelling Showpeople.

No comment



Appendix A: Site Location Plan

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Land South-east of Sutton-in-Ashfield, Nottinghamshire - Site Location Plan

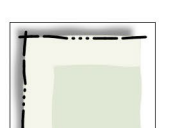
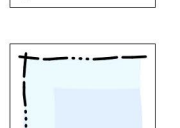
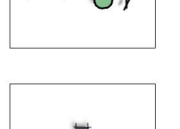
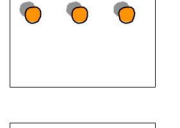
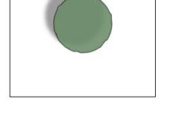
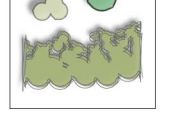
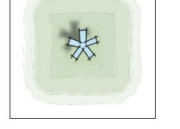
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Appendix B: Concept Masterplan

Concept Masterplan for the remaining available and unallocated land southeast of Sutton-in-Ashfield, showing the relationship to draft allocations EM2 K4 and H1Sal

KEY

-  SITE BOUNDARY
Circa 54.08Ha
-  OPEN SPACE
-  RESIDENTIAL DEVELOPMENT
Up to 500 dwellings
@ 33dph
-  SITE FOR A PRIMARY SCHOOL
-  MIXED USE LOCAL CENTRE SITE
Potential to include community uses and
residential development
-  POTENTIAL SITE ACCESS
-  PRIMARY STREET
-  STREETS
Illustrative access points into development parcels
-  PEDESTRIAN / CYCLE CROSSING POINTS
-  PEDESTRIAN / CYCLE CONNECTIONS
Connections into the site at the site boundary
-  PEDESTRIAN & CYCLE ROUTES
-  PUBLIC RIGHTS OF WAY
To be upgraded as part of wider connectivity
strategy.
-  RETAINED TREES & HEDGEROWS
-  ILLUSTRATIVE LANDSCAPE STRATEGY
-  DRAINAGE BASINS
-  EXISTING / PROPOSED OFFSITE PLAY
SPACE
-  NEAP
-  LAP
-  NATURAL PLAY OPPORTUNITIES

0 50 100 m

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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