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Ashfield Local Plan Examination.

Representations in Response to Main Modifications.

On behalf of Hallam Land.

Date: July 2026 | Pegasus Ref: EMS.2254 / P25-0863

Author: Clare Clarke



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1. Introduction

- 1.1. These representations have been prepared by Pegasus Group on behalf of Hallam Land in response to the Council's consultation on Main Modifications to the Ashfield Local Plan. This representation relates to our client's interests at Sutton-in-Ashfield.
- 1.2. Hallam Land have engaged in each stage of the preparation of the Local Plan including the Call for Sites in 2019, the Options consultation in 2021 and the Regulation 19 consultation in 2024. On behalf of our client, Pegasus Group has also submitted Hearing Statements in response to the Inspector's Matters, Issues and Questions and participated in the Hearing Sessions.
- 1.3. Hallam Land control all the land to the southeast of Sutton-in-Ashfield, between Newark Road/Coxmoor Road and the draft allocation EM2 K4: Land to the East of Lowmoor Road, which is controlled by Leicestershire County Council. This land lies outside the Green Belt adjacent to the Main Urban Area.
- 1.4. 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 sustainable urban extension option and discounted for exceeding the Councils arbitrary 500 home threshold.
- 1.5. 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 that the draft allocations were selected from, but both were discounted. Our client has recently secured outline consent on appeal for the residential development of SA024 (reference: APP/W3005/W/24/3350529). This site is now proposed allocation H1Sal Newark Road/Coxmoor Road.
- 1.6. Appendix A shows the extent of the remaining land under the control of Hallam Land between the site allowed on appeal and the draft employment allocation EM2 K4. This site, for up to 500 homes adjacent to the Main Urban Area and outside the Green Belt, remains suitable, available and achievable within the proposed plan period. An EIA Screening Request has been submitted to the Council in relation to this site (reference: SCR/2025/0001).
- 1.7. Appendix B shows a Concept Masterplan for the remaining land and demonstrates how comprehensive development could be achieved and the opportunity to deliver up to 500 homes, a new school, link road and local centre. It also shows the relationship of the site to the draft allocations either side and how comprehensive sustainable development to the southeast of Sutton could be achieved, taking account of the landscape evidence that informed the appeal discussion.

2. Personal Details

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3. Schedule of Proposed Main Modifications

- 3.1. The following section sets out the Main Modification reference numbers to which our comments relate, whether the modification is considered to be legally compliant and sound, the reason the modification is supported or not and the proposed change necessary where appropriate. This follows the format of the response form.

MM7 – S1: Spatial Strategy

Do you consider the Main Modification is:		
	Yes	No
Legally Compliant	✓	
Sound		✓

Comments

- 3.1. Main Modification MM7 updates the spatial strategy to include provision for releasing land from the Green Belt for new residential development at Hucknall, Underwood, Selston, Brinsley and Jacksdale to meet housing needs to 2040, stating that this is in accordance with the settlement hierarchy.
- 3.2. The proposed modifications in relation to Green Belt release fail to address the concerns raised through the Hearing Sessions and by the Inspectors 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.
- 3.3. 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 147 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.
- 3.4. The Council have sites available outside the Green Belt in sustainable locations higher up the settlement hierarchy than Underwood, Selston, Brinsley and Jacksdale which have been found to suitable through the site assessment process. This includes 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) which can accommodate up to 500 homes.
- 3.5. 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. This site was discounted on the basis of the arbitrary threshold of 500 dwellings in combination with the adjacent land where permission was secured on appeal after it too was originally discounted despite being below the threshold, due to political concerns.
- 3.6. The allocation of our client's wider site would have reduced the Council's reliance on Green Belt release – its availability, in itself, undermines the Council's ability to demonstrate the requisite exceptional circumstances.

- 3.7. This is a deliverable and sustainable site on the outskirts of the Main Urban Areas which genuinely accords with the proposed settlement hierarchy, providing an opportunity to concentrate development at the largest settlements in the District.
- 3.8. Instead, the Main Modifications confirm the release of Green Belt sites which will skew the anticipated quantum of development in the lower tiers of the settlement hierarchy.

MM18 – S7: Meeting Future Housing Provision

Do you consider the Main Modification is:		
	Yes	No
Legally Compliant	✓	
Sound		✓

Comments

Windfall Allowance

- 3.9. Main Modification 18 updates Table 2 which sets out how the Local Housing Need will be met. This includes a proposed uplift in the windfall allowance. As set out at the Examination, there are a number of concerns with this.
- 3.10. The Framework sets out that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.11. The Council have provided no additional evidence to support the proposed approach or provide any reassurance about whether this is a reliable supply. There is no explanation is offered on why the figures are 20% higher post pandemic than pre-pandemic and there is no account taken of the fact the Council have had a lack of five year supply for a number of years and therefore the tilted balance has been informing planning decisions, inflating the number of windfalls.

Appropriate Buffer

- 3.1. Main Modification 18 also updates the net provision against the Local Housing Need 2023–40, identifying 591 dwellings of over provision. This represents a 7.8% buffer on the total housing requirement for the plan period (7,852 homes). Whilst this is a significant improvement on the previous position, this is not sufficient to ensure that the housing requirement is met.
- 3.2. Given the Council's poor track record in maintaining a five-year supply of deliverable housing land and, until recently, the application of the 20% buffer, derived from repeated failings of the Housing Delivery Test, a 7.8% buffer is insufficient.
- 3.3. It is important that the Local Plan includes a degree of flexibility in allocating sites to meet the housing needs of the District. There will always be unforeseen circumstances that lead to sites proposed for allocation not coming forward or delivering fewer homes than anticipated. Indeed, the Local Plans Expert Group Report (2016), set out recommendations

for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. It is common practice for authorities to include 10% contingency as a minimum.

- 3.4. The new increased reliance on brownfield sites and the uncertainty around these and the new greenfield site mean an appropriate buffer is going to be essential to ensure the plan meets housing needs and meets the tests of soundness.
- 3.5. Given the Council's poor track record in maintaining a five-year supply of deliverable housing land and, until recently, the application of the 20% buffer, derived from repeated failings of the Housing Delivery Test, the proposed buffer is insufficient.
- 3.6. The inclusion of our client's site, southeast of Sutton-in-Ashfield, for up to 500 homes, outside the Green Belt and adjacent to the Main Urban Area, provides an opportunity to significantly increase the buffer in the planned provision.

MM34 – H1: Housing

Do you consider the Main Modification is:		
	Yes	No
Legally Compliant	✓	
Sound		✓

Comments

- 3.1. Main Modification 34 amends Policy H1: Housing and includes our client's land at Newark Road (SHLAA reference SA024) as a proposed allocation (H1Sal). 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 SA024 should have been included as an allocation at the Pre-Submission stage, for it aligns fully with the Council's strategy of being less than 500 dwellings, 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.
- 3.2. We continue to have concerns about the site selection process, arbitrary 500 unit threshold and allocation of Green Belt sites ahead of non-Green Belt ones. Our client's site of up to 500 homes southeast of Sutton-in-Ashfield is an example of a site, which has been discounted solely on the basis of it being more than 500 units when combined with the neighbouring site above. The site is in a sustainable location adjacent to the Main Urban Area and is a non-Green Belt site.
- 3.3. There is no clear justification to pass over this non-Green Belt site when it meets all the aims of the preferred strategy of avoiding over development of the Named Settlements and isolated development and avoid significant impacts on heritage, landscape or wildlife.
- 3.4. 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.



Appendix A: Site Location Plan

Appendix B: Concept Masterplan

Concept Masterplan for the remaining 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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