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Whyburn, Hucknall

Hearing Statement

Client:	The Whyburn Consortium	Job No	J327191
Date:	26 November 2025	Approved by:	BDF
Prepared by:	BDF		

1.1 Introduction

- 1.1.1 mode transport planning is operating on behalf of Respondent ID: 63, Whyburn Consortium, in making representations to the emerging Ashfield Local Plan (2023-2040), with representations having previously been made at the Regulation 19 consultation stage.
- 1.1.2 Our previous representations are not repeated here but should be read in conjunction with this Hearing Statement to the Inspector's Matters, Issues and Questions for Week 3, Matter 11.
- 1.1.3 Our statement represents our views based upon the information currently available before the Examination; however, of primary importance is the timing of the submission of the latest transport evidence vs. the release of the latest draft allocation proposals.
- 1.1.4 The strategic modelling work that underpinned the Regulation 18 version plan has not been revised since the changes made to the plan with the release of the Additional Housing Site Allocations document (February 2025).
- 1.1.5 The latest transport evidence seeks to justify the applicability of the previous transport evidence to a different spatial strategy albeit after the revised spatial strategy being submitted. It is therefore clear that there has not been an assessment of the Plan as now presented to the examination despite these changes. This fundamental strand runs through our position as we provide our answers to the Inspector's questions in the remainder of this hearing statement.
- 1.1.6 We politely reserve a position to comment further during the Hearing Session and following a review of the Council's responses or representations submitted by others in response to the Inspector's questions.

1.2 Inspector's Questions

11.1 How will key infrastructure be delivered and funded?

- 1.2.1 Whilst this is principally a question for the Council to respond to, we note that in transport terms the Infrastructure Delivery Plan (IDP) (SEV.36.1) identifies various transport mitigation measures ranging from junction capacity improvement schemes to enhancements to sustainable transport infrastructure.

1.2.2 The IDP (paragraph 1.5) describes:

“With regards to transport infrastructure costs, the funding sources identified in the IDP schedule are notional and have been established in order to inform bids to East Midlands Combined County Authority (EMCCA) and Department for Transport (DfT), and to assist planning officers to negotiate appropriate developer contributions at the planning application stage. No funding has been agreed towards any of these schemes to date and therefore the splits in the IDP are indicative only and should not be misconstrued as being a commitment from EMCCA or DfT to fund the schemes.”

- 1.2.3 Given the indicative nature of the funding splits identified in the IDP and current lack of secured funding, the onus for the mitigation delivery must therefore fall on alternative stakeholders (i.e. development) in the event that EMCCA and DfT bids fail or deliver less funding than anticipated. To provide context a number of transport related infrastructure items carry a weighting of 85% funding achieved via DfT/EMCCA bids. We therefore question whether a contingency assessment of viability has been completed assuming alternative funding sources are not realised?
- 1.2.4 Furthermore, a number of dwellings are now accounted for through monitoring data (paragraph 2.11, SEV39.1a) and hence are potentially existing commitments. It is unclear as to what monies may be available from these commitments to fund offsite highways infrastructure; however, it is highly unlikely that there is scope for these sites to contribute towards the wider infrastructure package.
- 1.2.5 This then places the onus for funding of the wider infrastructure package on the balance of the site allocations which raises further doubt as to their viability.

11.2 Do the Plan’s Strategic Policies clearly identify and make provision for infrastructure including, but not limited to, transport, telecommunications, security, waste management, water supply, flood risk and community facilities as required by paragraph 20 of the Framework?

- 1.2.6 This is considered to be a question for the council to respond to and whilst we have no further comments at this stage, we may wish to comment further during the Examination Hearing session following a review of the Council’s response to this question.

11.3 Does the Plan’s spatial strategy rely on any critical infrastructure which is subject to phasing?

- 1.2.7 We consider that this is a question for the council to respond to but do note that the IDP (SEV.36.1) includes various transport infrastructure which has been allocated a priority of high, medium or low.

- 1.2.8 It is therefore possible to infer that the council and stakeholders have a view on the order and critical importance of required mitigation; albeit how this relates to phased delivery of the Plan is unclear. The modelling described in the Strategic Transport Modelling Assessment (STMA) (SEV.39.1) covers only an end state situation and accordingly it is unclear as to how the council has arrived at the priority position presented in the IDP?
- 1.2.9 All junction capacity mitigation locations specifically identified in the IDP are assigned either high or medium priority and therefore requiring delivery in years 0-5 or 5-10 of the Plan.
- 1.2.10 Assuming this trajectory, this places the financial onus on development funding of infrastructure in the first two thirds of the Plan when the development delivery trajectory may not necessarily align with this. This also presents a potential viability issue as receipts are unlikely to align with infrastructure spend. This in combination with our comments in relation to Inspector's question 11.1 raises questions as to the viability of the Plan as submitted.

11.4 How have the potential impacts of the development proposed in the Plan been tested, and how will the necessary highways mitigation be delivered?

- 1.2.11 ADC's Regulation 19 Plan (SD.01) policy SD10: Transport Infrastructure requires:

"New development, singularly or combined with other proposed development, should demonstrate that a sufficient package of measures are proposed as part of the development to ensure that the wider transport system, in terms of effective operation, is not compromised. Where development places additional demands on transport infrastructure appropriate mitigation will be required."

- 1.2.12 Whereas bullet F of Policy S9: Aligning Growth and Infrastructure identifies the requirement for *"Major highway capacity enhancements to deal with residual car demand."*
- 1.2.13 The Regulation 19 Plan was supported by the STMA (SEV.39), dated 28 September 2023 and appendices (SEV.39a and SEV.39b). This was superseded by an amended STMA (SEV.39.1), dated 8 August 2024.
- 1.2.14 Both STMA, at paragraph 7.3.1, describe how the Plan includes a large number of residential and employment developments scattered over a very broad area, totalling 7,068 planned residential properties and 97.11ha employment. Paragraph 3.1.7 of both STMA describes how the modelling includes 5,468 of the planned houses and the full 97.11ha employment.
- 1.2.15 Table 2 of both STMA summarises the sites included in the Local Plan assessments as well as their relative scale. The table clearly includes 1,600 dwellings and 11ha employment at Whyburn. It is also clear that other discrepancies manifest in terms of the headline development quantum assessed and the development quantum subdivided across various sites in the assessment when cross referenced to policies S6, EM2 and H1 (SD.01).

- 1.2.16 This is despite paragraph 3.1.2 of both STMA describing how the report is based on the Regulation 19 Draft Local Plan. Given the above discrepancies this cannot be the case.
- 1.2.17 Paragraph 3.3.6 of both STMA describes how: *“The overall flow change on the network is a combination of traffic directly generated by the site and traffic which is reassigned as a consequence of the additional development traffic.”*
- 1.2.18 The forecast flow changes on the highway network and specifically the locations where flows are forecast to change therefore directly inform the identified mitigation package for the Plan.
- 1.2.19 Both STMA also refer to the inclusion of committed developments in the assessment and specifically in deriving conditions on the highway network in the horizon year pre-assessment of Plan demands. The STMA, Appendix A (SEV.39b) provides detail of such inclusions but extends only to cover highway infrastructure, rather than specific developments. It is therefore unclear as to exactly what has been assessed which is particularly pertinent when considering the list of proposed Housing Allocations at Policy H1 (SD.01). A number of the sites listed at Policy H1 are described as having planning permission at least in part and it is unclear how these sites have been considered in the STMA.
- 1.2.20 Furthermore, the STMA (Sev.39b) refers to assumed infrastructure associated with HS2 Toton. We understand that this proposal was scrapped in favour of East Midlands Parkway in 2021 and with central government announcing a rescope exercise for HS2 generally in 2024, that removed phase 2 of the scheme, the Toton proposals (and associated infrastructure) are unlikely to occur in the plan period. It is unclear exactly what has been assumed in the STMA for the HS2 proposals; however, it is likely that any infrastructure is no longer relevant to the assessment and could affect the reported outcome.
- 1.2.21 The resultant IDP (SEV.36.1) identifies multiple junctions across the area of influence for which mitigation measures are required referencing them back to SEV.39.
- 1.2.22 Additional evidence has now been submitted by ADC, in the form of a Strategic Transport Review (STR) (SEV39.1a) to consider the implications of the change in spatial strategy between Regulation 18 and 19 and the validity of the evidence base documents already submitted in the context of this change. There has been no update to the transport modelling evidence base between Regulation 18 and 19.
- 1.2.23 SEV39.1a relies upon the position that the overall quantum of residential development between Regulation 18 and 19 is unchanged and that this will have minimal impact upon the conclusions of the transport modelling.

- 1.2.24 Whilst the headline housing number does not change its composition does in terms of the relative split between approved dwellings (given an update in monitoring data from ADC), the removal of two strategic scale sites and inclusion of 13 new allocation sites.
- 1.2.25 Accordingly, despite the latest documentation submission our concerns remain regarding the accuracy of the assessment given that 25% of the residential development demands are not assessed in the locations in which they are now proposed. We reiterate how at paragraph 3.3.6 of both STMA: *"The overall flow change on the network is a combination of traffic directly generated by the site and traffic which is reassigned as a consequence of the additional development traffic."*
- 1.2.26 When this position is considered relative to the low bar for detailed junction assessment of only 30 vehicle trips (para 3.10 of HS113) the sweeping nature of the position summarised in SEV39.1a is even more concerning.
- 1.2.27 Another observation is how the inclusion of the c.1,000 dwellings identified through the updated monitoring position presented by ADC manifests in the modelling outcome. Under the assumption that these are already committed developments this shifts the balance in terms of how they should be considered. As existing commitments, they are typically included in RC assumptions which shifts the assessment to a different RC and hence balance of development against which this is assessed and hence the level of impact and required mitigation measures.
- 1.2.28 It is acknowledged that given the strategic nature of the EMGM that there is a threshold under which developments are not explicitly included (para 3.4, SEV39.1a) but are instead included in overall traffic growth. It is unclear whether adjustments have been made to the RC background growth assumptions to account for these smaller committed developments nor whether they have been specifically modelled, albeit the updated position will not have been considered given the modelling evidence has not been updated.
- 1.2.29 The updated evidence base is also particularly sanguine on how the location of draft allocations should not fundamentally change the assessment given that the modelling focusses primarily on the major highway network. Their argument is that impacts should be felt along the corridor with little impact arising from where the development is located on said corridor. A flaw in this logic is apparent with an example being a comparison between the former allocation at Whyburn and the 13 new sites situated adjacent to Sutton-in-Ashfield. It is clear that development impacts from the former allocation at Whyburn will be more acutely felt on the A611 corridor whereas those closer to Sutton-in-Ashfield are more likely to affect the A38 corridor.

- 1.2.30 With the proposed changes to the spatial strategy paragraph 4.5.7 of Sev39.1 is pertinent: *“the A38 corridor is a critical route to access northern Ashfield and Mansfield and is constraining economic regeneration in this area. Whilst some improvements are identified at some locations along this route this, corridor is very congested and there are few improvements that can be achieved without a comprehensive corridor level strategy which will required a separate study and is not covered under this strategic assessment focused on the Ashfield Local Plan schemes.”*
- 1.2.31 Similarly, it is unlikely that a standard traffic distribution across the entire district has been used. Sites in Sutton-in-Ashfield will have a different distribution to those in Hucknall and so on and also the location of sites will affect how traffic is assigned to the highway network to follow this distribution, this will potentially affect not only the local highway network but also the SRN as dependent upon the location of allocation sites the relative attractiveness of either junction 27 or 28 of the M1 will differ.
- 1.2.32 The approach taken in the EMGM is for developments under a size threshold (180 dwellings) to not be explicitly modelled, rather they are assumed to be accounted for in background growth assumptions (paragraph 3.15, SEV39.1a). Background growth assumptions are accounted for in the development of the Reference Case model scenario. Paragraph 3.6, SEV39.1a specifically describes how the Reference Case excludes the developments associated with the Plan. The two referenced paragraphs are therefore contradictory.
- 1.2.33 It is also worth considering how the mitigation strategy identified for the Plan relies in part on modal shift to account for strategic scale mitigation to address sustainable transport. These schemes have not been revisited to account for the latest spatial strategy and we therefore question whether these schemes remain relevant and effective. Furthermore, the effectiveness of these schemes has a direct bearing on the requirement for highway capacity mitigation (i.e. more effective sustainable transport interventions can reduce the requirement for highway capacity focused mitigation).
- 1.2.34 Finally, the updated evidence focusses on the changes to the spatial strategy in terms of residential development, the effects of the removal of the 11Ha employment area at Whyburn are not covered in detail in the latest transport evidence but will comprise a contributory factor to the overall answer.
- 1.2.35 In conclusion, the serious discrepancies in assessed development inclusions undermine the validity of the Plan and we therefore cannot have confidence that the resultant mitigation package aligns with the proposed strategy approach. It is impossible to determine with confidence:
- Whether mitigation has been identified in the right locations and of the correct scale and form;
 - Whether the now proposed spatial strategy can be delivered without a severe detrimental effect on the operation or safety of the highway network;

- Where mitigation is required whether this can be delivered and funded in a cost efficient manner; and,
- Whether the now proposed spatial strategy results in an improved or acceptable outcome in traffic terms than the strategy promoted (and evidenced) at Regulation 18.

11.5 Does the Plan clearly identify necessary transport mitigation measures that arise from the overall spatial strategy, but also from specific site allocations?

- 1.2.36 Whilst the plan clearly identifies a range of transport mitigation measures as described in the IDP, we have raised a number of pertinent concerns in our representations in response to question 11.4 as to the validity of the mitigation measures.
- 1.2.37 If the development demands in the STMA do not properly align with the Regulation 19 Plan in both development quantum and locational terms it is impossible to determine forecast traffic conditions and potential mitigation requirements with confidence. The issue is only exacerbated when viewed through the lens of an individual site allocation vs. the overall cumulative plan demands.
- 1.2.38 The IDP (SEV.36.1) at paragraph 8.6 describes: *“Mitigation measures required to which contributions will be sought from developers have been included in the Infrastructure Delivery Schedule attached at the end of this report, these are provisional and are subject to change. Mitigation could also include the use of developer led schemes under section 278”*
- 1.2.39 We anticipate that the intention is for the funding and delivery mechanism for transport related mitigation to be resolved through planning applications for individual sites. This is considered to be a reasonable approach but does have the potential to stall delivery of development as there appears to be no specific assessment of what individual sites are required to mitigate. The area over which infrastructure is required and location of sites relative to this places an onus on the delivery of mitigation schemes through direct S106 contributions or S278 works (paragraph 41 of SEV39.1a) as a Transport Assessment will inevitably show a weighted individual development impact on a given location.
- 1.2.40 Para 4.5.6 (SEV 39.1) also confirms that more local junction mitigation, over and above the IDP, is likely to be required to mitigate the local impacts of the schemes which are not specifically addressed through the STMA. These additional local measures and their costs are envisaged to be the responsibility of individual developers albeit are not quantified at this stage.
- 1.2.41 Furthermore, there are a number of sites identified as draft allocations in the Regulation 19 Plan that have consent (or partial consent). The IDP suggests that no funding from developers has been secured to date towards highways (junction) mitigation. It could be inferred that those sites that do not yet have consent weather the burden of the mitigation package for all the proposed allocations.

1.2.42 Furthermore, an additional c.1,000 dwellings are now accounted for through monitoring data and hence are potentially existing commitments. It is unclear as to what monies may be available from these commitments to fund offsite highways infrastructure; however, it is highly unlikely that there is scope for these sites to contribute towards the wider infrastructure package.

1.2.43 In summary, the methodology followed in the STMA assesses the cumulative impact of the total draft Regulation 19 Plan demands only with no specific assessments completed for individual sites. We have identified various concerns regarding the validity of the cumulative assessment, irrespective of any individual site assessment.

11.6 What effect does the Plan's strategy and site allocations have on the Strategic Road Network? What evidence is there that the mitigation measures proposed in the Strategic Transport Modelling Assessment Report (SEV.39.1) will be effective? Is this evidence sufficiently clear?

1.2.44 The effect of the Plan's strategy and site allocations is described SEV 39.1 and covers impacts on the Strategic Road Network (SRN). Our responses to questions 11.4 and 11.5 raise various concerns as to the validity of the assessment that are pertinent to the answer to this question also.

1.2.45 ADC and National Highways (NH) have entered into a Statement of Common Ground (SoCG) (SCG.05) that identifies (para 3.4) how: *"Transport modelling has not identified any insurmountable constraints in Ashfield District and along the Strategic Road Network, in particular Junctions 27 and 28 of the M1 Motorway, arising from the policies and proposals in the Ashfield Local Plan."*

1.2.46 Importantly the SoCG references the findings and conclusions of the Ashfield Strategic Transport Study, October 2023 and the Ashfield Infrastructure Delivery Plan, November 2023. We assume that the October 2023 STMA is an error as the evidence base document is dated September 2023.

1.2.47 The SoCG at paragraph 3.1 describes how NH identified in their response to the Draft Local Plan Consultation 2021 that the combination of the proposed strategic employment sites adjacent to M1 J27 and the Whyburn Farm development north would be expected to result in a combined significant traffic impact on the M1 J27.

1.2.48 NH identify that the Regulation 19 Local Plan does not include Whyburn Farm however, two planning applications have since been submitted and determined on much of the land proposed to be allocated under Policy S8.

1.2.49 In considering the above statement it is clear that NH identified a potential issue on their network given cumulative development demands at M1 J27. Ultimately the new settlement at Whyburn has been removed from the Plan; however, the STMA does not reflect the revised Plan demands and hence resultant impacts on the SRN are unclear.

1.2.50 Given the discrepancies between the STMA and the draft Plan already described we do not consider that there is sufficient clarity on impacts on the SRN.

11.7 What effect does the Plan's strategy and site allocations have on the Local Highway Network?

1.2.51 The effect of the Plan's strategy and site allocations is described in the STMA and covers impacts on the Local Highway Network. Our responses to questions 11.4 and 11.5 raise various concerns as to the validity of the assessment that are pertinent to the answer to this question also.

1.2.52 ADC and Nottinghamshire County Council (NCC) have entered into a SoCG (SCG.07) that identifies (para 3.3) how: *"Ashfield Council have cooperated with Nottinghamshire County Council and National Highways, and no 'show-stopping' transport constraints have been identified by these organisations."*

1.2.53 Importantly this position has been reached using a number of evidence base documents of which the STMA (SEV.39) is specifically referenced. Whilst ADC and NCC present a positive agreed position in their SoCG it is unclear whether this has since been revisited to reflect the Plan now under examination.

1.2.54 Given the discrepancies between the STMA and the Plan already described we do not consider that there is sufficient clarity on impacts on the local road network.

11.8 Is there clear evidence that the proposed highway interventions in the full mitigation scenario have been suitably assessed and any critical transport improvements identified and costed?

1.2.55 The proposed junction mitigation schemes are summarised in (SEV.39.1) at tables 6, 7, 8. The schemes summarised in tables 6 and 7 were identified in the STMA and those in table 8 were identified in an earlier study of the A611 and A38.

1.2.56 There are no drawings illustrating the required works in the STMA and it is unclear whether they can be accommodated in highway land or to an acceptable standard of design/geometry. The level and detail of junction modelling to evidence the individual mitigation proposals is also unclear.

1.2.57 The costs for these schemes are detailed in the respective tables albeit:

- Costs exclude land acquisition (SEV.39.1 – paragraph 4.5.2);
- Costs exclude service diversions (SEV.39.1 – paragraph 4.5.2);
- It is unclear whether allowances have been made for design fees, traffic management and other contingencies in the costs; and,

- A number of the mitigation proposals involve signalisation and it is unclear whether the costs identified in the STMA allow for commuted sums.

1.2.58 The STMA describes how costs are based on average costs for similar schemes elsewhere (SEV.39.1 – paragraph 4.5.2) and using the Spon's 2019 Price Book (SEV.39.1 – paragraph 4.5.3).

1.2.59 It is also clear that further works are anticipated to be required (SEV.39.1, paragraphs 4.5.6 and 4.5.7) that have not yet been identified and hence have not been costed.

1.2.60 This in combination with our responses on earlier questions brings us to a conclusion that a suitable assessment of both mitigation requirements, and their resultant costs, has not been evidenced.

11.9 What does 'large scale development' mean in the context of requirement in Policy SD10 for a Transport Assessment? Is there a threshold? If so, what is it and is it justified by evidence?

1.2.61 We believe that this is a matter for the authority to respond on, albeit we consider that there should be a reasoned position in terms of the assessment threshold requiring submission of a Transport Assessment. We are also of the view that this should cover various land uses as the thresholds for each will differ.

1.2.62 Finally, we consider that the assessment threshold for a Transport Assessment need not be specified within the Plan and could be addressed through directing the reader to the necessary highway authority adopted guidance. The hearing statement submitted by NCC (HS11.3) at paragraph 3.10 refers the reader to their Highway Design Guide that includes thresholds for transport submissions at planning application stage. Importantly, they also describe their threshold for the provision of detailed junction modelling of 30 vehicle trips in either peak period. This is a relatively low bar in the context of the wider volume of traffic using the highway network but is important to reference in relation to the status of the transport evidence base vs. the current plan proposals.

11.10 Has Policy SD10 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in seeking to address the impacts of development on transport infrastructure and potential mitigation strategies?

1.2.63 We believe that this is a matter for the authority to respond on we note that the Examination library includes SoCG with both NCC (SCG.07) and NH (SGC.05), however, both pre-date the latest transport evidence base submission (SEV.39.1).

- 1.2.64 It is noted that both ADC (HS11.1) and NCC (HS11.3) have submitted hearing statements on Matter 11 both describing their engagement with each other and other stakeholders. The ADC statement is dated December 2024, the NCC statement is undated. The ADC statement predates the updated evidence document SEV39.1a and the NCC statement makes no reference to the latest evidence document.
- 1.2.65 It is therefore unclear as to the positions of either highway authority given the significant change in the plan allocations strategy vs. the transport evidence base.

1.3 Concluding Remarks

- 1.3.1 The latest transport evidence seeks to justify the applicability of the previous transport evidence to a different spatial strategy, albeit after the revised spatial strategy being submitted. It is therefore clear that there still is no assessment of the Plan as now presented to the examination.
- 1.3.2 In conclusion the change in Plan strategy between the Regulation 18 and 19 stages is not supported by the evidence submitted which either pre-dates the new strategy or is non-existent.