

Ashfield District Local Plan Examination

Matter 3 Hearing Statement

On behalf of Harworth Group.

Date: 29 October 2025 | Pegasus Ref: P23-2712

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3. Matter 3 – the Spatial Strategy and the Distribution of Development

Issue 1

Whether the Spatial Strategy and the distribution of development are justified, and can be accommodated without releasing land from the Green Belt? If not, do exceptional circumstances exist that would justify altering the Green Belt boundary?

Relevant policies – S1, S4, S7, EV1

Questions

- 3.1. Is the spatial distribution of development across the borough justified and what factors influenced the Spatial Strategy, for example physical and environmental constraints and the capacity to accommodate development?

No, the spatial distribution of development across the borough is not justified.

Paragraphs 5.5.76–5.5.84 and Table 5 of SDO3 sets out the reasons for the selection of the preferred option and rejection of alternatives.

Whilst there is a detailed description of the performance of each option against sustainability objectives set out in SDO3 paragraphs 5.5.6 to 5.5.75, (including physical and environmental constraints), these sustainability considerations do not feature in any consistent way in Table 5 where reasons for rejecting alternatives are set out.

This demonstrates a disconnect between the SA and the Council's decision making and justification for its preferred spatial distribution of development.

- 3.1.1 **What effect would the proposed additional sites have on the distribution of new housing development across the plan area?**

The Council has set out the distribution of the new housing development across the plan area in The Housing Land Supply Position Statement (October 2024) (ADC 04) Table A. This table shows the distribution of new housing development against the settlement hierarchy.

In document ADC12, the Council state that the additional sites are within and adjoining the Main Urban Areas of Sutton in Ashfield and Kirkby in Ashfield. The council confirms that there are no additional sites located in Hucknall or in Ashfield's villages.

We agree that Sutton in Ashfield represents the most sustainable part of the district and is an appropriate broad location to direct new development. We disagree however, with the Council's strategy and site selection process, particularly as it regards the overall amount of development that is proposed to be allocated, the overall proportion of growth directed to

Sutton in Ashfield, the size threshold of less than 500 dwellings, and also the way that Green Belt has been considered.

3.1.2 Is the Spatial Strategy effective having regard to the scale and location of the proposed additional sites?

No, the spatial strategy is not effective having regard to the scale and location of the proposed additional sites.

In terms of the proposed additional sites:

- 328 homes are proposed are new commitments.
- 224 homes have resolution to grant planning permission, including a site recommended for refusal by the Highway authority because of unsafe access
- 170 homes are proposed on five brownfield sites previously discounted
- 106 homes on a single new greenfield site previously discounted due to access constraints and not included in the Submission Local Plan

The Council has not provided evidence of deliverability for those proposed new allocations which do not have planning permission or resolutions to grant. Such sites have a combined capacity 276 homes which raises further doubt about the deliverability and effectiveness of the strategy.

Not only are there serious questions of deliverability for the new sites identified, the Council have failed to identify any contingency to reflect the nature of these sites, with only 1.9% flexibility. The Council need to include an element of flexibility in their provision of sites to account for unexpected issues particularly in the context of the new sites identified, many of which are difficult brownfield sites that were previously discounted.

As proposed, the spatial strategy is not effective. The strategy fails to provide sufficient flexibility in the supply of sites to ensure housing needs are met.

3.2. What alternative options for the spatial strategy were considered?

This is for the Council to answer but SDO3 5.5.2 to 5.5.4 set out the alternatives that were assessed and these are:

3. Dispersed development (across the district) comprising of smaller sites, each with capacity for less than 500 dwellings (dwgs)
4. One large sustainable urban extension (SUE) adjacent Sutton/Kirkby (1000+ dwgs) with smaller sites (less than 500 dwgs) within and adjacent to existing settlements, with significant Green Belt release.

4a. Sub-option 1 considers Sutton Parkway as SUE.

4b. Sub-option 2 considers Mowlands as SUE.

5. One new settlement (outside Green Belt), one large SUE adjacent Kirkby/Sutton and smaller sites in/adjacent existing settlements, including moderate Green Belt release in Hucknall and Rurals.

Sub-option 1 considers Sutton Parkway as SUE

Sub-option 2 considers Mowlands as SUE.

6. Two SUEs adjacent Kirkby/Sutton with smaller sites (less than 500 dwgs) in/adjacent existing settlements, with moderate Green Belt release.
7. One new settlement (approximately 3,000 dwgs) in Hucknall's Green Belt and smaller sites (less than 500 dwgs) in/adjoining Sutton and Kirkby, and moderate Green Belt release adjoining existing rural settlement.
8. Two new settlements (approximately 1,250 and 1,750 dwgs) and smaller sites (less than 500 dwgs) in/adjacent Sutton and Kirkby, moderate Green Belt release adjoining Hucknall and existing rural settlements.
9. Three new settlements (approximately 1,250, 1,750 and 3,000 dwgs) including one in Green Belt, with no other large sites over 500 dwellings.
10. Two new settlements with one in Hucknall's Green Belt (approx. 3,000 dwgs with around 1,600 in the plan period) and one at Cauldwell Road (approximately 300 dwgs in plan period) with further moderate Green Belt release around Hucknall and more limited development in/adjoining Sutton and Kirkby, and existing rural settlements.

Two spatial options initially proposed that were not taken forward for SA. These are:

1. Containment within existing settlements; and
2. Urban Concentration within/adjoining existing settlements with no Green Belt release.

Paragraph 5.5.3 explains that:

"Evidence shows that there are not enough sites available through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process to meet the minimum housing required in the district for either option. In SA terms, it is therefore considered that the two options are not 'reasonable alternatives' at this stage as they will not deliver the Local Plan's growth objectives"

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

The reasons for selecting the approach to disperse development are not sufficiently clear, not sufficiently informed by SA and therefore do not pass the test of soundness to be 'justified'.

The Regulation 18 consultation draft set out a 'new settlement' strategy (Option 10 in the Sustainability Appraisal) and whilst the decision to remove the two new settlement sites is set out in the supporting documentation to the Regulation 19 Local Plan, there is very little

explanation of why the new preferred option is for 'dispersed growth' (Option 3 in the Sustainability Appraisal).

Options were considered by Ashfield Cabinet 27th September 2022, Ashfield Local Plan Development Panel 15th November 2022 and then again by Cabinet 13th December 2022. None of the reports to these meetings are included the SA as an appendix and none of the Cabinet reports included a summary of the SA findings or recommendations.

SD03 paragraphs 5.5.76 to 5.5.85 document the reasons for the selection of the preferred option. Paragraph 5.5.78 notes that:

"in making this decision, the Council also reflected further on the findings of the 2021 Regulation 18 Draft SA Report findings which noted potentially greater negative effects associated with the new settlement option, particularly in relation to biodiversity and landscape (SA Objectives 6 and 7)".

It is not clear whether this statement is factually accurate, and we cannot find any reference in the Council's evidence to such consideration.

The reports to Cabinet also highlight that decisions were made on the basis of emerging and potential planning policy changes at the national level and ministerial intentions to reduce Green Belt release across the country and amend how housing need is calculated. There is no evidence that the implications of removing the new settlements on the overall spatial strategy was considered or the alternative options returned to in light of the decision not to pursue Option 10.

On 18th September 2023, the Council's Cabinet approved an amended housing allocations list. Six additional sites were added to the list and others were removed to reflect new information. The sites added were all adjoining Sutton, Kirkby or Hucknall.

There is no clear justification or new relative assessment provided of the spatial options. It appears that the two new settlement sites were removed and then majority of the remainder of the sites were simply carried forward with some additions and adjustments and this has retrospectively been described as a new dispersed strategy.

The Sustainability Appraisal concludes that:

'Council has therefore identified the spatial strategy as an appropriate spatial approach to ensure that new development is located in the most sustainable locations in the District around existing developments and that uncertainty related to the new settlements is removed.' (para 5.5.82).

It is unclear why the dispersed strategy is the only option which was considered to ensure new development is located in the most sustainable locations, as there are a number of strategy options which direct growth to the Main Urban Areas. The proposed alternative site, Ashfield North, would extend the Main Urban Area of Sutton-in-Ashfield for example and importantly without Green Belt release.

The reason set out for rejecting the options with an urban extension to Sutton, despite scoring well against the sustainability criteria, is as follows:

'The urban extension is located in the countryside on the Main Urban Area fringe. The site has been proposed for allocation in a number of draft Local Plans. It has encountered substantial local opposition.' (page 86–88).

In summary, the reasons for selecting the approach to disperse development are not sufficiently clear, and do not pass the test of soundness to be 'justified'

3.4. Are the Plan's Strategic Policies sufficiently clear about the scale of development envisaged in each settlement/ area?

No, Strategic Policy S1: 'Spatial Strategy to Deliver the Vision' includes reference to various settlements and areas but is not sufficiently clear about the scale of development envisaged in each. The Plan is therefore not effective as it does not set out a clear distribution of development that can be used as the basis for other strategic policies, and for decision making on planning applications.

As noted elsewhere in this hearing statement, the Plan does not provide sufficient scale of development to meet identified housing need, let alone including sufficient flexibility to account for delay or non-delivery of sites.

3.5. Does the submitted Plan's approach strike an appropriate balance between the identification of land for new homes and employment?

This is for the Council to answer, but the testing of the balance between new homes and jobs does not appear to have been carried out through the Council's Housing Needs Assessment.

3.6. Is the settlement hierarchy set out in Policy S1 Justified?

Strategic Policy S1 sets out a logical settlement hierarchy, which is supported. The hierarchy reflects the evidence on existing infrastructure and access to services and facilities. It correctly identifies Sutton-in-Ashfield as one of the Main Urban Areas, with a range of facilities, services and employment opportunities serving the local community and beyond.

3.7. What evidence is there to justify the identification of each settlement within the respective tiers of the hierarchy?

For the Council to set out its evidence.

3.8. What reliance does the Plan's overall strategy have on the proposed Maid Marian line? Is there a reasonable prospect of it coming forward during the plan period? How will the Plan respond to it?

For the Council to answer.

Green Belt

3.9. What proportion of new housing and employment proposed in the Plan would be on land currently designated as Green Belt?

For the Council to clarify but background Paper 1 (BP01) Table 18 sets out the housing allocations requiring Green Belt release and this amounts to 1,246 homes out of a total of 6,700 homes in the Local Plan or a proportion of 18.6%.

BPO1 Table 19 set out the employment allocations requiring Green Belt release and this amounts to 40.92 hectares of land. This amounts to 63.5% of employment land allocated through policies S6 and EM2.

- 3.10. What other reasonable options for meeting the identified housing requirement were considered prior to the proposed release of land from the Green Belt?

The Council has not carried out a clear and explicit exercise defining a reasonable option which seek to avoid or minimise the release of Green Belt land based. Whilst the Council's reasonable options refer in approximate terms to green belt release, these options are not backed up or cross referenced by detailed evidence concerning the precise amount of green belt release.

In the absence of this information, there appears to have been an insufficient consideration given by the Council to an alternative strategy which seeks to reduce or remove the need for Green Belt release.

- 3.11. 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?

This for the Council to answer, but it should be noted that there are sites outside of the Green Belt, in sustainable locations which are capable of delivering housing.

Our client's site Ashfield North is located north of Sutton-in-Ashfield, north west of Beck Lane and west of the A617. The majority of the land comprises relatively flat agricultural land with no significant technical constraints. There are no overhead cables, and the site is in Flood Zone 1, land at the least risk of flooding. Ashfield North can provide approximately 800 homes helping to overcome the current identified shortfall outside of the Green Belt.

- 3.12. How has the assessment of sites within the Green Belt informed the Council's approach to site selection?

This is for the Council to answer, but we would reserve our position on this topic when the Council have set out their response to this question, especially given the concerns raised in this Hearing Statement relating to the justification for the development strategy in the Plan.

- 3.13. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework states that strategic policy-making authorities should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing. This will be assessed through the examination and will consider whether the strategy:

- Makes as much use as possible of suitable brownfield sites and underutilised land;
- Optimises the density of development, and
- Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need.

How has the preparation of the Plan sought to make as much use as possible of suitable brownfield sites and optimise the density of development?

This is for the Council to answer, but we would reserve our position on this topic when the Council have set out their response to this question, especially given the concerns raised in this Hearing Statement relating to the justification for the development strategy in the Plan.

- 3.14. How would the proposed release of land maintain the openness and permanence of the Green Belt?

Given the scale of proposed Green Belt release, the proposed release of land whether individually or cumulatively, would not maintain the openness and permanence of the Green Belt.

- 3.15. How has the Green Belt assessment considered the potential for mitigation?

Given our concerns around the consideration of Green Belt as part of the testing of reasonable options, we do not consider that the assessment of mitigation in BP.04 is appropriate. There has been inadequate evidencing and then testing of options which would avoid or minimise the loss of Green Belt land.

- 3.16. Do the Plan's strategic policies set out the scale and need for the release of land from the Green Belt as required by paragraph 140 of the Framework?

No comment.

- 3.17. Having regard to the shortfall of housing provision over the plan period, what evidence is there that the Green Belt boundary will not need to be altered at the end of the plan period as set out at paragraph 143(e) of the Framework?

There is evidence that the Green Belt boundary will need to be altered at the end of the plan period. The approach in the development strategy is not consistent with paragraph 143(e) of the Framework, as the strategy does not meet housing needs over the plan period, putting pressure on for release of further Green Belt land, making it likely that boundaries will not endure over the Plan period.

- 3.18. At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?

No, the Council has not made the case that strategic level, exceptional circumstances exist to alter the Green Belt boundary. There has been inadequate evidencing and then testing of options which would avoid or minimise the loss of Green Belt land.

It should be noted that there are sites outside of the Green Belt, in sustainable locations which are capable of delivering housing.

- 3.19. **Is the Spatial Strategy effective if any further proposed sites would be required to be released from the Green Belt?**

No, the spatial strategy is not effective. By including a site within the Green Belt, the Council's approach repeats the strategy which has been challenged in the first round of hearing sessions.

The Plan does not include sufficient flexibility and provides no confidence that a sufficient supply of homes can be maintained across the Plan period, resulting in the need to consider speculative planning applications, potentially involving the loss of land within Green Belt.

3.20. **Is the release of Green Belt land necessary to address the shortfall in housing across the plan period?**

No, the release of Green Belt land is not necessary to address the shortfall in housing across the plan period. There continue to be sites, like our client's, which are outside the Green Belt, have no physical or technical constraints and are located adjacent to the Main Urban Area.



Appendix 1: Concept Masterplan

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

East Midlands

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