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- email: Forward planning – localplan@ashfield.gov.uk
- telephone: 01623 457381

Ashfield Local Plan (2023-2040)

Main Modifications Representation Form

YOU ARE ADVISED TO READ THE GUIDANCE NOTE BEFORE COMPLETING THIS FORM

Please use this form to provide representations on the Main Modifications, the Policies Map schedule, the Sustainability Appraisal or the Habitats Regulations Assessment only.

Your representations will be sent to the Planning Inspectors without prejudice to the Inspectors Report. It is not necessary to re-submit previous representations. These have already been considered by the Inspectors during the examination process. Ashfield District Council must receive representations by 5pm on Thursday 30 July 2026. Late representations will not be accepted.

Please submit comments using this form by the following methods:

- Online form at: <https://www.ashfield.gov.uk/main-modifications-consultation/>
- E-mail form to: localplan@ashfield.gov.uk
- Post form to: Forward Planning Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA

This form has two parts:

Part A – Personal/Agent contact details and further notification requests.

Part B – Your representations (Please fill in a separate part B for each aspect or part of the Local Plan you wish to comment on).

Data Protection Terms

Any personal details submitted as part of a representation will be processed by Ashfield District Council in accordance with the Data Protection Act 2018 and used in connection with the development and adoption of the Ashfield Local Plan. Please note, **the Council cannot accept anonymous responses**. All representations received will be made available for public inspection and therefore cannot be treated as confidential. They will also be:

- Published in the public domain;
- Published on the Council's website;
- Shared with other organisations for the purposes of developing/adopting the Ashfield Local Plan
- Forwarded to the Secretary of State for consideration;
- Made available to the Planning Inspector appointed by the Secretary of State to examine the Local Plan; and
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website, the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation you agree to your personal details being

processed in accordance with these Data Protection Terms.

Part A

In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

1. Personal Contact Details
If an agent is appointed, only complete Title, Name and Organisation in section 1, and all of section 2.

Title:	N/A
First name:	Whyburn Consortium c/o Agent
Last name:	
Organisation/Group:	Whyburn Consortium c/o Agent
Number of people representing: (if relevant)	
Address:	
Postcode:	
Telephone Number:	
Email address:	

2. Agent Contact Details

Title:

Mrs

First name:

Kamaldeep

Last name:

Saini

Organisation/Group:

CarneySweeney

Number of people
representing:
(if relevant)

Address:

3rd Floor Waterloo House,
Waterloo Street,
Birmingham,

Postcode:

B2 5TB

Telephone Number:

Email address:

Part B

(Please fill a separate Part B for each individual representation)

Please fill in your Name and Organisation here for every Part B sheet that you submit:

Name:

Whyburn Consortium c/o Agent

Organisation:

Whyburn Consortium c/o Agent

1. To which Main Modification does this representation relate?

Please include the Main Modification reference number:

MM106 - Appendix 2: Five Year Housing Land Supply & Housing Trajectory

2. Do you consider the Main Modification is:

Legally compliant

Yes

☐

No

☒

Sound

Yes

☐

No

☒

3. Please give details of why you consider a Main Modification is not legally compliant or sound.

Please be precise as possible. Your comment should cover all the information and evidence necessary to support or justify your comment. If you wish to support the legal compliance or soundness of a Main Modification please also use this box to set out your comments.

Please refer to the accompanying representation letter, dated July 2026 prepared by CarneySweeney

Continue on separate sheet if necessary

4. Please set out the change(s) to the Main Modification that you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in question 3.

Please be as precise as possible. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

Please refer to the accompanying representation letter, dated July 2026 prepared by CarneySweeney

Continue on separate sheet if necessary

5. Do you have any comments on the Sustainability Appraisal or to the Habitats Regulations Assessment in respect of this modification?

No

Continue on separate sheet if necessary

Signed:

CarneySweeney on behalf of
Whyburn Consortium

Date:

29th July 2026

Please refer to the first page of this questionnaire for the submission information.

If you require any further information or assistance in completing this Representation Form, please contact the Forward Planning Team at:

Website	https://www.ashfield.gov.uk/planning-building-control/local-plan/
Telephone	01623 457 302
E-Mail	localplan@ashfield.gov.uk
Post	Forward Planning Team, Council Offices, Urban Road, Kirkby in Ashfield, Nottingham, NG17 8DA.



29th July 2026

Forward Planning Team
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottinghamshire
NG17 8DA

Sent via email only: localplan@ashfield.gov.uk

Dear Sir/Madam,

REPRESENTATIONS TO ASHFIELD LOCAL PLAN 2023 TO 2040: MAIN MODIFICATIONS CONSULTATION

Introduction

CarneySweeney is instructed by the Whyburn Consortium to submit representations to the Main Modifications Consultation to the emerging Ashfield Local Plan 2023 – 2040.

The Main Modifications Consultation includes a revised Five-Year Housing Land Supply & Housing Trajectory. The updated trajectory identifies sites which the District Council considers to be deliverable over the relevant 5-year period, starting in 2025/2026 (Year 1), tabulated at Appendix 2 under MM106. The list of sites includes the following;

- proposed allocations without planning permission;
- sites with extant planning permission;
- opportunities to deliver housing under permitted development rights;
- contribution to supply from residential institutions (as opposed to other residential uses e.g. C3 dwelling houses, flats and apartments; and
- contribution from unidentified “windfall” sites.

A review of the updated housing land supply position under MM106 has been undertaken and forms the basis of these representations. We have also considered the District Council’s latest annual Housing Land Monitoring Report, 2026 (HLMR, 2026). The HLMR 2026 identifies a 3.86 year supply of housing, reduced from 4.39 years as reported in the HLMR from 2025 (Examination Document: ADC.13).

Representations to MM106

Annex 2 of the NPPF includes a two-part definition for ‘deliverable’ housing sites.

Part a) of the definition states:

“...sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)”.

These are known as “Part A” sites.

Part b) of the NPPF definition of a deliverable housing site states:

“...where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

These are known as “Part B” sites.

A review of the revised Five-Year Housing Land Supply & Housing Trajectory demonstrates that, at the time these representations were prepared, some of the included sites do not meet the definition of ‘deliverable’.

These sites are identified in Appendix 2 at MM106 and their failure to comply with the NPPF definition is set out in the following paragraphs.

H1Ca - Former Hucknall Police Station, Watnall Road

The site benefits from a planning permission for a 73-bed extra care home (Use Class C2), reference: V/2021/0849. The site is understood to be under construction. The supply trajectory includes a contribution of 73 dwellings from this site.

During the Examination Hearing Sessions, and as noted in Examination Document ADC.20a, the District Council make reference to the approved development being;

“... the erection of 73 self-contained 1 and 2 bed apartments designed as a retirement solution for residents who can live independently but need some elements of support. The commitment is now counted more accurately as individual apartments rather than a C2 care home. The apartments are expected to be completed by Spring 2026...”

Government guidance in the “Housing Delivery Test Measurement Rule Book” obliges the District Council to apply a ratio of 1 dwelling per 1.9 bedrooms when considering the contribution of C2 accommodation to its land supply trajectory. If this ratio is applied the equivalent number of dwellings falls to 38.

We conclude that 35 units should be deducted from the Council’s land supply trajectory.

H1Kn - Southwell Lane, Kirkby

The site is expected to accommodate 60 units and is shown to deliver 30 units in Year 5 (29/30). Planning permission has not been granted for development on the site.

The trajectory of this proposed allocation has changed during the Local Plan preparation process. HLMR 2025 (ADC.13) identified 30 units in Year 6 (30/31); then at Examination Stage, ADC.20 and ADC.20a identified 30 units in Year 5 (29/30). This amendment was made despite no change to the site’s planning status.

The LPA’s latest HLMR, 2026 identifies delivery of 30 units again in Year 6 (31/32). It therefore remains unclear as to what evidence the LPA is relying on to identify delivery of 30 units in Year 5 (29/30) as shown in MM106 on a site which does not have the benefit of a planning permission.

We conclude that 30 units should be deducted from the Council’s land supply trajectory.

***H1Kp - Pond Hole, Kirkby***

The site is subject of a live planning application, reference: V/2026/0001 which seeks consent for 50 units. The application is noted to have been presented to Planning Committee on 22nd July with a recommendation for approval, subject to conditions and the completion of a S106 Agreement.

At this stage, the site does not yet have planning permission but is shown to deliver 35 units in Year 3 (27/28) and 19 units Year 4 (28/29) in MM106. The site does not currently meet the definition of deliverable as the full planning application is still pending determination.

We conclude that 54 units should be deducted from the Council's land supply trajectory.

H1Sd - Adj Oakham Business Park, off Hamilton Road

This site is the subject of a live outline planning application, reference: V/2023/0275, for a maximum 250 dwellings.

Examination Document ADC.20a indicates that Members resolved to grant permission, subject to conditions and the completion of an S106 Agreement, at planning committee in June 2025. The agreement has not been completed, over a year later, hence planning permission has not been granted.

The trajectory at MM106 identifies 35 units to be delivered on the site in Year 5 (29/30). The site has not yet secured outline planning permission and there is also no clear evidence that housing completions will begin on site within five years. The site therefore does not meet the definition of deliverable.

The trajectory reported in the HLMR 2026 for proposed allocation H1Sd shows delivery of 35 dwellings starting from Year 6 (31/32), as opposed to 35 units in Year 5 (29/30) as shown in MM106 and Examination Documents ADC.20 and ADC.20a. Again, the evidence the LPA is relying on to demonstrate housing completions will begin on site within five years as shown in MM106 is unclear

We conclude that 35 units should be deducted from the Council's land supply trajectory.

H1Sah - Land adjacent 208 Mansfield Road, Sutton in Ashfield

This site is currently the subject of a live, detailed planning application, reference: V/2022/0347, for the erection of 36 dwellings.

The updated trajectory at MM106 indicates delivery of 10 units in Year 4 (28/29) and 26 units in Year 5 (29/30). In the absence of a detailed planning permission the site does not currently meet the definition of deliverable.

We also note that the trajectory for proposed allocation H1Sah reported in the HMLR 2026 does not include this site in the first 5 years but rather claims 10 units in Year 6 (31/32) and 26 units in Year 7 (32/33). The trajectory reported in HLMR 2026 appears to be reflective of the current planning status for this proposed allocation.

We conclude that 36 units should be deducted from the Council's land supply trajectory.

H1Ss - Land East of A6075 Beck Lane, Skegby

This site has outline planning permission, reference: V/2023/0679 for residential development approved 23rd December 2025.

The updated trajectory indicates the delivery of 35 units in Year 5 (29/30). Whilst the site has outline planning permission, no reserved matters application/s have been submitted for determination. As such, there is no clear evidence that housing completions will begin on site within five years.

The trajectory reported for this site in the HLMR 2026 indicates delivery of 35 units in Year 6 (31/32). Therefore, it is unclear what evidence the Council is relying on to demonstrate that housing completions will begin on site within five years as shown in MM106.

The site therefore does not currently meet the definition of deliverable.

We conclude that 35 units should be deducted from the Council's land supply trajectory.

H1Vc - Land adj. Bull & Butcher PH, Selston

This site is the subject of a live outline planning application for up to 149 units, reference: V/2022/0653. A resolution to granted has been secured, subject to conditions and the completion of an S106 agreement.

The trajectory identifies delivery of 35 units in Year 5 (29/30). Whilst an outline planning permission is expected, to be regarded as 'deliverable' clear evidence demonstrating that housing completions will begin within five years is required. No such evidence is provided to support the trajectory. The site therefore would not meet the definition of deliverable.

Again, the trajectory reported for this proposed allocation in the HLMR 2026 claims delivery of 35 units in Year 6 (31/32). It is therefore unclear what evidence is being relied upon by the Council to demonstrate that housing completions will begin within 5 years as shown in MM106.

We conclude that 35 units should be deducted from the Council's land supply trajectory.

H1Ve - Land off Park Lane/ South-West M1, Selston

This site is the subject of a live, detailed planning application for 137 dwellings, reference: V/2022/0800. The application is noted to have been presented to Planning Committee on 22nd July, with a recommendation to grant subject to conditions and completion of a S106 Agreement.

At this time, the site does not have planning permission, and it is noted that the trajectory indicates delivery of 32 units in Year 3 (27/28); 35 units Year 4 (28/29); and 35 units Year 5 (29/30). The site does not currently meet the definition of deliverable as the full planning application is still pending determination.

We conclude that 102 units should be deducted from the Council's land supply trajectory.

Summary and Conclusions

Based upon our sample review above we conclude that the Council's land supply trajectory includes as many as 362 dwellings on sites which do not meet the NPPF definition of 'deliverable'. These dwellings should be deducted from the Council's predicted trajectory.

At the Regulation 19 Consultation Stage we highlighted that the LPA's 5-year housing land supply position, then reported as 6.38 years (at Appendix 2 Pre-Submission Draft Local Plan), could not be relied upon. We raised concern that a robust calculation of supply would reduce the figure to below the five-year requirement.

MM106 now identifies a 5.91 year supply. If the 362 dwellings from sites that fail the definition of deliverable are subtracted the LPA's supply would be reduced to 2,406 (2,768 – 362). This reduces the LPA's projected 5-year land supply from 5.91 years to 5.14 years (2,406/468).

Whilst a supply of 5.14 years is above the five-year threshold, the buffer identified is extremely modest. All of the sites identified in the trajectory would have to deliver dwellings exactly as predicted to achieve and maintain the supply. This is unrealistic.



The results of the Government's Housing Delivery Test for 2024 and 2025 are being combined and publication is expected later this year. The District Council's five-year supply will be significantly reduced if a twenty percent buffer is applied.

We have commented at length on this matter in our Regulation 19 Representations, Hearing Statement submissions and during the Examination Hearing Sessions. We do not repeat those matters here but continue to maintain our position on the emerging Local Plan. The Council's reliance on sites that do not meet the definition of deliverable further demonstrates that a 'dispersed development' spatial strategy approach is not an effective or sound basis to plan for the development needs of the district for the next plan period.

We conclude that the Council's preferred spatial strategy for 'dispersed development' across the district would not deliver a robust five-year supply of land for housing. The strategy relies on delivery from a large number of small sites. The failure of even one or two of these sites to deliver, exactly as predicted, would cause the supply to drop below five years. The plan is not positively prepared and does not seek to boost the supply of new homes in the district.

We trust that our representations above will be taken into account, and we would welcome confirmation that our representations have been received.

Yours faithfully,

Kam Saini
Director
CarneySweeney