



Ashfield Local Plan

EIP Hearing Statement

Matter 10 – Site Allocations

On behalf of Vistry Group

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Introduction

This Hearing Statement is submitted by ADAS Planning on behalf of Vistry Group and should be read in conjunction with the Written Representations submitted as part of the Regulation 19 Pre-Submission Draft in January 2024.

With previous representations, Vistry Group outlined a number of concerns about the draft plan primarily raising concerns with the housing shortfall and proposing their Brand Lane site as an alternative site to help fill this undersupply.

INS01 confirmed that the plan will be considered under the September 2023 version of the National Planning Policy Framework (NPPF), as such this Hearing Statement Addendum utilises the same version of the NPPF.

The following Statement builds upon the concerns raised in the representations, responding to the Inspectors Matters Issues and Questions.

Matter 10 – Site Allocations

Issue

Whether the proposed site allocations are justified and deliverable/ developable at the point envisaged.

Questions

10.40.3 H1Kn – Southwell Lane, Kirkby: Is this proposed allocation justified?

The site this representation relates to is identified in the '*Ashfield Local Plan 2023 to 2040: Consultation on Additional Housing Site Allocations*' document as H1Kn Southwell Lane, Kirkby. The land is not associated with any extant planning permissions and no planning applications have been submitted in relation to the land since 2014 (ref: V/2014/0530). This application from 2014 was for outline permission with all matters reserved except for access.

Paragraph 6.41 of the '*Consultation on Additional Housing Site Allocations*' document describes H1Kn as only "*potentially suitable and potentially achievable*" and goes on to state that "*likely existence of contamination and possible ground stability issues will require further investigation as part of any proposed housing scheme*" in paragraph 6.42.

The site's inadequacy is also confirmed in ADC.15 where '*possibly unsuitable for housing*' is used to describe the site on page 176. H1Kn is referred to as KA057 in this document, which is the identifier used in the SHELAA.

Contamination and ground stability issues are significant constraints when considering a land use as sensitive as residential development. As planning application V/2014/0530 was only in outline, these issues were not adequately addressed at the time permission was granted to give confidence that remediation would be viable to allow for a housing development to materialise.

Annex 2 of the NPPF 2023 states that: *"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years"*.

Given that H1Kn does not have any extant planning permissions, has no live planning applications being determined, and has been identified as recently as February 2025 as having contamination and ground stability issues, it is not realistic to describe this site as deliverable. Therefore, this site should not have been chosen as an additional housing site allocation.

Paragraph 35 of the NPPF 2023 states that: "Plans are 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant".

As explained in the answer to the above question, the plan cannot be described as '*Positively prepared*' as the proposed housing allocation will not meet the area's objectively assessed need for housing. Neither can the plan be described as '*Justified*' as the Council has failed to take into account reasonable alternatives when assessing proposed housing allocations, despite the suggestion of an additional call for sites exercise by the Inspectors. As the definition of '*Effective*' concerns deliverability over the plan period, our reasoning confirms that H1Kn cannot be described as deliverable and that its inclusion within the emerging plan lacks credibility.

Paragraph 60 of the NPPF 2023 states that: *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed"*. Despite significantly boosting the supply of homes being the objective, the Council has not achieved the minimum of providing the number of homes in line with the objectively assessed need, therefore, the emerging plan cannot be said to be '*Consistent with national policy*'.

As can be inferred from the above assessment, the inclusion of H1Kn would result in the emerging plan not meeting these four criteria and therefore the plan currently cannot be described as sound.

The shortfall identified by the Inspectors was that of 882 homes to the year 2040. The additional housing allocations proposed by Full Council on 17th February 2025 would provide 828 homes. Our reasoned discounting of H1Kn, which is said to provide up to 60 dwellings, would result in an unresolved shortfall of 114 homes up to 2040.

The Council should prioritise sites that do not have onerous contamination and ground stability issues which could jeopardise deliverability within the plan period.



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