

Ashfield District Council  
Urban Road  
Kirkby-in-Ashfield  
Nottingham  
NG17 8DA

**SENT BY EMAIL ONLY TO**  
**localplan@ashfield.gov.uk**

16 November 2021

Dear Sir / Madam

## **ASHFIELD DRAFT LOCAL PLAN CONSULTATION**

### **Introduction**

Thank you for consulting with the Home Builders Federation (HBF) on the above-mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. The following representations were submitted via the Council's online portal.

### **Duty to Co-operate (DtoC)**

As set out in the 2021 National Planning Policy Framework (NPPF), the Council is under a DtoC with other Local Planning Authorities (LPA) and prescribed bodies on strategic matters that cross administrative boundaries (para 24). To maximise the effectiveness of plan-making and fully meet the legal requirements of the DtoC, engagement should be constructive, active and on-going. This collaboration should identify the relevant strategic matters to be addressed (para 25). Effective and on-going joint working is integral to the production of a positively prepared and justified strategy (para 26). The Council should demonstrate such working by the preparation and maintenance of one or more Statements of Common Ground (SoCG) identifying the cross-boundary matters to be addressed and the progress of co-operation in addressing these matters. Therefore, as set out in the 2021 NPPF, the Ashfield Local Plan should be positively prepared and provide a strategy, which as a minimum seeks to meet the Council's own housing needs in full and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a).

The National Planning Practice Guidance (NPPG) explains that a SoCG sets out where effective co-operation is and is not happening throughout the plan-making process. The NPPG confirms that a SoCG is a way of demonstrating that the Local Plan is deliverable over the plan period and based on effective joint working across LPA boundaries. It also forms part of the evidence required



to demonstrate compliance with the DtoC (ID 61-010-20190315). At Examination, the Inspector will use all available evidence including SoCG to determine whether the DtoC has been satisfied (ID 61-031-20190315). To provide communities and other stakeholders with a transparent picture of collaboration, the NPPG sets out that authorities should have a SoCG available on their website by the time of publication of their Draft Plan. Once published, the Council will need to ensure that any SoCG continues to reflect the most up-to-date position of joint working (ID 61-020-20190315).

The Draft Ashfield Local Plan consultation is accompanied by an unsigned SoCG dated August 2021. It has been determined that Ashfield is a part of the Outer Nottingham Housing Market Area (HMA) together with Mansfield District Council and Newark & Sherwood District Council. There is also an identified functional relationship between Ashfield and the Nottingham Core HMA comprising Nottingham, Rushcliffe, Gedling, Erewash and Broxtowe Councils. It is agreed that the Nottingham Core and Nottingham Outer HMA authorities will meet local housing needs within their respective LPAs and the Ashfield Local Plan is not required to accommodate any unmet housing requirements. Before the pre-submission Local Plan consultation, the Council's SoCG should be signed by all relevant parties.

### **Local Housing Needs (LHN) and Housing Requirement**

As set out in the 2021 NPPF, strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need and any needs that cannot be met within neighbouring areas can be met over the plan period (para 66). The determination of the minimum number of homes needed should be informed by LHN assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 61). The latest NPPG sets out the standard methodology for calculating the LHN figure (ID 2a-004-20201216).

Ashfield's minimum LHN is calculated as 457 dwellings per annum between 2020 – 2038. This calculation is based on 2014 Sub National Household Projections (SNHP), 2021 as the current year and 2020 affordability ratio of 5.30. The calculation is mathematically correct. As set out in the NPPG, the LHN is calculated at the start of the plan-making process however this number should be kept under review until the Local Plan is submitted for examination and revised when appropriate (ID 2a-008-20190220). The minimum LHN for Ashfield may change as inputs are variable, which the Council should take into consideration. To account for any future changes in the variables used to calculate LHN, the Council has chosen to incorporate an over provision of approximately 10% in its housing land supply.

The Government's standard methodology identifies the minimum annual LHN. It does not produce a housing requirement figure (ID : 2a-002-20190220). LHN assessment is only a minimum starting point. The NPPG explains that "*circumstances*" may exist to justify a figure higher than the minimum LHN (ID

2a-010-20201216). The “*circumstances*” for increasing the minimum LHN are listed in the NPPG, but the NPPG emphasises that the listed “*circumstances*” are not exhaustive. The listed “*circumstances*” include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of growth strategies, strategic infrastructure improvements, agreeing to meet unmet need from neighbouring authorities or previous levels of housing delivery / assessments of need, which are significantly greater than the outcome from the standard methodology. The Greater Nottingham & Ashfield Housing Needs Assessment 2020 by Icenl has not considered whether such “*circumstances*” exist in Ashfield.

The 2021 NPPF seeks to achieve sustainable development by pursuing economic, social and environmental objectives in mutually supportive ways (para 8). Ashfield is one of the constituent authorities of the D2N2 Local Enterprise Partnership (LEP) covering Nottingham & Nottinghamshire and Derby & Derbyshire. To support economic growth, the Local Plan proposes to allocate 83 hectares of employment land including Strategic Employment Areas at Sherwood Park and at Junction 27 of the M1. As set out in the Spatial Strategy & Location of Development Background Paper dated October 2021, these Strategic Employment Areas will assist in economic growth, whilst maximising the locational benefits associated with major transport corridors. To support the long-term sustainability of the District, the Council should be seeking to achieve a sustainable balance between employment and housing growth. The need for an increased labour supply to meet increasing employment demand will lead to a need for new homes otherwise economic growth may become constrained. The Council’s Housing Needs Assessment has not considered if a housing requirement based on the minimum LHN is sufficient to support the level of economic growth proposed.

The Council should also recognise the economic benefits of housing development in supporting local communities as highlighted by the HBF’s publication Building Communities – Making Place A Home (Autumn 2020). The Housing Calculator (available on the HBF website) based on The Economic Footprint of House Building (July 2018) commissioned by the HBF estimates for every additional house built in Ashfield, the benefits for the local community include creation of 3 jobs (direct & indirect employment), financial contributions of £27,754 towards affordable housing, £806 towards education, £297 towards open space / leisure, £1,129 extra in Council tax and £26,339 spent in local shops.

The Council’s Housing Needs Assessment identifies an affordable housing need for 237 rented dwellings per annum and -195 affordable home ownership dwellings per annum. The NPPG states that total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments. As set out in the NPPG, an increase in the total housing figures may be considered where it could help deliver affordable housing (ID 2a-024-20190220). Whilst it is not possible to deliver the full requirement for affordable housing through contributions from

market housing schemes, a housing requirement above the minimum LHN will contribute towards delivery of greater number of affordable homes.

**Strategic Policy S9 - Meeting Future Housing Provision** sets out a minimum housing requirement of 8,226 dwellings (457 dwellings per annum) between 2020 – 2038. Before the Ashfield Local Plan pre-submission consultation, the Council should consider a more ambitious housing requirement. As set out in the NPPG, the Government is committed to ensuring that more homes are built and supports ambitious Councils wanting to plan for growth (ID 2a-010-20190220). The NPPG states that a higher figure “*can be considered sound*” providing it “*adequately reflects current and future demographic trends and market signals*”.

### **Housing Land Supply (HLS)**

The Local Plan’s strategic policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver the District’s housing requirement. This sufficiency of HLS should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS) and achieve Housing Delivery Test (HDT) performance measurements.

**Strategic Policy S3 - Location of Development** sets out a four tiered settlement hierarchy comprising :-

- Main Urban Areas – Sutton-in-Ashfield, Kirkby-in-Ashfield, Hucknall & Areas in the District adjacent to the Sub Regional Centre of Mansfield ;
- New Settlements - Whyburn Farm in Hucknall & Cauldwell Road in Sutton ;
- Named Settlements - Selston, Jacksdale, Underwood, New Annesley, Bestwood, Brinsley & Fackley ; and
- Designated Countryside & Green Belt - Remainder of the District including all other small settlements / hamlets within the District.

The largest scale of growth will be accommodated in Sutton-in-Ashfield, Kirkby-in-Ashfield, Hucknall and Areas in the District adjacent to the Sub Regional Centre of Mansfield. The proposed New Settlements at Whyburn Farm in Hucknall and Cauldwell Road in Sutton will provide opportunities for large-scale, long-term growth in the District, which will extend beyond the plan period. Smaller scale growth will be accommodated in Selston, Jacksdale, Underwood, New Annesley, Bestwood, Brinsley and Fackley. The remainder of the District falls within “Open Countryside”, where in small villages / settlements, limited infill development may be appropriate provided there is no adverse effect on the scale and character of the village / area.

In **Strategic Policy S3**, housing growth is distributed as follows :-

- Main Urban Areas – 59.3% ;
- New Settlements – 35.1% ;
- Named Settlements – 5.3% ; and

- Designated Countryside & Green Belt – 0.3% ;

The Council has decided to meet its own housing needs in full. The SHELAA identified insufficient brownfield sites within the existing main urban areas and built-up areas to accommodate the Council's housing requirement over the plan period. Therefore, some new development will be directed to greenfield land outside of the existing settlements including a new settlement at Cauldwell Road, Sutton-in-Ashfield. As set out in 2021 NPPF, where fully evidenced and justified Green Belt boundaries can be altered in "*exceptional circumstances*" through the preparation or updating of Local Plans (paras 140 & 141). The Council proposes to release land from the Green Belt including a new mixed-use settlement at Whyburn Farm in Hucknall, a strategic employment land allocation at Junction 27 of the M1 and other smaller housing allocations comprising 3 sites in Hucknall, 2 sites in Kirkby-in-Ashfield and 7 sites in rural area. At Examination, the Council will have to justify "*exceptional circumstances*" for these proposed Green Belt releases by demonstrating that all other reasonable options have been fully considered and the use of brownfield sites and the density of development has been optimised. The HBF would not wish to comment on individual sites selected for release from the Green Belt.

**Policy H1 – Housing Allocations** allocates land for approximately 5,941 dwellings in the plan period 2020 – 2038 as follows :-

- 14 sites in Hucknall Area for approximately 1,898 dwellings ;
- 10 sites Kirkby-in-Ashfield Area for approximately 541 dwellings ;
- 31 sites Sutton-in-Ashfield Area for approximately 3,004 dwellings ; and
- 9 sites in Selston, Jacksdale & Underwood Area for approximately 498 dwellings.

Under **Strategic Policy S6 - New Settlement: Meeting Future Needs : Land at Whyburn Farm in Hucknall**, land is allocated for a mixed use New Settlement to deliver 3,000 new dwellings, of which 1,600 dwellings will be delivered within the plan period. Under **Strategic Policy S7 - Meeting Future Needs New Settlement - Land at Cauldwell Road in Sutton in Ashfield**, land is allocated for a mixed-use New Settlement to deliver 1,000 new dwellings, of which 315 dwellings will be delivered within the plan period.

In Table 2 – Dwelling Requirement & Provision 2020 - 2038, the Council's HLS is estimated as 9,079 dwellings comprising of :-

- 265 completed dwellings between 2020 - 2021 ;
- 48 equivalent dwellings from C2 between 2020 – 2021 ;
- 391 dwellings from small sites with planning permission ;
- 720 dwellings from small site windfall allowance between 2026 – 2038 ;
- 1,915 dwellings on proposed new settlement strategic housing allocations under Policies S6 & S7 ;

- 5,941 dwellings on proposed non-strategic housing allocations under Policy H1 ;
- 6 equivalent dwellings from C2 ;
- -159 dwellings for non-implementation using lapse rates of 6.4% for large sites and 26.9% for small sites.

Using the Council's evidence, overall HLS is above the minimum housing requirement by 181 dwellings (2%) excluding the windfall allowance or 901 dwellings (11%) including the windfall allowance. The provision of some headroom between the minimum housing requirement and overall HLS is supported by the HBF. Whilst there is no numerical formula to determine the appropriate quantum of headroom, where a Local Plan is highly dependent upon one or relatively few large strategic sites or settlements / locations then greater numerical flexibility is necessary than in cases where HLS is more diversified. In Ashfield, 59.3% of proposed housing growth is located within the Main Urban Areas of Sutton-in-Ashfield, Kirkby-in-Ashfield, Hucknall & Areas in the District adjacent to the Sub Regional Centre of Mansfield and 35.1% in two New Settlements at Whyburn Farm in Hucknall & Cauldwell Road in Sutton. A buffer of only 2% (excluding windfalls) is insufficient to ensure the resilience of the Local Plan in responding to changing circumstances. A larger contingency is necessary to provide more flexibility.

The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market. Under the 2021 NPPF, the Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 69a). 10% of Ashfield's housing requirement is 822 dwellings. The Council should confirm compliance with 2021 NPPF (para 69a).

National policy only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. From the Housing Background Paper dated October 2021, the HBF note that the proposed windfall allowance is less than the historic trend of 73 dwellings per annum and the exclusion for the first five years avoids any double counting. Nevertheless, the Council's proposed windfall allowance for small unallocated sites of 720 dwellings (60 dwellings per annum) between 2026 – 2038 should be robustly evidenced.

The Housing Background Paper sets out the Council's assumptions on Net Developable Areas, but it is unclear if the Biodiversity Net Gain (BNG) requirements of the Environment Bill have been accounted for in the Council's assumptions. The Environment Bill currently making its way through Parliament aims for development to result in an increase in biodiversity. Once the Environment Bill becomes an Act of Parliament and a transition period of two years has passed, it will be mandatory for developments in England to replace any biodiversity lost and add 10% net gain. Whether or not BNG can be accommodated on-site will depend on the design / density of the site and the extent of biodiversity before development. Large strategic sites will be more able to accommodate BNG on-site due to their size and the lower net to gross ratio of development. However, dependant on the scale of habitat enhancements needed, average-sized sites may need to reduce housing density to accommodate BDN on-site or consider off site solutions. The Council should consider these implications.

The 2021 NPPF sets out that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites (para 74). The Housing Trajectory in Appendix 2 shows yearly predicted delivery rates for individual sites categorised as small sites with planning permission, non-strategic allocations with / without planning permission & strategic allocations. The HBF have no comments on individual sites set out in the housing trajectory and these representations are submitted without prejudice to any comments made by other parties. However, it is critical that an accurate assessment of availability, suitability, deliverability, developability and viability is undertaken. The Council's assumptions on lead in times and delivery rates should be correct and supported by parties responsible for the delivery of housing on each individual site.

The Council's 5 YHLS position on adoption of the Local Plan is set out in Appendix 2. The 5 YHLS is estimated as 6.83 years using 20% buffer. The Council's 5 YHLS calculation omits the recouping of shortfalls from previous years. The inclusion of shortfalls will reduce the Council's 5 YHLS position.

Before the Ashfield Local Plan pre-submission consultation, the Council should re-consider the extent of built-in flexibility / headroom in its overall HLS, confirm at least 10% of its housing requirement is accommodated on sites of less than 1 hectare and ensure the robustness of supporting evidence to justify the proposed windfall allowance, net developable areas and housing delivery rates in the housing trajectory.

### **Viability and Deliverability**

In plan-making, viability is inseparable from the deliverability of development. At Examination, viability will be a key issue in determining the soundness of the Ashfield Local Plan. The viability of individual developments and plan policies should be tested at the plan making stage. As set out in the 2021 NPPF, the contributions expected from development including the level & types of

affordable housing provision required and other infrastructure for education, health, transport, flood & water management, open space, digital communication, etc. should be set out in the Local Plan (para 34). As stated in the 2021 NPPF, development should not be subject to such a scale of obligations that the deliverability of the Local Plan is threatened (para 34). Viability assessment should not be conducted on the margins of viability especially in the aftermath of uncertainties caused by the Covid-19 pandemic and Brexit. Without a robust approach to viability assessment, the Ashfield Local Plan will be unsound, land will be withheld from the market and housing delivery targets will not be achieved.

Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact. Most sites should be deliverable at planning application stage without further viability assessment negotiations. Viability negotiations should occur occasionally rather than routinely. Trade-offs between policy requirements, affordable housing and infrastructure provision should not be necessary. However, if the viability of sites is overstated, policy requirements will be set at unrealistic levels. Landowners and developers will have to submit site-specific assessments to challenge assumptions in the Council's Viability Assessment. Such negotiations at planning application stage cause uncertainty for both the Council and developers, which may result in significant delay to housing delivery or even non-delivery. Before the Ashfield Local Plan pre-submission consultation, an updated Viability Assessment should be undertaken by the Council.

## **Housing Policies**

**Policy H3 - Affordable Housing** requires :-

- 20% affordable homes for ownership on all greenfield & brownfield sites and 20% affordable homes for rent on greenfield sites / 5% affordable homes for rent on brownfield sites in Hucknall Wards & Rurals Wards (Selston, Jacksdale, & Underwood) ; or
- 20% affordable homes for ownership on all greenfield & brownfield sites and 10% affordable homes for rent on greenfield sites / 0% affordable homes for rent on brownfield sites in Sutton-in-Ashfield & Kirkby-in-Ashfield Wards.

The HBF support the Council's differentiated approach to the provision of affordable housing in value areas and on brownfield / greenfield sites. The HBF understand that the proposed percentage requirements will be revised after an updated Viability Study has been undertaken (see HBF response under Viability & Deliverability above). **Policy H3** should also comply with the 2021 NPPF expectation that proposals make provision for at least 10% of the overall number homes is available for affordable home ownership (para 65) and the 21 May 2021 Written Ministerial Statement requirement that at least 25% of all affordable homes delivered through developer contributions will be First



Homes. The HBF may submit further comments on **Policy H3 – Affordable Housing** during the pre-submission Ashfield Local Plan consultation.

## **Conclusions**

For the Ashfield Local Plan to be found sound under the four tests of soundness as defined by the 2021 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. It is hoped that these responses are helpful to the Council in preparing the Ashfield pre-submission Local Plan. In the meantime, if any further assistance or information is required please contact the undersigned.

Yours faithfully  
for and on behalf of **HBF**

A handwritten signature in blue ink, appearing to read 'Susan E Green', is written over a faint, light blue horizontal line.

**Susan E Green MRTPI**  
**Planning Manager – Local Plans**