

14 November 2013

Agenda Item: 5

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

ASHFIELD DISTRICT COUNCIL LOCAL PLAN PUBLICATION DOCUMENT 2013 – CONSULTATION

Purpose of the Report

1. To seek Committee ratification for the formal response (set out in Appendix 3) which was sent to Ashfield District Council (ADC) on the 30th September 2013 in response to the request for comments on the Ashfield Local Plan Publication Consultation document (2013).

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Ashfield Local Plan Publication Consultation document (2013) and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Ashfield District Council. The consultation period extends for 6 weeks from the 16th August until the 30th September 2013.
3. Appendix 1 contains a list of the proposed local plan policies. Appendix 2 provides the County's detailed Representation form.
4. At this stage representations should relate to the requirements of legal compliance or the 'soundness' of the local plan. The legal requirements include that the Local Plan is subject to a sustainability appraisal, and has regard to national planning policy and the authority's community strategy. The tests of soundness include the local plan being justified, effective, positively prepared and consistent with national planning policy; the National Planning Policy Framework (NPPF).
5. The National Planning Policy Framework and the Localism Act encompass the principles of sustainable development, the interests of local authorities and neighbourhoods. There are three aspects to Sustainable development described in the NPPF, giving rise to three roles of the planning system:
 - an economic role –
 - building a strong, responsive and competitive economy,

- ensuring that land is available to support growth and innovation;
- identifying and coordinating appropriate infrastructure;
- a social role –
 - supporting strong, vibrant and healthy communities,
 - providing sufficient housing for present and future generations;
 - creating a high quality built environment,
 - providing accessible local services that reflect the community's needs and well-being;
- an environmental role –
 - protecting and enhancing our natural, built and historic environment;
 - helping to improve biodiversity,
 - helping use natural resources prudently and minimise waste and pollution;
 - mitigating and adaptation to climate change;
 - helping moves to a low carbon economy.

6. The Soundness of a Local Plan depends partly upon it being able to:

- positively seek opportunities to meet the development needs of the area and
- meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
 - specific policies in [the NPPF] indicate development should be restricted.

7. Any comments made by the County Council can only relate to the tests of soundness and therefore will need to address these issues and these alone.

8. All valid representations received by the Ashfield District Council will be submitted to a Planning Inspector who will then conduct a public examination of the Local Plan. The Plan can only be adopted if it is found to be 'sound' at examination.

Nottinghamshire County Council Property Interests

9. The County Council's property team submitted a response to the consultation in September 2013 regarding the County Council's land interests at Broomhill Farm, Hucknall and land adjacent to the proposed Lyndhurst Development close to Rushley Farm, Mansfield. The property team have objected to the Ashfield Local Plan for two reasons:

- a. The area of land adjacent to 'Lyndhurst' is currently identified as 'Countryside' and would therefore restrict a comprehensive development of that area; and
- b. The wording of Policy HG1 (including site HG1Hr – Broomhill Farm) has diluted the policy considerably and the County Council Property Team consider that the policy is now ambiguous, ineffective and unjustified. It is also inconsistent with the National Planning Policy Framework.

The Ashfield Local Plan Publication Consultation document (2013)

Key Issues for Nottinghamshire

10. Nottinghamshire County Council has a significant interest in the production of a Local Plan for the Ashfield District Area. The County is a strategic planning authority and in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns of the environment and heritage assets within the county it is important that the up-to-date, relevant and robust plans are out in place to ensure, and assist the County Council, in meetings it service requirements and helping to make Nottinghamshire a prosperous place.

Overall Housing Provision

11. The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their requirements. Details of the five year land supply for Ashfield are set out in the Strategic Housing Land Availability Assessments (SHLAAs) and the Housing Technical Paper, and will be monitored and updated in subsequent Housing Land Monitoring reports.
12. Ashfield District Council have adopted a sequential approach to residential site identification based on national guidance to plan for development in sustainable locations, and in accordance with Policy SP2, Strategy for Growth. All sites have been assessed as being 'deliverable', that is, 'suitable, available and achievable', as required by the National Planning Policy Framework and have been identified to minimise the loss of Countryside and Green Belt areas
13. The test of soundness encompasses the above, and the evidence presented by Ashfield District Council is designed to demonstrate that the tests are met, as well as demonstrating clearly how the housing provision level has been produced.
14. Overall, provision in Ashfield District, as set out in Policy HG1 amounts to 7640 dwellings over the Plan period 2010-2024. This is split as follows:
- Hucknall – 2460
 - Sutton/Kirkby – 4438
 - Villages - 742
15. In terms of affordable housing provision, Policy HG3 sets out the following:

	Dwelling Threshold	& required
Hucknall	15 or more	25

Sutton/Kirkby	15 or more	10
Selston, Jacksdale & Underwood	4 or more	25

16. There is currently a shortfall of authorised Gypsy and Traveller sites throughout the East Midlands, although Ashfield District only has a small Traveller population. The Local Plan Publication sets out in Policy HG2, a provision of 8 pitches at Park Lane, Kirkby-in-Ashfield for a Gypsy, Traveller and Travelling show people site. This has been evidence through a through a local Gypsy and Traveller Accommodation Assessment (GTAA) which will be reviewed and updated on a regular basis.

Comment:

17. The County Council consider the number of dwellings proposed during the plan period is broadly acceptable.

The Plan Period

18. The plan period cover by the Ashfield Local Plan is up to 2024, a life span of 10 years. With regard to planning strategically across Nottinghamshire it is considered more beneficial to plan for a longer time period. The NPPF, paragraph 157 seeks to encourage Local Plans to be positively planned and to cover an appropriate timescale, preferably 15 years, in order to take into account longer term development requirements.

Comments:

19. The County Council considers that the plan period would benefit from being longer to allow for planning across the whole of Nottinghamshire and to bring it in line with other District and Borough Councils in the County. This would then allow neighbouring District and Borough Councils to plan effectively beyond 2024. It is considered that the plan is therefore not positively prepared and as such unsound.

Developer Contributions

20. Ashfield District Council have adopted (Policy SD4) a 'Whole Life Costing' approach which is the systematic consideration of all relevant costs and revenues associated with the acquisition and ownership of an asset. Knowledge of an asset's costs over its full life span is important in achieving best value from both the capital costs of constructing the asset and the ongoing costs of operating it.
21. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.

22. Ashfield District Council is preparing an Infrastructure Delivery Plan which will seek to deliver not only the Local Plan's vision and objectives but also the priorities and objectives of public bodies and service providers where delivery is through the planning system. The Infrastructure Delivery Plan will be reviewed and revised on a regular basis to reflect changing needs and requirements. It will inform the nature of the infrastructure required in relation to any development.
23. The Ashfield Local Plan publication recognises that in certain circumstances, additional developer contributions may need to be sought through planning obligations following the introduction of the Community Infrastructure Levy (CIL).

Comment:

24. The Ashfield approach is welcomed and the County Council would seek to ensure that all the impact on its services and infrastructure from future development in the plan area is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list insofar as it relates to County Council services and infrastructure.

Ecology

25. Ashfield DC have set out in their approach to ecology in Policy EV4 'Green Infrastructure, Biodiversity and Geological Conservation'. The local approach to Green Infrastructure and Biodiversity is set out in the Council's Green Infrastructure and Biodiversity Strategy. This examines the connectivity of green spaces at a local level and identifies green infrastructure network opportunities and ensures that the Green Infrastructure network is protected and enhanced.
26. The approach seeks to ensure that development proposals should particularly seek to contribute towards the objectives for priority habitats and species identified in the Nottinghamshire Biodiversity Action Plan (BAP) and the protection, identified in the Ashfield Green Infrastructure and Biodiversity Strategy. Proposals that could affect a site of value for biodiversity or geological conservation must be accompanied by sufficient information to assess the effects of development on protected sites, species, biodiversity or geology, together with any proposed prevention, mitigation or compensation measures.

Comment:

27. The County Council considered that the Ashfield Local Plan DPD Publication Document is sound and legally compliant in relation to ecological issues. Detailed ecological comments are set out in Appendix 3 of this document and relate to minor matters.

Landscape and Visual Impact

28. Ashfield set out their approach to the landscape and its character primarily at Policy EV1, EV2 and EV12, which seeks to ensure new all development protects and enhances the landscape. The approach is supported by a Landscape Character Assessment (2009) which evaluated and recorded the landscape quality of the Greater Nottingham area. The study covers the whole of Ashfield, excluding urban areas. The Assessment is an important decision making tool,

which systematically classifies the landscape into distinctive areas based on the interaction between topography, geology, land use, vegetation pattern and human influence. Its role is to ensure that future change does not undermine the characteristics or features of value within a landscape. Landscape Character Assessment is an approach that makes a significant contribution to the sustainable objectives of environmental protection; prudent use of natural resources; and maintaining and enhancing the quality of life for present and future generations.

Comment:

29. The County Councils consider that the approach to landscape, as set out in the Ashfield DC Local Plan is sound and legally compliant. Detailed landscape and visual impact comments are set out in Appendix 4 and relate to minor matters.

Overall Conclusions

30. The County Council consider the plan to be unsound in terms of its plan period that is not positively prepared in relation to its limited 10 year lifespan. In addition there are a number of minor matters that the County Council would recommend are incorporated into the plan, in relation to landscape and visual impacts and ecology.

Other Options Considered

31. As the consultation requires representations to be made on the soundness of the plan the only other option was not to make representations. This was considered and rejected, as the evidence behind the CS is currently inadequate and the County Council wishes to raise issues of soundness in relation to the plan period.

Reason for Recommendation

32. Having assessed the Ashfield Local Plan Publication Consultation document against the tests of soundness and as set out in paragraphs 9-28 above, it is considered that the document is not sound as the plan period is not considered to be positively prepared.

Statutory and Policy Implications

33. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

34. There are no direct financial implications.

Implications for Sustainability and the Environment

35. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan. The education and transport interests of the County Council as service provider could also be compromised by the lack of a suitable Local Plan or Local Development Framework.

RECOMMENDATION

1) That Committee ratify the officer response (set out in Appendix 3) which was sent to Ashfield District Council on the 30th September 2013.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Constitutional Comments (SHB.15.10.13)

36. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/10/13)

37. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Hucknall - Councillor Alice Grice

Hucknall – Councillor John Wilkinson

Hucknall – Councillor John Wilmott

Kirkby-in-Ashfield North – Councillor John Knight

Kirkby-in-Ashfield South – Councillor Rachel Madden

Selston – Councillor Gail Turner

Sutton-in-Ashfield Central – Councillor David Kirkham

Sutton-in-Ashfield East – Councillor Steve Carroll

Sutton-in-Ashfield North – Councillor Jason Zadrozny

Sutton-in-Ashfield West – Councillor Tom Hollis

Appendix 1 – Local Plan Policies

- Policy SP1: Sustainable Development Principles
- Policy SP2: Overall Strategy for Growth
- Policy SP3: Settlement and Town Centre Hierarchy
- Policy SPH1: Hucknall Green Infrastructure
- Policy SPH2: Hucknall Housing Growth
- Policy SPH3: Hucknall Economy and Jobs
- Policy SPH4: Hucknall Town Centre
- Policy SPSK1: Green Infrastructure in and around Sutton-in-Ashfield and Kirkby-in-Ashfield
- Policy SPSK2: Sutton-in-Ashfield and Kirkby-in-Ashfield Housing Growth
- Policy SPSK3: Sutton-in-Ashfield and Kirkby-in-Ashfield Economy and Jobs
- Policy SPSK4: Sutton-in-Ashfield and Kirkby-in-Ashfield Town Centres
- Policy SPV1: Green Infrastructure in and round Selston, Jacksdale and Underwood
- Policy SPV2: Selston, Jacksdale and Underwood Housing Growth
- Policy SPV3: Selston, Jacksdale and Underwood Economy and Jobs
- Policy CC1: Energy Use, Renewable and Low Carbon Energy Generation
- Policy CC2: Water Resource Management
- Policy CC3: Flood Risk
- Policy EV1: Green Belt
- Policy EV2: Countryside
- Policy EV3: Re-use or Adaptation of Existing Buildings in the Green Belt and Countryside
- Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation
- Policy EV5: Protection of Green Spaces and Recreation Facilities
- Policy EV6: Protection of Open Areas
- Policy EV7: Trees, Woodland and Hedgerows
- Policy EV8: Provision and Protection of Allotments
- Policy EV9: Recreational Equine Development
- Policy EV10: Agricultural Land Quality
- Policy EV11: The Historic Environment
- Policy EV12: Protection and Enhancement of Landscape Character
- Policy PJ1: Business and Economic Development
- Policy PJ2: Business and Employment Development Sites
- Policy PJ3: Rural Business Development
- Policy PJ4: Agricultural, Forestry or Horticultural Development Farm Diversification and Commercial Equine Development
- Policy PJ5: Education Skills and Training
- Policy SH1: Retail, Leisure and Commercial Development and Town Centre Uses
- Policy SH2: Local Shopping Centres, Shopping Parades and Single Shops
- Policy SH3: Food, Drink and the Evening Economy
- Policy HG1: Housing Land Allocations
- Policy HG2: Provision for Gypsies, Travellers and Travelling Showpeople

- Policy HG3: Affordable Housing
- Policy HG4: Public Open Space in New Residential Developments
- Policy HG5: Housing Mix and Density
- Policy HG6: Conversions to Houses in Multiple Occupation, Flats and Bedsits
- Policy HG7: Residential Annexes
- Policy HG8: Residential Extensions
- Policy SD1: Good Design Considerations for Development
- Policy SD2: Amenity
- Policy SD3: Recycling and Refuse Provision in New Development
- Policy SD4: Infrastructure Provision and Developer Contributions
- Policy SD5: Telecommunications
- Policy SD6: Contaminated Land and Unstable Land
- Policy SD7: Environmental Protection
- Policy SD8: Traffic Management and Highway Safety
- Policy SD9: Parking
- Policy SD10: Advertisements
- Policy SD11: Provision and Protection of Health and Community Facilities

Appendix 2 – NCC Representation Forms



Ashfield

Ashfield Local Plan

Submit by Email

Print Form

Ref:

Development Plan Document (DPD) Publication Document Representation Form

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

Ashfield District Council is seeking your comments on the Publication document of the Ashfield Local Plan. At this stage of the Local Plan process representations should be about whether the Local Plan is legally compliant and sound (see guidance notes).

All representations must be received by the Council by **5.00pm Monday 30th September 2013**.

It is recommended that you complete this form electronically and submit via the email button displayed. Alternatively complete this form and post or deliver it to:

Forward Planning Team, Ashfield District Council, Urban Road, Kirkby In Ashfield, Nottingham NG17 8DA

This form has two parts:

Part A - Personal Details

Part B - Your representations.

If you are making representations on more than one Policy, Paragraph or other aspect, please fill in a separate Part B for each representation you wish to make and attach to Part A

If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

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Email: localplan@ashfield-dc.gov.uk

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- 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 independent Inspector appointed by the Secretary of State to examine the Local Plan
- 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 the above 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.

I. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	Mrs
First name	Nina
Last name	Wilson
Organisation	Nottinghamshire County Council
Address Line 1	County Hall, West Bridgford, 1st Floor,
Address Line 2	Policy, Planning and Corporate Services
Town	Nottingham
Postcode	NG2 7QP
Telephone Number	0115 977 3793
Email address	nina.wilson@nottscc.gov.uk

2. Agent's details (if applicable)

Title	
First name	
Last name	
Organisation	
Address Line 1	
Address Line 2	
Town	
Postcode	
Telephone Number	
Email address	

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan.



Please tick this box if you wish to be involved in the preparation of future plans and policies.



Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number Policy number Policies Map Other

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

- | | |
|-------------------------------------|--------------------------|
| (1) Positively Prepared | <input type="checkbox"/> |
| (2) Justified | <input type="checkbox"/> |
| (3) Effective | <input type="checkbox"/> |
| (4) Consistent with national policy | <input type="checkbox"/> |

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this 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 be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the publication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The Ashfield approach to Developer Contributions/S106, is welcomed, however the shorter plan period may raise issues with regards to positive planning in the longer term. The County Council would seek to ensure that all the impact on its services and infrastructure from future development in the plan area is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list insofar as it relates to County Council services and infrastructure.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



No, I do not wish to participate at the oral examination



Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Signature

Nina Wilson

Date

24 Sep 2013

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Yes ☐ No ☒

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☐ No ☒

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

- | | |
|-------------------------------------|-------------------------------------|
| (1) Positively Prepared | <input checked="" type="checkbox"/> |
| (2) Justified | <input type="checkbox"/> |
| (3) Effective | <input type="checkbox"/> |
| (4) Consistent with national policy | <input checked="" type="checkbox"/> |

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

The plan period covered by the ADC Local Plan is up to 2024, a life span of 10 years. With regard to planning strategically across Nottinghamshire it is considered more beneficial to plan for a longer time frame. The National Planning Policy Framework (NPPF), paragraph 157 seeks to encourage Local Plans to be positively planned and to cover an appropriate timescale, preferably 15 years in order to take into account longer term development requirements.

It is considered that the plan period would benefit from being longer to allow for planning across the whole of Nottinghamshire and to bring it broadly in line with other District and Borough Councils in the County. This would then allow neighbouring District and Borough Councils to plan effectively beyond 2024.

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See response to Section 4 above.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



No, I do not wish to participate at the oral examination



Yes, I do wish to participate at the oral examination

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Overall the number of proposed dwellings is broadly acceptable, as such this approach is acceptable in policy terms.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



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If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

If you require assistance in completing your Representation Form please contact the Forward Planning Team

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Email: localplan@ashfield-dc.gov.uk

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Part A

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I. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	<input type="text" value="Mrs"/>
First name	<input type="text" value="Nina"/>
Last name	<input type="text" value="Wilson"/>
Organisation	<input type="text" value="Nottinghamshire County Council"/>
Address Line 1	<input type="text" value="County Hall, West Bridgford, 1st Floor,"/>
Address Line 2	<input type="text" value="Policy, Planning and Corporate Services"/>
Town	<input type="text" value="Nottingham"/>
Postcode	<input type="text" value="NG2 7QP"/>
Telephone Number	<input type="text" value="0115 977 3793"/>
Email address	<input type="text" value="nina.wilson@nottsc.gov.uk"/>

2. Agent's details (if applicable)

Title	<input type="text"/>
First name	<input type="text"/>
Last name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Telephone Number	<input type="text"/>
Email address	<input type="text"/>

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan.



Please tick this box if you wish to be involved in the preparation of future plans and policies.



Part B - Please use a separate sheet for each representation

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Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number Policy number Policies Map ☐ Other ☒

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

- | | |
|-------------------------------------|--------------------------|
| (1) Positively Prepared | <input type="checkbox"/> |
| (2) Justified | <input type="checkbox"/> |
| (3) Effective | <input type="checkbox"/> |
| (4) Consistent with national policy | <input type="checkbox"/> |

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

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5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this 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 be as precise as possible.

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Portrait of Ashfield - Some changes have been made to the 'Environmental characteristics' section. Whilst moving the text which refers to nature conservation to the top of this section is welcomed, the information it contains is rather scant when compared to the more detailed information contained in some of the other parts of this section, it is suggested that some of the information contained in the supporting text for Policy EV4 is inserted at this location.

The Vision for Ashfield - It is suggested that this should be reframed to read:

"Ashfield will be a place rich in wildlife, and growth will be accommodated in a manner that achieves the protection, restoration, enhancement and management of environmental assets, including Green Infrastructure networks, priority habitats and populations of priority species."

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



No, I do not wish to participate at the oral examination



Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invited to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Signature

Nina Wilson

Date

24 Sep 2013

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Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

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- | | |
|-------------------------------------|--------------------------|
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| (3) Effective | <input type="checkbox"/> |
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Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation Whilst this policy is supported overall, I previously suggested some changes to improve it, none of which have been addressed. To reiterate:

1. The policy needs to clearly distinguish between the hierarchy of designated nature conservation sites that exist. As currently worded, the policy offers the same level of protection to internationally designated sites as it does to locally designated sites. This change is required to ensure compliance with paragraph 113 of the NPPF, which states that "Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contributions they make to wider ecological networks". It therefore appears that this policy is not compliant with the NPPF.

2. As worded, the policy does not appear to be compliant with the Conservation of Habitats and Species Regulations 2010 (as amended), in relation to internationally designated sites; Part 1 of Government Circular 01/2005 is highlighted in this respect, and it is suggested that close attention should be paid to the conclusions of the Habitats Regulations Assessment which has been carried out in support of this document.

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n/a

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3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

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3. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117. This is partially addressed by section 2, but it is suggested that some extra text is required to read "...They should maximise opportunities for creation, restoration, enhancement and connection of natural habitats and for the recovery of important species".

4. Ecological networks, wildlife corridors and stepping stones (as also referenced in paragraph 117 of the NPPF) are considered to be adequately addressed through the section of the policy that deals with Green Infrastructure, although it might be helpful to explicitly highlight these in section 1 of the policy.

5. In sections 3, 4, 5 and 6, reference to 'geodiversity' should be included.

6. In section 5, reference to priority species and habitats should be added in, as well as to protected species.

...continue on a separate sheet if necessary.

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Yes, I do wish to participate at the oral examination

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...continue on a separate sheet if necessary.



Ashfield

Ashfield Local Plan

Submit by Email

Print Form

Ref:

Development Plan Document (DPD) Publication Document Representation Form

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

Ashfield District Council is seeking your comments on the Publication document of the Ashfield Local Plan. At this stage of the Local Plan process representations should be about whether the Local Plan is legally compliant and sound (see guidance notes).

All representations must be received by the Council by **5.00pm Monday 30th September 2013**.

It is recommended that you complete this form electronically and submit via the email button displayed.

Alternatively complete this form and post or deliver it to:

Forward Planning Team, Ashfield District Council, Urban Road, Kirkby In Ashfield, Nottingham NG17 8DA

This form has two parts:

Part A - Personal Details

Part B - Your representations.

If you are making representations on more than one Policy, Paragraph or other aspect, please fill in a separate Part B for each representation you wish to make and attach to Part A

If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

If you require assistance in completing your Representation Form please contact the Forward Planning Team

Tel: 01623 457381 / 01623 457382 / 01623 457383

Email: localplan@ashfield-dc.gov.uk

Data Protection

Any personal details submitted as part of a representation will be processed by Ashfield District Council in accordance with the Data Protection Act 1998 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 independent Inspector appointed by the Secretary of State to examine the Local Plan
- 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 the above 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.

I. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	Mrs
First name	Nina
Last name	Wilson
Organisation	Nottinghamshire County Council
Address Line 1	County Hall, West Bridgford, 1st Floor,
Address Line 2	Policy, Planning and Corporate Services
Town	Nottingham
Postcode	NG2 7QP
Telephone Number	0115 977 3793
Email address	nina.wilson@nottscc.gov.uk

2. Agent's details (if applicable)

Title	
First name	
Last name	
Organisation	
Address Line 1	
Address Line 2	
Town	
Postcode	
Telephone Number	
Email address	

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan.



Please tick this box if you wish to be involved in the preparation of future plans and policies.



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Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

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| (1) Positively Prepared | <input type="checkbox"/> |
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It is suggested that paragraph 9.83 should make reference to habitats and species listed under section 41 of the Natural Environment and Rural Communities Act 2006 - so-called habitats and species of principal importance for conservation in England. Furthermore, it is noted that the supporting text no longer states that "The protection and enhancement of ... locally designated areas such as ... Sites of Importance for Nature Conservation (SINC) ... is vital." This is a rather perplexing change, and weakens the document.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



No, I do not wish to participate at the oral examination



Yes, I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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...continue on a separate sheet if necessary.

Signature

Nina Wilson

Date

24 Sep 2013

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NCC previously highlighted a number of instances where development was proposed for areas covered by local nature conservation designations (i.e. sites designated as SINC's). These were the Rolls Royce site at Hucknall (HG1MUa); the employment land allocations at Huthwaite (particularly PJ2Sa) and Summit Colliery (PJ2Kc, which has now been granted planning permission). It is, however, pleasing to note that a proposed housing allocation on Hall Green Grassland SINC 1/49 between Selston and Pinxton is no longer included.

Concerns were also previously highlighted in relation to Rushley Farm, as this site will have a potential to conflict with the prospective Sherwood SPA - of which there is still no reference to in document. The site abuts an area known to support breeding Nightjar (and potentially also breeding Woodlark), and as such the development of this site would have to be very carefully planned to avoid impacts on these species. Again, it is assumed this is covered in the Habitats Regulations Assessment.

...continue on a separate sheet if necessary.

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No, I do not wish to participate at the oral examination



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Yes ☒ No ☐

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Page 18: Obese children in Year 6. The figures for 08/09 in the brackets should be 18.2% for Ashfield and 18.3% for England

The Health Impact Assessment undertaken rates access to healthy affordable food as red. The plan currently does not address this or identify actions to improve this such as restricting fast food outlets.

There is no reference to the Nottinghamshire Joint Strategic Needs Assessment (JSNA) or the Nottinghamshire Health and Wellbeing Strategy.

The documents sets out the poorer health of residents in Ashfield than other parts of the country however planning for health improvement/healthy lifestyles did not seem to be integral and needs to be reinforced within the plan

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)



No, I do not wish to participate at the oral examination



Yes, I do wish to participate at the oral examination

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Appendix 3 – Detailed Ecology Comments

From: Nick Crouch, Senior Practitioner Nature Conservation, Conservation Team, Floor 6, TBH

To: Nina Wilson, Strategic Planning

Date: 2 September 2013

Re: Ashfield Local Plan 2010-2023 – Preferred Approach: ecology Comments

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues, which have been made with reference to previous comments provided in October 2012:

Introduction

Reference is made in paragraphs 1.17 to the production of a Habitats Regulations Assessment. Again, I cannot find this on the ADC website, and it is assumed that Natural England have been/will be consulted on this.

A Portrait of Ashfield

Some changes have been made to the 'Environmental characteristics' section. Whilst moving the text which refers to nature conservation to the top of this section is welcomed, the information it contains is, in my opinion, still rather scant when compared to the more detailed information contained in some of the other parts of this section, and I again suggest that some of the information contained in the supporting text for Policy EV4 is inserted at this location.

The Vision for Ashfield

My suggested changes to the wording of the penultimate paragraph have not been made. I suggested that this should be reframed to read:

"Ashfield will be a place rich in wildlife, and growth will be accommodated in a manner that achieves the protection, restoration, enhancement and management of environmental assets, including Green Infrastructure networks, priority habitats and populations of priority species."

Policy SP1 – Sustainable Development Principles

Clarification relating to the definition of 'sustainable development' has been provided, which is welcomed.

Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation

Whilst this policy is supported overall, I previously suggested some changes to improve it, none of which have been addressed. To reiterate:

1. The policy needs to clearly distinguish between the hierarchy of designated nature conservation sites that exist. As currently worded, the policy offers the same level of protection to internationally designated sites as it does to locally designated sites.

This change is required to ensure compliance with paragraph 113 of the NPPF, which states that “*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contributions they make to wider ecological networks*”. It therefore appears that this policy is not compliant with the NPPF.

2. As worded, the policy does not appear to be compliant with the Conservation of Habitats and Species Regulations 2010 (as amended), in relation to internationally designated sites; Part 1 of Government Circular 01/2005 is highlighted in this respect, and it is suggested that close attention should be paid to the conclusions of the Habitats Regulations Assessment which has been carried out in support of this document.

3. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117. This is partially addressed by section 2, but it is suggested that some extra text is required to read “...*They should maximise opportunities for creation, restoration, enhancement and connection of natural habitats **and for the recovery of important species***”.

4. Ecological networks, wildlife corridors and stepping stones (as also referenced in paragraph 117 of the NPPF) are considered to be adequately addressed through the section of the policy that deals with Green Infrastructure, although it might be helpful to explicitly highlight these in section 1 of the policy.

5. In sections 3, 4, 5 and 6, reference to ‘geodiversity’ should be included.

6. In section 5, reference to priority species and habitats should be added in, as well as to protected species.

In addition, it is suggested that paragraph 9.83 should make reference to habitats and species listed under section 41 of the Natural Environment and Rural Communities Act 2006 - so-called habitats and species of principal importance for conservation in England.

Furthermore, it is noted that the supporting text no longer states that “*The protection and enhancement of ... locally designated areas such as ... Sites of Importance for Nature Conservation (SINC) ... is vital.*” This is a rather perplexing change, and weakens the document.

Proposals Map

I previously highlighted a number of instances where development was proposed for areas covered by local nature conservation designations (i.e. sites designated as

SINCs). These were the Rolls Royce site at Hucknall (HG1MUa); the employment land allocations at Huthwaite (particularly PJ2Sa) and Summit Colliery (PJ2Kc, which has now been granted planning permission). It is, however, pleasing to note that a proposed housing allocation on Hall Green Grassland SINC 1/49 between Selston and Pinxton is no longer included.

Concerns were also previously highlighted in relation to Rushley Farm, as this site will have a potential to conflict with the prospective Sherwood SPA - of which there is still no reference to in document. The site abuts an area known to support breeding Nightjar (and potentially also breeding Woodlark), and as such the development of this site would have to be very carefully planned to avoid impacts on these species. Again, it is assumed this is covered in the Habitats Regulations Assessment.

I trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact me.

Nick Crouch

Senior Practitioner Nature Conservation

For more information please contact: Nick Crouch (0115 969 6520)

Appendix 4 – Detailed Landscape and Visual Comments

Nina,

I have no comments to make on the above document with reference to landscape issues, except for the following minor points:-

Page 10 - Figure 3 - Spelling error Newark

Page 129 - the reference should be to Policy EV12 and not to Policy EV4

The Glossary refers to Mature Landscape Areas (Page 229) but this designation is no longer referred to in the Nottinghamshire Landscape Character Assessment, the glossary does not define Landscape Character Assessment which would be more useful as it is referred to in the document.

Helen Jones