

For publication

Chesterfield Borough Local Plan 2018-2033 (J010R)

Meeting:	Council
Date:	12 December 2018
Cabinet portfolio:	Economic Growth and Development
Report by:	Strategic Planning and Key Sites Manager

For publication

1.0 Purpose of report

- 1.1 To advise Members of the production of a new Chesterfield Borough Local Plan for the years 2018 – 2033 (Appendix A).
- 1.2 To update members on the results of consultation on the draft Local Plan and subsequent evidence.
- 1.3 To seek approval for the Chesterfield Borough Local Plan (2018-2033) to be submitted to the Secretary of State for Independent Examination.
- 1.4 To advise members of the arrangements for formal consultation on the Local Plan prior to submission to the Secretary of State.

2.0 **Recommendations**

- 2.1 That Members consider the results of the previous stages of consultation and evidence base.
- 2.2 That the Chesterfield Borough Local Plan be approved for formal consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations and for subsequent submission to the Secretary of State for Independent Examination by an Inspector appointed by the Secretary of State.
- 2.3 That the Strategic Planning Manager be granted delegated authority, in consultation with, and with the agreement of, the Cabinet Member for Economic Growth and the Assistant Director – Economic Growth to make minor consequential changes to the plan (that do not materially alter the plan) as may be required to prepare the plan for consultation and subsequent submission.
- 2.4 That the Strategic Planning Manager be granted delegated authority, in consultation with, and with the agreement of, the Cabinet Member for Economic Growth and the Assistant Director – Economic Growth to prepare the technical submission documents required under Regulation 22 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.0 **Background**

- 3.1 Every Local Planning Authority is required, under the Planning and Compulsory Purchase Act 2004, to prepare a Local Plan for their area that addresses priorities for development and use of land. The plan must be based on robust evidence and be in accordance with the National Planning Policy Framework (NPPF).

- 3.2 The borough's current Local Plan consists of the Chesterfield Borough Local Plan Core Strategy (adopted July 2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (adopted June 2006). The plan is now over five years old and pre-dates the most recent NPPF. Furthermore the evidence base upon which it was developed is mostly out of date and new evidence demonstrates different need for core land uses including housing, employment and retail.
- 3.3 Preparation of the Local Plan is overseen by the council's Local Plan Steering Group (LPSG), consisting of the Cabinet Member for Economic Group, Chair of Planning Committee, Assistant Director – Economic Growth, and standing invitations to a representative of each of the political groups (including independents) and Executive Director. The LPSG received regular reports on Local Plan progress.
- 3.4 The new plan has been prepared in line with the Town and Country Planning (Local Planning) (England) Regulations 2012. It has now reached the stage where it needs to be subject to formal publication ('regulation 19' consultation) before being submitted to the Secretary of State, who will appoint an independent Planning Inspector to hold a public examination of the plan. This version of the plan is referred to as the 'Submission Local Plan' in the rest of this report.
- 3.5 The council consulted on a draft plan in January and February of 2017 and undertook a further consultation on potential Gypsy and Traveller Sites in January 2018. The representations received through these consultations have been taken into account in preparing the Submission Local Plan.
- 3.6 An initial report on the results of the 2017 draft Local Plan consultation was considered by the council's Local Plan Steering Group in April 2017, and on the Gypsy and traveller Sites consultation in April 2018. A further report in July 2018

summarised the key changes to be made to the local plan. Most of the changes proposed to the draft policies from 2017 are minor, relating to either clarifications or minor wording changes to resolve potential objections. More significant changes to policies are largely related to new evidence that has been received as set out below:

Draft Local Plan Policy/Chapter	Proposed Change	Reason for Change
CS1 Spatial Strategy	New housing and employment targets	Response to updated evidence
CS7 Managing the Water Cycle	Include the optional water efficiency standard	Response to Environment Agency Request
CS9 Green Infrastructure	Policy to split between biodiversity and open space	Response to updated evidence
CS10 Flexibility in Housing Delivery	Additional criteria for isolated development in countryside and reworded to add flexibility within urban area	Response to new NPPF and deletion of saved policy from 2006
CS12 Sites for Travellers	Confirm criteria based approach	Response to sites consultation
CS13 Economic Growth	Updated employment target	Response to updated evidence
CS15 Vitality and viability of Centres	New targets for retail floorspace added	Response to updated evidence
CS16 Retail	New thresholds for retail impact assessments	Response to updated evidence
PS1, 2 and 5 (Town Centre, Waterside & Staveley Works)	Policies updated	Response to progress with schemes
Dunston	New policy	To ensure masterplan approach to Strategic Housing Site
Chesterfield Railway Station	New policy	Response to emerging HS2 masterplan

- 3.7 A full Statement of Consultation, summarising the consultation undertaken throughout preparation of the Local Plan, including a summary of key issues raised and how they have been dealt with, has to be prepared by the council and submitted alongside the Submission Version of the Local Plan

to the Secretary of State.] The current draft Statement of Consultation is included at Appendix C for information.

3.8 A summary of all the representations received and how these have been addressed in the submission Local Plan is set out in Appendix D1/D2 of this report.

3.9 The Submission Plan has also been prepared in the light of extensive evidence prepared by or on behalf of the council's Strategic Planning Team on need and impact. This includes but is not limited to:

- Housing Market Assessment
- Employment Land Assessment
- Retail Needs Study
- Strategic Flood Risk Assessment

3.10 The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

It is important to remember that at this stage in the process, representations on the Local Plan are restricted to these matters of soundness.

3.11 The plan has also been subject to viability assessment, sustainability appraisal, an equalities impact assessment, and Habitat Regulations Assessment.

3.12 This report was considered at the Cabinet meeting on 4 December, 2018, where it was resolved to recommend to full Council that the recommendations at paragraphs 2.1 – 2.4 above be approved.

4.0 **The Submission Local Plan**

4.1 The Local Plan will cover a 15 year period covering the years 2018 to 2033.

4.2 The plan sets out the overall strategy for the pattern, scale and quality of development and will make sufficient provision for:

- Housing, employment, retail, leisure and other commercial development
- Infrastructure
- Community facilities
- Conservation and enhancement of the natural, built and historic environment, and planning measures to address climate change.

4.3 The Plan is an evolution of the Core Strategy adopted in 2013, keeping the same overall spatial strategy of concentrating

development within walking distance of centres wherever possible and prioritising regeneration. Policies of the 2013 Core Strategy have been updated where necessary to keep them in line with current national policy and practice and in the light of representations received.

4.4 The plan does add allocations for development and land to be protected.

4.5 In total the plan makes provision for at least :

- 5250 new homes
- 44ha of employment land
- 7736 sqm of new retail space (3444sqm comparison and 4292sqm convenience)

4.6 Around 15% of the provision for new housing will come from small sites (less than one hectare, exceeding the requirement of 10% required by the NPPF). 2,350 of the total need will be met by sites that already have planning permission, including Chesterfield Waterside, land north of Dunston and the recently permitted development at Poolsbrook.

4.7 It is not possible to meet the entire housing need from previously developed land. In particular, the allocation of a large regeneration site at Staveley Works is unlikely to deliver significant amounts of new housing during the plan period due to the need to remediate contaminated land, provide critical infrastructure (including the Chesterfield Staveley Regeneration Route(CSRR) and a new Primary School) and uncertainty resulting from the proposed HS2 infrastructure maintenance depot (IMD), (it will not be possible to finalise the route of the CSRR until the final layout of the IMD is declared in the HS2 Hybrid Bill in 2020). Whilst the current Housing Infrastructure Fund (HIF) bid that the council is involved in preparing may help to resolve this and accelerate delivery of the site; as it has not yet received approval a cautious

approach has been taken in terms of the site's contribution to the overall housing delivery trajectory at this stage of Local Plan preparation.

- 4.8 The plan therefore includes a number of large Greenfield sites to deliver the required level of housing. Including:

Sites at Regeneration Priority Areas identified in the 2013 Core Strategy

- Linacre Road
- Mastin Moor
- Duckmanton

New Sites:

- Land NW of Dunston
- Land east of Inkersall

- 4.9 All of the housing sites have been the subject of a detailed assessment using the council's Land Availability Assessment (LAA) methodology (which has been prepared in line with national policy and guidance), Heritage Impact Assessment (where necessary) and Sustainability Appraisal.

- 4.10 The Green Belt remains unchanged with the exception of minor changes between Mastin Moor and Netherthorpe to ensure the boundary follows identifiable features on the ground and a number of other minor corrections for accuracy.

- 4.11 The plan identifies a number of strategic gaps and green wedges to maintain the distinct character of communities in the borough and maintain access to open countryside and continues to protect public and private open spaces within the urban area. Should the new Open Space Strategy (when completed) identify any surplus public open space sites, the plan policies allow for alternative uses to be brought forward through the Development Management process where appropriate.

4.12 Implementation of the Local Plan will be monitored according to the monitoring framework set out in the plan and through external mechanisms including annual housing returns to government and the soon to be introduced Housing Delivery Test.

5.0 **Submission and Examination**

5.1 Once the plan is approved for submission consultation, the LPA does not make any further changes to the plan before it is submitted to the Secretary of State.

5.2 The plan must then be subject to a formal consultation for a minimum of six weeks. Representations can be made during this period on whether the plan is 'sound' (see 3.6).

5.3 Any representations received during the consultation are submitted alongside the Local Plan for consideration by a Planning Inspector at an Examination in Public. The council does not at this stage amend the plan in response to representations.

5.4 The submission plan must be accompanied by a number of additional technical documents required by regulation 22 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012:

- The Sustainability Report
- A submission Policies Map
- A statement of consultation undertaken
- copies of any representations made regarding the submission plan
- such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan

5.5 The Secretary of State will then appoint a Planning Inspector to hold an Examination in Public (EIP). The Inspector will set out the timetable for the EIP and the matters to consider.

5.6 Based on the timings of the North East Derbyshire District Council and Bolsover District Council Local Plan examinations, it is likely that hearings will commence around 5 months following submission of the plan. It is currently estimated that submission will be in late March 2019; therefore hearings are likely to be in September/October 2019 although this is entirely subject to the available resources and workload of the Planning Inspectorate.

6.0 **Human resources/people management implications**

6.1 There are no HR implications arising specifically from this report. The Local Plan preparation, consultation and examination needs will be met primarily from within the team with some support from other parts of the council (in particular Housing Strategy and Economic Development).

7.0 **Financial implications**

7.1 The Local Plan is being prepared from existing resources. A reserve is in place to cover the costs of the examination of the plan (including Sustainability and Viability Appraisal, engaging a Programme Officer to manage the examination and assist the Inspector, and the Inspector's costs). At the time of writing this stands at approximately £186,000 (once existing commitments are taken in to account) and is considered sufficient. However this will need to be kept under review in case of unexpected challenges to the Local Plan that may result in a longer examination or Legal Challenges to the plan.

8.0 **Information assurance and data protection**

8.1 The Local Plan has been prepared and consulted on in line with the requirements of the Town and Country Planning (Local Planning) Regulations 2012, the National Planning Policy Framework, the National Planning Policy Practice Guidance and the council's own Statement of Community Involvement.

8.2 Representations to the plan received during the consultation period will be dealt with according to the General Data Protection Regulation.

9.0 **Consultation and Community Engagement**

9.1 The plan has been prepared in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the provisions of the National Planning Policy Framework, which requires that plans should "be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees". As well as ongoing discussions with Statutory and General Consultees (set out in the council's Statement of Community Involvement) Specifically this has involved the following structured consultation events:

- Sites & Boundaries Issues and Options - November 2012 – Feb 2013
- Draft Local Plan & Consultation - January – February 2017
- Gypsy & Traveller Sites Consultation – February 2018

9.2 A summary of all the representations received and how these have been addressed in the submission Local Plan is set out in Appendix B of this report.

9.3 The next stage is a formal stage of consultation where representations are limited to whether the plan meets the

tests of soundness. Prior to Cabinet two all-day drop in sessions were held for CBC Members. The attendance numbers were lower than expected, although those that did attend stayed for a significant length of time and engaged in detailed discussions with the Planning Officers.

9.4 Consultation on the submission Local Plan will be undertaken as follows:

Stage	Date
Full Council	Wednesday 12 th December 2018
Derbyshire Times Advert	Thursday 10 th January 2019
Start of Six Week Public Consultation	Monday 14 th January 2019
Press and Publicity <ul style="list-style-type: none"> - Dedicated webpage - Direct mail out to approx... 1000 Local Plan contacts - Press Release - Notice item in CBC publication 	Date to be agreed with CBC Communications January 2018
Drop In events <ul style="list-style-type: none"> - Chesterfield Town Hall - Staveley Speedwell Rooms 	10am – 7pm Wednesday 30 th January 2019 1pm – 6pm Wednesday 6 th February

Targeted meetings/presentations - Staveley Town Council - Brimington Parish Council	Dates tbc
End of Public Consultation	5pm Friday 22 nd February 2019

It is important to note that late representations will not be accepted during this formal stage.

10.0 Sustainability and bio-diversity

10.1 The Local Plan has been the subject of an ongoing Sustainability Appraisal. The final draft report is currently with consultants Wood plc for an independent check and will be made available prior to the meeting.

11.0 Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Objections received to the Local Plan	Low	High	All objections will be provided to the planning inspector. Potential amendments to resolve objections will be considered at Examination	Low	High
Legal challenge received to the Local Plan	High	Low	The plan has been prepared in line with regulations and guidance	Med	Low

Further changes are made to National Planning Policy prior to examination	Med	High	The government is currently consulting on a number of further changes. These will be kept under review and, if necessary, changes will be proposed to the plan and can be brought back to Full council for further approval or addressed through the examination in public	Low	High
Examination is delayed or extended	Med	Low	The plan has been prepared in line with regulation and advice. A robust reserve is in place. Progress will be kept under review and in the event of any indications from the Inspector of delay, a further report will be brought to the council's cabinet	Low	Low

12.0 **Alternative options and reasons for rejection**

- 12.1 A range of alternatives were considered as part of the preparation of the plan and in the publication of the draft plan for consultation in 2017. At this stage the alternatives are to not publish the plan for consultation or to delay publication for further consideration. Both options would leave the council at risk of being identified for intervention by the Secretary of State and at increasing risk of not being able to demonstrate a five year supply of deliverable housing sites.
- 12.2 Following the consultation on the draft plan in 1027, the Local Plan Steering Group were presented with a range of options for site allocations to meet the housing requirement of the Local Plan, particularly with regard to the options for Strategic and Large Housing sites.
- 12.3 For these reasons the alternatives of not publishing, or delaying publication of, the Local Plan have been rejected.

13.0 **Recommendations**

- 13.1 That Members consider the results of the previous stages of consultation and evidence base.
- 13.2 That the Chesterfield Borough Local Plan be approved for formal consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations and for subsequent submission to the Secretary of State for Independent Examination by an Inspector appointed by the Secretary of State.
- 13.3 That the Strategic Planning Manager be granted delegated authority, in consultation with, and with the agreement of, the Cabinet Member for Economic Growth and the Assistant Director – Economic Growth to make minor consequential changes to the plan (that do not materially alter the plan) as

may be required to prepare the plan for consultation and subsequent submission.

- 13.4 That the Strategic Planning Manager be granted delegated authority, in consultation with, and with the agreement of, the Cabinet Member for Economic Growth and the Assistant Director – Economic Growth to prepare the technical submission documents required under Regulation 22 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

14.0 **Reasons for recommendations**

- 14.1 To meet the council’s duty to prepare a Local Plan under the Planning and Compulsory Purchase Act 2004.

Glossary of Terms	
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
LDS	Local Development Scheme
SCI	Statement of Community Involvement
SA	Sustainability Appraisal
EIP	Examination in Public
CSRR	Chesterfield-Staveley Regeneration Route
IMD	Infrastructure Maintenance Depot
LPSG	Local Plan Steering Group

Decision information

Key decision number	837
Wards affected	All
Links to Council Plan priorities	to make Chesterfield a thriving borough to improve the quality of life for local people to provide value for money services

Document information

Report author	Contact number/email
Alan Morey	01246 345371 Alan.morey@chesterfield.gov.uk
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<p><i>Local Plan Evidence base.</i> https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/evidence-base.aspx</p> <p>Land Availability Assessment (LAA) https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/land-availability-assessment.aspx</p>	
Appendices to the report	
Appendix A	Chesterfield Borough Local Plan 2018-2033, Submission Version
Appendix B	Local Plan Policies Map
Appendix C	Draft Statement of Common Ground
Appendix D1	Report on representations – 2017 Draft Local Plan
Appendix D2	Report on representations – Gypsy and Traveller sites 2018
Appendix E	Equalities Impact Assessment
Appendix F	Sustainability Appraisal Report (available as background paper on request)