PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO THE CHESTERFIELD LOCAL PLAN:
CORE STRATEGY 2011 -2031

Document submitted for examination on 28 September 2012
Examination hearings held between 22 and 30 January 2013

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## Abbreviations Used in this Report

<table>
<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>AA</td>
<td>Appropriate Assessment</td>
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<td>AAP</td>
<td>Area Action Plan</td>
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<td>AHVA</td>
<td>Affordable Housing Viability Assessment</td>
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<td>CIL</td>
<td>Community Infrastructure Levy</td>
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<td>CBC</td>
<td>Chesterfield Borough Council</td>
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<td>CSRR</td>
<td>Chesterfield-Staveley Regeneration Route</td>
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<td>CS</td>
<td>Core Strategy</td>
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<td>FC</td>
<td>Focussed Change</td>
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<td>HMA</td>
<td>Housing Market Area</td>
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<td>LDF</td>
<td>Local Development Framework</td>
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<td>LDS</td>
<td>Local Development Scheme</td>
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<td>LP</td>
<td>Local Plan</td>
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<td>MM</td>
<td>Main Modification</td>
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<td>Framework</td>
<td>National Planning Policy Framework</td>
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<td>RPA</td>
<td>Regeneration Priority Area</td>
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<td>RS</td>
<td>Regional Strategy (East Midlands Regional Plan)</td>
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<td>SA</td>
<td>Sustainability Appraisal</td>
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<td>SCI</td>
<td>Statement of Community Involvement</td>
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<td>SCS</td>
<td>Sustainable Community Strategy</td>
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<td>SHLAA</td>
<td>Strategic Housing Land Availability Assessment</td>
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<td>SHMA</td>
<td>Strategic Housing Market Assessment</td>
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<td>SRA</td>
<td>Strategic Regeneration Area</td>
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<td>S&amp;RVC</td>
<td>Staveley and Rother Valley Corridor</td>
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<td>SPD</td>
<td>Supplementary Planning Document</td>
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Non-Technical Summary

This report concludes that the Chesterfield Local Plan: Core Strategy provides an appropriate basis for the planning of the Borough up to 2031 providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- inclusion of the model policy on the presumption in favour of sustainable development;
- amendments to the text to better reflect national policy and to reflect changes to policies in the CS;
- amendments to Policy CS1 to define the Eastern Villages, to identify the proportionate distribution for the location of major new housing development; to distinguish between strategic gaps and green wedges; and, adding a note in respect of Holme Hall:
- amendments to the key diagram to distinguish between strategic gaps and green wedges;
- amendments to Policy CS2 to explain how sites not allocated in a DPD will be assessed;
- amendments to the text to better describe the approach to viability and the relationship of the CS to CIL; open space and recreation; water management; travellers sites; flexibility in the provision of employment land, mixed-use schemes and rural businesses; residential design; and, heritage assets;
- amendments to Policy CS6 to reflect flood risk;
- amendments to Policy CS9 by renaming it as ‘Flexibility in delivery of Housing’ and to the approach to greenfield housing proposals on unallocated sites with consequential amendments to the text;
- amendments to the text to better reflect the position relating to affordable housing and viability;
- amendments to Policy CS10 to indicate that on sites of 15 or more dwellings up to 30% of affordable housing will be sought;
- amendments to Policy CS16 referring to social infrastructure;
- amendments to Policy CS17 relating to density of development and reference in the text to the viability of development;
- amendments to Diagram 8: Chesterfield Town Centre;
- amendments to Policy PS2 relating the Chatsworth Road Corridor;
- amendments to Policy PS3 relating to the Chesterfield Waterside Area;
- amendments to Policy PS4 relating to Markham Vale;
- amendments to Policy PS5 relating to the S&RVC;
- replacing Appendix B - the Monitoring and Review Framework;
- amending the parking standards in Appendix F;
- adding a new appendix – Housing Trajectory;
- adding a new appendix detailing superseded, retained and deleted 2006 Local Plan policies.
Introduction

1. This report contains my assessment of the Chesterfield Local Plan: Core Strategy (which also includes some development management policies) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan’s preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted plan dated September 2012. This document incorporates the Council’s Focussed Changes (FC) made following the publication of the draft CS in February 2012. These FCs were subject to Sustainability Appraisal (SA) and public consultation. I have taken account of the representations made both in respect of the published CS and the FC.

3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in Appendix 1. Additional modifications (minor changes) can be made by the Council on adoption of the Plan. Taken together, these should not materially affect the policies that would be set out in the plan if it was adopted with the main modifications. The Council intends to update factual references and make minor consequential amendments in this way. This will include updating of references to the legislative background and the National Planning Policy Framework (the Framework), as well as the status of the East Midlands Regional Plan, not all of which are necessary to set out in the main modifications.

4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report.

1 SD1 Submission Core Strategy, CBC, September 2012
2 SD13 Schedule of Focussed Changes to the Publication Core Strategy, CBC, May 2012
3 SD10 Publication Core Strategy, CBC, February 2012
4 SD14 Sustainability Appraisal of Focussed Changes, CBC
Assessment of the Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation.

6. Preparation of the Plan was well-advanced by the time the duty to co-operate came into effect. However, as paragraphs 1.8 – 1.15 of the CS and SD65 help to illustrate, the Council had anticipated the duty. There is substantive evidence that the Council worked collaboratively with adjoining authorities and other stakeholders throughout the preparatory stages of the CS. This has been based on well-established arrangements for joint working on housing and employment land and discussion and collaboration on planning objectives and strategies across borough boundaries. The Borough is almost surrounded by the District of North East Derbyshire although part of the eastern boundary adjoins Bolsover District. Whilst there are some differences of opinion between the Councils, in particular with Bolsover District Council over their view that there has been inadequate consultation on the scale of housing in the Eastern Villages, I do not consider that this represents a failure in the duty to co-operate in view of the nature and extent of joint working that has taken place.

7. A Statement of Common Ground between North East Derbyshire District Council and Chesterfield Borough Council was made available at the examination hearing and Local Memoranda of Understanding are in place to assist in co-operation and liaison between various bodies, both of which illustrate the degree of co-operation that exists.

8. Joint evidence gathering and studies on housing needs, requirements for gypsy and traveller accommodation, employment land, retail capacity, low carbon energy opportunities, traffic impact assessment and strategic flood risk assessment, have all taken place. The spatial implications of other plans, policies and programmes have been considered.

9. In the light of all of the evidence I conclude that the Council has co-operated constructively, actively and on an on-going basis with relevant authorities and bodies with effective joint working on cross-boundary strategic priorities. I am satisfied therefore that the Plan has been prepared in accordance with the duty to co-operate.

5 SD6 Chesterfield Core Strategy Statement of Co-operation, CBC, September 2012
Assessment of Soundness

Preamble

10. Strategic priorities for the Derbyshire districts were informed by the East Midlands Regional Plan (March 2009) which was the adopted regional strategy (RS) until its revocation in its entirety on 12 April 2013. Representors were given the opportunity to comment on the implications of the revocation and these comments have been taken into account in my report. The Council has advised that the CS does not rely on the RS to justify any particular policy or approach and there are no matters which are affected by the revocation. Although the housing requirement followed the RS figure, this was because it was backed up by more recent household forecasts and housing needs evidence.

11. Prior to its revocation the CS was legally required to be in general conformity with the RS. The CS has been generally guided by the RS in bringing forward its contribution to meeting housing, economic and other requirements of the wider area.

12. There is no substantive evidence of failure to co-operate on planning for cross-boundary needs. Although not having the same locus standi as the former regional planning body, the collective body of the East Midlands Councils has confirmed that the CS taken as a whole was in general conformity with the RS. It is evident from the representations made and the discussion at the hearings that the CS was in broad conformity with the RS, notwithstanding the contrary views expressed in some of the representations, which I deal with at appropriate points in this report.

13. Concerns have arisen about the on-going effectiveness of the CS, especially in meeting strategic priorities for housing when taken together with emerging strategies in adjacent Derbyshire districts. This relates particularly to the alleged shortfall in the provision of housing in the CS compared to the RS target. Additionally there is concern by Bolsover District Council regarding the effect that development in the Eastern Villages would have on their own housing strategy. I deal with these in more detail later in this report.

14. The CS is supported by a comprehensive evidence base. The Council has made considerable efforts to ensure that the local community and stakeholders have been closely involved in the preparation of the plan. The Council has shown a willingness to respond positively to representations and to propose changes to address outstanding issues, both in response to representations on the draft CS, to the FCs and during the examination hearing.

15. The draft CS was published prior to the publication of the Framework in March 2012. The Framework sets out the Government’s planning policies and how these are expected to be applied. In the light of this, the FC included a series of changes to the draft CS reflecting the Framework which have been incorporated in the submitted CS. Notwithstanding these earlier amendments I find that the CS would be inconsistent with national policy without a policy to set out the

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6 SI 2013/629
7 20 February 2012 (Representor 1110)
presumption in favour of sustainable development that is at the heart of the Framework. The Council proposes a new policy MM16 to overcome this.

16. The latest national statistics on the projected number of households in England and its local authority districts to 2021 were published after the examination hearing on 9 April 2013.8 I requested the Council to consider how the up-to-date information compares with the plan figures9.

17. During the course of the examination hearings the Government announced the preferred route of the high speed train proposal, HS2, between Birmingham and Leeds which passes through the east of the Borough. There was opportunity at the final examination hearing to discuss the implications of the proposed route on the CS.

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings and the representations following consultation on the modifications after the hearings and those relating to the revocation of the RS, I have identified a number of main issues upon which the soundness of the Plan depends. Representations on the CS have been considered insofar as they relate to soundness, but they are not reported on individually.

Spatial Strategy and Distribution of Development

Main issue - Whether the spatial strategy is soundly based and justified, and presents a clear spatial vision for the Borough in accordance with national policies.

Spatial Strategy

19. Chesterfield is a compact urban borough with a pattern of settlement and a transport network reflecting its mining and industrial heritage. Chesterfield is the sub-regional centre for north Derbyshire with Staveley being a large former mining community to the east. There are also a number of smaller settlements of varying character. There has been significant structural change in the local economy over the last 20 years with the loss of manufacturing industry and there are pockets of multiple deprivation in some communities.

20. Sections 3 and 4 of the CS set out the strategic objectives and spatial vision for the Borough. The spatial vision responds to environmental, social and economic issues and reflects the Chesterfield and North East Derbyshire Community Strategy 2009-2026. The key challenges and opportunities are a need for regeneration, particularly around vacant former industrial sites in the A61 corridor, Staveley and at Markham Vale; reducing inequalities in terms of health and access to job opportunities and housing within the most deprived communities; managing climate change and reducing flood risk; and, in tackling traffic congestion and air quality. The modification at MM5 is necessary to clarify the sustainable nature of district and local centres where the Council will encourage the location and development of community and cultural facilities.

9 Response from CBC dated 29 April 2013 Examination Document PS23
Strategic Priorities

21. The CS sets out the strategic priorities for the area which have been arrived at through extensive community involvement\(^{10}\). The strategy concentrates development within and around Chesterfield and in Staveley; in sustainable locations close to town, district and local service centres and public transport nodes; in the areas in need of regeneration; and, close to future areas of employment growth. It seeks to regenerate former industrial sites in the A61, A619 and Staveley corridors with the Staveley and Rother Valley Corridor (S&RVC) being identified as the only strategic site within the CS as it has major implications in terms of the ability to deliver new housing, employment and an improved environment. It recognises Chesterfield town centre as a key economic driver for the sub-region and supports employment growth at Markham Vale and in town and district centres. The strategy protects and enhances principal environmental assets through green wedges and prevents urban sprawl through the use of strategic gaps and by protecting that part of the South Yorkshire Green Belt in the north of the Borough. Development requirements can be adequately provided for without the need to encroach on the Green Belt although some minor boundary adjustments are necessary to resolve anomalies. MM6 clarifies that one of the strategic objectives is to maintain and enhance the Green Belt and MM9 sets out the purpose of the Green Belt. MM8 and MM11 clarify the distinction between green wedges and strategic gaps and MM14 amends the Key Diagram to reflect this. These modifications will ensure that these aspects of the CS are justified and reflect national policy.

22. Regeneration of the former industrial sites is fundamental to the CS. MM10 extends the scope for addressing regeneration and MM11 relating to Policy CS1 clarifies that the communities of Barrow Hill, Duckmanton, Mastin Moor and Poolsbrook are the ones collectively described as the "Eastern Villages". MM12 adds a note to Policy CS1 that Holme Hall is a Regeneration Priority Area (RPA) and is a local service centre within the Chesterfield sub-regional centre.

23. Whilst the SA has been criticised in the representations as being unsound I find that the testing of four alternatives to the overall spatial strategy and distribution of development is adequately reasoned with the Council pursuing a preferred option based on concentration and regeneration. The SA was of the whole of the CS and not specific sites. It seeks an appropriate balance between sustaining existing centres and communities on one hand and regenerating former industrial areas on the other.

24. The revoked RS indicated in Policy Northern SRS1 that significant levels of growth would be provided for in and adjoining Chesterfield and that in Brimington and Staveley, Local Development Frameworks (LDF) would identify and justify levels of development. The policy indicated that outside these areas, sufficient provision would be made to support the regeneration of settlements with special needs where these are identified in LDFs. The CS generally reflects this approach. Even though the RS has been revoked, there is no evidence to indicate that an alternative approach would be justified.

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\(^{10}\) SD4 Statement of Consultation, Publication Stage, Parts 1 and 2, CBC, February 2012
25. There is an emphasis on the reuse of brownfield land which accords with national guidance although the CS does not preclude the sustainable development of greenfield sites. However, the provision of a strategic greenfield site such as Dunston is not necessary to meet the current need for growth in the Borough, nor is it necessary to include Dunston as an RPA as it does not suffer from the characteristics of multiple deprivation to the same extent as those in the identified RPAs of the Eastern Villages, in Rother ward and at Holme Hall.

26. Although Policies CS2 and CS9 do not expressly exclude the development of greenfield sites, the wording of Policy CS2 regarding the principles for the location of development appears to favour the reuse of previously developed land and is consequently somewhat inflexible in its approach. The changes to the wording of the policy indicated in MM15 set out the criteria against which the allocation of new development or the determination of planning applications on unallocated sites would be assessed. This would encourage the effective use of land, balancing the provision of brownfield and greenfield sites, and contribute to the soundness of the CS.

27. Policy CS9 seeks to control the supply of windfall sites to ensure that the delivery of the overall strategy is not prejudiced. MM26 indicates that if the Council is unable to demonstrate that there is a continuous 5 year (plus 20%) developable and deliverable housing land supply, action will be taken. The amendments in MM1 and MM27 re-title Policy CS9 as ‘Flexibility in delivery of housing’, rather than ‘Phasing of housing’, and MM27 deletes reference to brownfield development being considered prior to greenfield development. These various modifications provide sufficient flexibility for the CS to respond to changes in the demand and need for housing or through the absence of a 5 year supply of deliverable housing sites and they are necessary for the CS to be compatible with the approach in the Framework.

Conclusions

28. It has been suggested that the proportion of housing to be located in Chesterfield sub-regional centre should be increased but for different reasons by different parties. It is argued on one hand that increasing the proportion in Chesterfield could easily be accommodated through development at Dunston and this would be more easily achievable than elsewhere, such as in the S&RVC where doubts over the viability of the scale of housing are alleged. Another argument put forward for more growth in Chesterfield is that it would reduce the need to achieve a level of housing growth in Duckmanton and Mastin Moor. Others argue that development for market led housing at Brimington South or in the Green Belt should be a strategic choice. However, whilst some of these may have been genuine options, they have not been the preferred options selected by the Borough Council through the course of the plan preparation process. Because these other options exist does not mean that the preferred strategy is necessarily unsound so long as the strategy has been positively prepared and justified against reasonable alternatives, which I consider it has been.

29. The CS is aspirational but realistic, with clear strategic priorities and with the regeneration of its former industrial areas being fundamental to the delivery of strategic objectives. The CS is also flexible with the ability to respond to changes in economic, social and other factors but MM13 is necessary to provide
further detail of how the Council will respond to any future changes in circumstances.

30. With the modifications set out above, I conclude that the CS has been positively prepared and the spatial strategy is soundly based, justified, and presents a clear spatial vision for the Borough in accordance with national and regional policies.

The Local Economy

Main issue – Whether the Core Strategy would help to sustain and strengthen the local economy.

31. Policies in the CS are intended to encourage economic growth positively by ensuring that a range of sites for employment development, which are attractive for a variety of purposes, are allocated across the Borough. The strategy focuses on existing concentrations of employment including existing industrial sites and in town, district and local centres where the strategy encourages growth of further jobs.

32. The CS makes provision for 79 hectares of new employment land between 2011 and 2031 and this is slightly more than is required for local employment needs. It is estimated that an additional 6400 jobs will be needed by 2031 and that the Borough will continue to be a net importer of workers and continue to provide for sub-regional needs. I note that as the population is ageing, an increase in population is required every year to maintain the labour force.

33. The scale and distribution of employment growth and new employment land is justified in the evidence base which confirms the future accessibility of jobs and also that there is an appropriate balance between the scale and location of employment and the general distribution of housing.

34. Markham Vale is a 127 hectare employment site of which about two thirds is within the south east of the Borough. Its regeneration is a key part of the area’s response to the loss of the mining industry and it has the potential to create about 2000 jobs. Some elements of a 2005 planning permission have been implemented but Policy PS4 provides a continuing policy context which modification MM50 amends to manage development proposals not covered by the planning permission.

35. During the course of the examination hearings the Government announced the preferred route of the high speed train proposal, HS2, between Birmingham and Leeds which passes through the east of the Borough. The published route has the potential to impact upon proposals for Markham Vale, the restoration of Chesterfield Canal and the setting of settlements in the east of the Borough. There is a possibility of a limited reduction in the potential employment land at the Markham Vale site. The Council’s current industrial land availability monitoring indicates that the Borough contains approximately 93 hectares of potential sites (including commitments and permissions), compared to the CS

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11 TP2 Employment Land Topic Paper, CBC, September 2011
12 Employment Land Topic Paper, September 2011, TP2 and Joint Transport Study, March 2010, EV11
13 28 January 2013
requirement of 79 hectares, and has sufficient flexibility to allow for compensatory sites without the need to allocate large scale additional sites.

36. The possible location of the Infrastructure Maintenance Depot on about 15.5 hectares within the S&RVC would be an appropriate employment generating use, potentially with 100 jobs, that could assist with the later phases of regeneration. It appears that this potential requirement could be accommodated in the emerging Area Action Plan without undue impact on the delivery of housing or key infrastructure on the site.

37. It is not within the scope of my examination of the CS to consider the acoustic and visual impacts of HS2.

38. A number of modifications are necessary to strengthen the promotion of economic growth in the CS and provide a greater degree of flexibility in the manner in which employment land can be used. MM34 acknowledges that the CS should respond to new models of economic growth and MM35 refers to waste management sites. MM36 provides a positive statement of intent in respect of the inclusion of Markham Vale in the Sheffield City Region Enterprise Zone, the European funded ‘Creating Links’ project and the ‘Destination Chesterfield’ place-marketing project. It also confirms that the Borough’s economic land supply was assessed in terms of commercial viability and local market conditions through the East Midlands Northern Sub-Region Employment land review in 2008.

39. MM37 amends Policy CS12 to indicate the acceptability of mixed use development and how rural enterprise developments will be supported to ensure consistency with the Framework.

40. Representations emphasised the difficulties that the voluntary sector have in the provision of social infrastructure in new development and in centres. MM38 recognises the importance of voluntary organisations and extends the range of facilities considered to be vital social infrastructure. MM39 amends Policy CS16 to make it clear that social infrastructure facilities will be permitted in and on the edge of the town, district and local service centres. Both these modifications add clarity to the CS.

41. I consider that the modifications described above are necessary to ensure that the employment land proposals are soundly based and with these the CS will help to sustain and strengthen the local economy. The CS is flexible enough to allow for the delivery of HS2 without compromising the objectives or delivery of the plan as a whole and there appears to be no good reason to delay the adoption of the CS as a result of the announcement.

**Housing**

*Main issue – Whether the overall level of housing provision and its distribution and range are justified and appropriate.*

**Level of Housing**

42. As referred to earlier in this report, the latest national statistics on the projected number of households in England and its local authority districts to 2021 were published after the examination hearing. These new figures indicate that the census population for 2011 is 103,000, compared to 101,700 in the 2008
estimates. For 2021 the population estimate is 106,000, being slightly less (by 440) than the 2008 based projection. The number of households is estimated to be 47,000 in 2011 based on the 2011 data, compared to 46,000 based on the 2008 data. However, in 2021 the estimated number of households is 49,000, some 1000 households less than the 2008 estimate. In percentage terms, the changes in population and the number of households between 2011 and 2021 is reduced from 5% to 3% and from 9% to 5% respectively as a result of the latest national statistics.

43. Policy CS1 makes provision for a minimum of 7,600 dwellings between 2011 and 2031 at an annual overall rate of 380 dwellings pa. The Council considers this to be in accordance with the RS annual rate of 380 dwellings and the benchmark ONS sub-national population projection figures 2008. In order to balance housing and employment growth, the Council considers that a housing requirement that allows for some economic growth is most important.

44. The 2011 Strategic Housing Requirement\textsuperscript{14} document and the 2012 Housing Topic Paper\textsuperscript{15} were prepared by the Council in anticipation of the revocation of the RS and in response to requirements of the Framework for local plans to meet the full, objectively assessed needs for market and affordable housing. The Topic Paper reviewed the background to the provision identified in the CS, including the Strategic Housing Market Assessment (SHMA)\textsuperscript{16}. The SHMA identified a requirement of 402 dwellings pa based on housing market demand, household growth and past trends, of which up to 40% or around 130 pa should be affordable.

45. The SHMA was prepared in 2007 and the Council considers that the SHMA is sufficiently up to date to support the CS. The Council has not relied solely on the SHMA to assess local housing needs but draws on other more recent evidence identified in the Housing Topic Paper. Consequently, and given the circumstances of this case, I consider that the SHMA, supplemented by later evidence, provides a robust basis to assess the housing needs of the Borough. It is recognised that the affordable housing assessment has changed and this is considered later in my report. I see no merit in there being any delay in the adoption of the CS pending a review of the SHMA which is expected will be carried out by the HMA authorities in 2013/14.

46. In 2011 annual housing requirements were developed based on a number of different policy scenarios including housing-led, employment-led and migration-led scenarios\textsuperscript{17}. These provided a range of between 330 and 388 additional dwellings pa up to 2031. In arriving at the annual overall rate of 380 dwellings pa, regard has been taken of a number of factors. The annual average net completion rate between 1992 and 2008 (which excludes the depressed performance of recent years) is 352 dwellings. The annual average to meet the original RS target of 7600 dwellings between 2006 and 2026 is 470 dwellings but the Borough has only achieved above this number twice in the previous 20 years. With this aspect of the shortfall in mind, the Council concluded that a strategic housing requirement of 7,600 between 2011 and 2031 would be

\textsuperscript{14} Strategic Housing Requirement, CBC, October 2011
\textsuperscript{15} TP1 Housing Topic Paper, CBC, August 2012
\textsuperscript{16} EV9 Strategic Housing Market Assessment, Fordham Research for Bassetlaw DC, Bolsover DC, Chesterfield BC and North East Derbyshire DC, September 2007
\textsuperscript{17} Forecasts of Population and household for Nottinghamshire and Derbyshire Authorities: Chesterfield, Edge Analytics Ltd, February 2011
consistent with the Framework, the role of the Borough as a sub-regional centre of employment and the funding mechanisms to provide new homes.

47. The Council makes it clear that the housing requirement is not a ceiling and may be exceeded provided that development is sustainable, can be supported by the infrastructure and meets the objectives of the CS. MM23 clarifies this point, is compatible with the Framework and adds to the flexibility of the Plan.

48. Doubt has been expressed over whether the provision of 7600 dwellings over the plan period would be adequate to maintain employment levels at 2009 rates. However the jobs-led scenario is based on a number of variables and the modelling of population and household forecasts took account of the relationship with employment forecasts.

49. Although the annual rates of both the CS and the revoked RS are the same, there is a theoretical shortfall of 954 dwellings based on the RS target and delivery between 2006 and 2011. However the actual level of the shortfall would be a lower figure of about 700 dwellings if account is taken of the numbers of empty properties brought back into use from 2006. Some house builders consider that the failure to provide for the backlog of dwellings and the absence of an up to date SHMA fails to reflect objectively assessed housing needs.

50. I find the Council’s rationale for identifying an annual requirement of 380 dwellings to be sound on the basis of the jobs-based scenario, the absence of a rising level of need for social housing and, significantly, the changes in the economy since the RS was prepared. The latest 2011 household projection figures estimate 1000 fewer households in 2021 than had been estimated in the 2008 projections and this gives added weight to the robustness of the Council’s figures. The population and household changes arising from the interim 2011 projections are within the margins that will allow the Council to take into account any minor changes to the housing requirement in future reviews of the CS.

51. I accept that the capacity of the house building industry may not be a constraint but the market locally has a limited capacity to purchase. There is no indication to suggest that any improvement in the national or local economy is likely to trigger a resurgence of house building activity at a level that has rarely been achieved in the past and never for a sustained period of time, although the objectively assessed need still has to be met through the CS. Furthermore, increasing the provision would increase pressure for the release of greenfield sites and weaken the ability to achieve the strategic regeneration objective for brownfield sites. Notwithstanding this, there is sufficient flexibility in the CS for housing requirements to be reviewed following the updated SHMA, the analysis of the full set of data based on the 2011 Census and the analysis of the Sheffield City Region work which will explore issues around any sub-regional shortfall arising from neighbouring authorities not providing for the levels of housing necessary to meet objectively assessed needs.

Distribution of Housing

52. The Staveley and Rother Valley Corridor (S&RVC) and land north of Dunston were deemed capable as being strategic sites (those sites that are central to the
achievement of the strategy) although an assessment of various key sites\textsuperscript{18} ruled out land north of Dunston and land north of Brimington as strategic sites. The Council has referred to the possibility of land at Dunston being safeguarded for longer term housing needs in the future (an issue upon which I note public comments have recently been invited)\textsuperscript{19} but it is unnecessary to include land at Dunston to increase the proportion of housing development in Chesterfield as the level of growth proposed in the CS is significant without it.

53. Policy PS5 refers to up to 2000 dwellings being delivered in the S&RVC but Policy CS1 is vague over the distribution of housing. The absence of a strategy for the proportionate distribution of housing between the 5 areas identified in Policy CS1 fails to provide the degree of certainty that should underpin a CS and to provide sufficient steer for the subsequent preparation of more detailed proposals. In the light of this the policy lacks the necessary clarity and is unlikely to be effective. \textbf{MM7} and \textbf{MM11} rectify this by amending Policy CS1 by introducing a percentage split between the areas (which have been redefined to include the separate identification of Chesterfield sub-regional centre). I do not consider it necessary for Policy CS1 explicitly to indicate that housing development should be channelled towards sites having the most realistic likelihood of reducing the need to travel or be within 1000m of level walking distance from service centres as this is adequately covered in Policy CS19.

54. The CS makes provision for housing in various locations such as around existing town and district centres, including Brimington and in the RPAs. Although representations have been made for the CS to provide for a significant increase in housing development in Brimington partly on the basis that it was identified in a strategic transport study as having a high degree of sustainability, this was a narrow assessment based on transport issues that did not reflect the other factors that sustainable development should embrace\textsuperscript{20}.

55. The essential characteristics of Green Belts are their openness and their permanence. The Green Belt boundary within the Borough is well established and paragraph 83 of the Framework states that, once established, Green Belt Boundaries should only be altered in exceptional circumstances. Despite the representations made, there is no over-riding need to review the boundary to provide for sites for strategic market-led housing growth such as the sites being promoted in Old Whittington and elsewhere, or to further protect strategic gaps between settlements.

56. The national deprivation database provides useful indicators to help strategic decisions and I note that other parts of the Borough are ranked above Mastin Moor in some indices. Nevertheless, the inclusion of Mastin Moor as an RPA in the CS and as a broad location for new housing is based on the special needs of the community and this approach is soundly based, notwithstanding the representations made, even if some of those needs have to be satisfied to the south of the A619 in the vicinity of Woodthorpe. It would add clarity to the CS for the text to clarify this point and this can be addressed by the Council as a minor change.

\textsuperscript{18} PS9 Assessment of Potential Strategic Greenfield Housing Sites, CBC, August 2010 and SD2 Sustainability Appraisal Report, CBC, February 2012
\textsuperscript{19} Sites and Boundaries Issues and Options Consultation Document, CBC, November 2012
\textsuperscript{20} EV11 North Derbyshire Local Development Frameworks: North East, Chesterfield and Bolsover, Stage 1 Strategic Transport Issues Report, Scott Wilson, March 2010
57. Objectors to the scale of growth identified for Mastin Moor/Woodthorpe argue that market-led housing growth in excess of local housing need is unjustified and that market-led housing growth would make social deprivation worse and increase the need to travel. However the spatial vision of the CS recognises that development of greenfield sites at Duckmanton and Mastin Moor would be close to the major new area of employment and the new motorway junction at Markham Vale. These are relatively large villages which have suffered following the decline of the mining industry and are dominated by public sector housing. They require regeneration of which the injection of some private sector housing and associated local facilities into the local communities would assist in generating income and strengthen their viability. The extent of development must be of sufficient scale to enable the provision of community facilities and support regeneration.

58. It is not the role of the CS to consider the detailed location of housing, nor specific sites, as this is a matter for the Council’s Sites and Boundaries Local Plan. With the change to Policy CS1 suggested in MM11, the quantum of housing to be provided for in the RPA s would be in excess of 1100 dwellings and indications at the examination hearing suggested some 400 dwellings each for both Mastin Moor and Duckmanton. However it will be for the Council to determine the levels of growth in individual settlements and satisfy itself that the scale of growth is appropriate and sustainable and compatible with the emerging strategies of the adjoining districts. Although the strategic objectives supporting the development of housing in these locations is sound in principle, care will need to be exercised by the Council to ensure that the impact of such growth on the existing communities of Mastin Moor and Woodthorpe is adequately taken into account.

59. In allocating sites to meet the strategic requirement, the Council should have regard to balancing the provision of greenfield housing sites in the RPA s against environmental and social concerns. Bolsover District Council believes that the amount of housing growth in the Eastern Villages could jeopardise the implementation of key housing sites in Bolsover and prejudice their own regeneration objectives. However I consider that such an outcome is unlikely as the development of the strategic employment site at Markham Vale is intended to benefit both districts economically such that regeneration priorities should not be harmed.

Range of Housing

60. The CS provides for a range of housing in accordance with the SHMA and other evidence, including the need for affordable housing and the split between social rented housing and intermediate housing. The SHMA estimated the need for up to 130 affordable dwellings each year and considered that a target of up to 40% affordable housing was necessary to meet this need. A more recent affordable housing viability assessment\(^{21}\) indicates that a target of up to 30%, rather than 40%, of affordable housing is more realistic and that the Borough be divided into three zones of low, medium and high value within which the proportion of affordable housing that the Council will seek to negotiate will vary up to a maximum of 30%. Concerns have been expressed that it will not be viable for 30% affordable housing to be achieved across most of the Borough but the

\(^{21}\) EV6 Community Infrastructure Levy and Affordable Housing Viability Assessment, Nationwide CIL Service for CBC, 2012
Council’s approach is soundly based and reflects the varying characteristics of different parts of the Borough.

61. **MM28, MM29, MM30 and MM31** reflect the revised approach to affordable and special needs housing and provide a sound basis for meeting the need for a range of housing in the Borough in general compliance with paragraph 174 of the Framework.

**Five Year Housing Land Supply**

62. The Council maintains a continuous supply of specific deliverable sites sufficient to provide a 5 year supply of housing land plus an extra 20% to allow for economic growth and flexibility and to conform with the requirements of the Framework. The housing supply position for April 2013 to March 2018 is 3163 dwellings equating to 8.32 years supply based on the annual housing requirement of 380 dwellings.

63. Modifications at **MM24** and **MM25** make it clear that the priority for housing development will be through regenerating brownfield land although there is recognition that greenfield sites will need to be allocated in order to deliver the strategic housing requirement on an annual basis.

64. **MM26** is required to achieve further flexibility in the delivery of housing. This indicates that if the Council is unable to demonstrate through its Annual Monitoring Report that there is a continuous 5 year (plus 20%) developable and deliverable housing land supply then Policy CS9 would potentially allow unallocated greenfield sites to come forward if allocated sites are exhausted or if there is not a sufficient supply of deliverable sites for housing, subject to such sites meeting the objectives of the CS in Policy CS1.

65. The CS identifies broad locations of growth beyond the initial 5 year period. The inclusion of the 2011-2031 housing trajectory as an appendix to the CS and set out in **MM54** is necessary to illustrate the rate of housing delivery. I am satisfied that this meets the requirements of paragraph 47 of the Framework.

**Conclusions**

66. In view of the relatively minor degree of change to the population and household projections I concur with the Council’s view that the latest projections do not have significant implications for the CS and that the overall level of housing provision is satisfactory. The changes are within the margins that will allow the Council to take into account any minor changes to the housing requirement in future reviews of the Local Plan.

67. I conclude on this issue that with the various modifications described above, the overall level of housing provision and its distribution and range are justified and appropriate and that the Plan is sound in this respect.
Travellers

Main issue - Whether the CS has adequately addressed the accommodation needs of the travelling community in accordance with national policy.

68. Government guidance\(^2\) requires pitch targets to be set which address the likely permanent and transit site accommodation needs in an area. The 2008 Derbyshire assessment\(^3\) does not identify any specific requirement for the Borough and the revoked RS did not consider there was a need to identify a pitch requirement. However Policy CS11 sets out a range of criteria upon which the allocation of sites will be based or how planning applications to meet the accommodation needs of travellers will be assessed.

69. The 2008 assessment needs to be reviewed and the County Council is intending to co-ordinate and commission a study in 2013 and this is reflected in MM32. Changes to Policy CS11 in MM33 remove a contradictory reference to Local Green Space. I conclude that both modifications are necessary and improve the effectiveness of the CS.

Strategic Gaps and Green Wedges

Main issue: Whether the CS makes adequate provision for the strategic protection of settlements.

Strategic Gaps and Green Wedges

70. Policies CS1 and CS8 provide for the protection of the open character between settlements through strategic gaps and for access to the countryside from urban areas through green wedges. These have been subject to evaluation\(^4\) which is supported by landscape and biodiversity specialists of the County Council. The detailed boundaries of the gaps and wedges will be determined through the Sites and Boundaries Local Plan. There have been a number of objections based on strategic gaps reducing flexibility in the provision of housing but I am satisfied that the identification of strategic gaps will not jeopardise housing requirements over the plan period and that they are a very necessary policy tool to prevent the coalescence of settlements. A number of these objections relate to specific housing sites which are also for consideration in the Sites and Boundaries Local Plan.

71. The CS Key Diagram and Policy CSI need to be modified as set out in MM11 and MM14 to ensure that a distinction is made between gaps and wedges. This clarifies that the CS provides for a strategic gap to the south and west of Woodthorpe. Representations have been made for Local Green Space protection of farmland surrounding Woodthorpe to support the identity, character, history and other factors relating to the community and also for an extension to the Green Belt to protect the strategic gap and other land around Woodthorpe. However Woodthorpe and the other Eastern Villages are in relatively rural settings that contrast with the more urbanised central and western part of the

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\(^2\) Planning Policy for Traveller Sites, DCLG, March 2012
\(^3\) EV7 Derbyshire Gypsy and Traveller Accommodation Assessment, Opinion Research Services, 2008
\(^4\) CS Evidence Base: Green Wedges and Strategic Gaps Indicative Assessment, CBC, October 2011
Borough. The strategic gap between Woodthorpe and Netherthorpe will achieve the objective of preventing the settlements merging. The extension of the Green Belt would serve no real purpose other than to limit the choice of potential housing sites that may need to be identified to implement Policy CS2 relating to the RPAs.

72. The amendments set out in MM22 are necessary for the effectiveness of the CS as they recognise that open space, play and sports provision are important elements of both green infrastructure and social infrastructure. The amendments also indicate that the Council will be reviewing its Parks and Open Spaces Strategy which is encouraged in paragraph 73 of the Framework. This will be used to inform the Sites and Boundaries Local Plan, the Open Space SPD and will inform the CIL Charging Schedule.

Conclusion

73. The CS makes adequate provision for the strategic protection of settlements and the necessary clarity about the approach that will be taken is provided by the modifications.

Infrastructure

Main issue – Whether the infrastructure requirements for the Core Strategy are soundly based and deliverable.

74. The Council’s Infrastructure Study and Delivery Plan (SD8)25 concluded that adequate infrastructure is in place or can be made available to support the growth planned in the CS. However, it did indicate that significant infrastructure improvements are necessary in the S&RVC which I consider later in this report.

75. An Infrastructure Funding Gap Review26 has been carried out to justify the introduction of a Community Infrastructure Levy (CIL). This has included an independent assessment of the Infrastructure Delivery Plan which concluded that reasonable infrastructure planning had been carried out in compliance with government guidance. As a result of the government’s new CIL statutory guidance (December 2012) the Council is currently reviewing its CIL evidence base and updating the CIL timetable. The Council’s CIL is not the subject of my examination of the CS and the Draft CIL Charging Schedule will be subject of a separate examination in due course. However much of the CIL evidence base has informed the preparation of the CS.

76. I consider that the viability of development has been adequately assessed and that, notwithstanding the vagaries of the economy, development will generally be viable. Other than in the S&RVC, abnormal infrastructure costs are not anticipated. The Community Infrastructure Levy and Affordable Housing Assessment Levy (EV6) shows that most forms of residential development are viable and can accommodate affordable housing contributions. This assessment shows that, in line with paragraph 175 of the Framework, competitive returns to a willing landowner can be accommodated, even after CIL and affordable housing contributions are taken into account.

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25 SD8 Infrastructure Study and Delivery Plan; CBC, October 2011
26 Infrastructure Funding Gap Review, White Young Green for CBC, September 2012
77. The modification at MM17 provides an explanation of the approach that the Council has taken in ensuring the viability and delivery of the schemes demonstrating that the CS has been positively prepared and justified.

**Conclusion**

78. I am satisfied that in considering the economic viability of the CS, the Council has taken account of the wide range of factors affecting viability and that the infrastructure requirements for the Core Strategy are soundly based and deliverable.

**Climate Change**

*Main issue: Whether the CS makes appropriate provision to address the need to respond to climate change.*

**Renewable Energy & Sustainable Design and Construction**

79. Policy CS4 sets out the Council’s approach to renewable energy generation and community heating networks. Policy CS5 relates to sustainable design and construction which seeks, so far as possible, that development should contribute to a reduction of CO2 emissions and the generation of renewable energy. It sets out the Council’s expectations of the minimum standards that new residential development must achieve. Policy CS4 recognises that the connection of new developments to district heating schemes will only occur where appropriate and that new district heating schemes will only be pursued where feasible.

80. The approach to sustainable design and construction as set out in Policy CS5 is consistent with national policy. The Framework at paragraph 95 requires local planning authorities to support the move to a low carbon future by actively supporting energy improvements to existing buildings and, in setting local requirements for a building’s sustainability, to do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally prescribed standards. It is anticipated that the Building Regulations will be changed shortly, effectively making the regulated emissions aspect of code for sustainable homes level 4 mandatory. The Council acknowledges that the code levels go beyond regulated emissions and could therefore potentially impose a cost on development.

81. The approach taken reflects the findings and recommendations of a recent detailed study\(^ {27} \). This took account of viability and local market conditions together with the capital cost implications of building to the higher standards that future Building Regulations will demand. A range of technical options and a selection of development types representative of expected development were analysed in arriving at the preferred approach.

82. Policy CS5 has a degree of inbuilt flexibility to allow development that cannot meet Code for Sustainable Homes or BREEAM compliance on-site. It also recognises that beyond 2016, there may be scope for making one-off financial contributions to achieve equivalent emissions savings through off-site measures. It is likely that payments into a carbon offset fund will be one of the ‘allowable solutions’.

\(^{27}\) EV5: A Renewable and Low Carbon Energy Study, Element Energy Ltd for CBC, June 2010
83. The Council recognises the need for a policy to be deliverable and viable and this is emphasised in the Framework. MM18 indicates that the standards set out in Policy CS5 will be taken into account when determining the CIL charging schedule and that CIL rates will be reviewed when updated viability evidence is available. This modification is necessary for the CS to be positively prepared and justified.

84. Reference is made in paragraph 5.13 of the CS to payments being made into a carbon offset fund as one of the ‘allowable solutions’ that would mitigate situations where it may not be possible to achieve zero carbon on site. It is a strength of the CS to anticipate these arrangements even though the Government has yet to finalise its approach to ‘allowable solutions’ or designating the bodies to be collecting authorities.

Managing the Water Cycle

85. Policy CS6 indicates that flood risk will be considered for all development commensurate with the scale and impact of the proposed development and the policy sets out criteria to manage this process. CS6 also indicates the approach to be taken to improve the drainage network and the need for Sustainable Drainage Systems (SuDS). In line with the Framework at paragraph 100, the Council has in place a Strategic Flood Risk Assessment28 and has taken into account the advice of the Environment Agency. MM19 and MM20 are required in order to highlight the need for satisfactory emergency planning related to flood events and the role of the CS in promoting water efficiency, SuDS, re-use of water and the value of green infrastructure. Changes to the text of Policy CS6 in MM21 are necessary to give clarity to the policy.

Conclusions

86. I conclude that with the modifications described above, the CS makes appropriate provision to address the need to respond to climate change and this contributes to the effectiveness of the Plan.

Making Great Places

Main issue - Whether the strategy for ‘Making Great Places’ is soundly based, deliverable and sufficiently flexible, to respond to an unexpected change in circumstances.

Chesterfield Town Centre

87. The Town Centre Masterplan29 sets out a long term vision for retail, commercial and residential growth, whilst protecting Chesterfield’s historic core, with its famous ‘Crooked Spire’ and thriving market. Its key message is to protect the core of the centre whilst transforming the fringes to create a wider retail offer and greater mix of uses. The masterplan identified eight regeneration projects, four of which are priorities for development within the plan period and considered to be key regeneration areas. These regeneration areas include the Northern Gateway, Station Approach, Railway Terrace and Spire Neighbourhood and are highlighted in place-making Policy PS1 and illustrated in Diagram 8 of

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28 EV2: Chesterfield, Bolsover and North East Derbyshire Strategic Flood Risk Assessment, Faber Maunsell, 2009
29 LDF Evidence Base: Chesterfield Town Centre Masterplan, October 2009
the CS. Diagram 8 also identifies the indicative retail area. Policy PS1 sets out the criteria that should be met by development proposals.

88. The indicative retail area excludes both the Ravenside Retail Park on the south side of the town centre and the North East Derbyshire District Council owned land north of Saltergate.

89. The Ravenside Retail Park is a significant edge-of-centre retail park having a wide range of retailers normally found in such locations accessible to the car and having extensive car parking. It has pedestrian linkages with the town centre but is separated from it by a main road. It is physically distinct from the shopping centre found in the historic core. It is also identified as a retail park in the hierarchy of centres at paragraph 5.56 of the CS. I am satisfied that it conforms to the standard definition of ‘edge-of-centre’ in the sequential test of sites and it is unnecessary for it to be identified as part of the town centre in Diagram 8. However, the term ‘indicative retail area’ is misleading and unclear but this would be rectified in modification MM47 by re-titling it as ‘Chesterfield Town Centre – Indicative Primary Shopping Area’ on Diagram 8. The diagram would also identify the location of the Ravenside Retail Park.

90. The Northern Gateway development should be a priority before 2016 and comprehensive proposals for the site are well advanced with a planning application anticipated in mid 2013 to include a food store, cinema, hotel and underground car parking and be connected to the retail core via a pedestrian environment. Although to the west of the Northern Gateway, the land to the north of Saltergate is not contiguous with any part of the existing retail core and both the Retail Capacity Study and the Town Centre Masterplan do not indicate the need for additional land for retailing at this location at the present time. Any retail proposals for the area in the longer term would need to be judged against the policies in the CS and in particular Policy CS15.

Chatsworth Road Corridor

91. Policy PS2 sets out the development management criteria for the Chatsworth Road Corridor which at its heart has the Chatsworth Road district centre and to the south, a corridor of former industrial land containing a number of active, under-utilised and vacant sites following the River Hipper. The sites include the Grade II* listed Walton Works which is identified for a housing-led mixed use development. These proposals derive from a 2005 masterplan for the land south of Chatsworth Road.

92. The argument has been made that the wording of the policy is too restrictive and that a higher value use such as a foodstore is necessary to drive deliverability and to ensure that the listed building does not deteriorate further. A planning application for a mixed use scheme including a foodstore and the refurbishment of the listed buildings has been submitted but had not been determined at the time of the preparation of this report.

93. Although there is a wish to see the site redeveloped, a retail development of the scale proposed and its impact on other centres and on the Northern Gateway
proposals would need to be assessed. The Council considers that the Northern Gateway is the sequentially preferable site and there is insufficient capacity for two new foodstores. Notwithstanding this, dependency on a masterplan that was prepared some years ago does not necessarily provide sufficient flexibility to achieve the objectives underpinning the regeneration of the area. The amendment to Policy PS2 in MM48 is necessary to provide greater scope for flexibility, allowing proposals to demonstrate how they accord with the adopted masterplan through site-specific masterplans and/or development briefs.

Chesterfield Waterside and the Potteries

94. The Chesterfield Waterside and the Potteries represent a corridor of land centred on the River Rother and the Chesterfield Canal. A 2005 planning brief established the objectives for the area and in 2011 outline planning permission was granted for a comprehensive mixed use regeneration scheme. The first reserved matter application for canal infrastructure was due to be made in spring 2013 and the second, for 300 dwellings, by the end of the year. The latter will be predominantly for housing, including affordable units and some apartments. The Waterside development is a joint venture with substantial loan funding through the Sheffield City Region Local Enterprise Partnership.

95. The viability and deliverability of the Waterside proposals in respect of the 1500 proposed dwellings has been challenged on the basis that the density proposed is unrealistic and that the demand for apartments has diminished. The CIL and Affordable Housing Viability Assessment (EV6) recognised that apartment development is not generally viable in current market conditions in any zone.

96. The development will create a waterside environment which will be different to a standard residential development. If there is a slow down in the rate of development on site, I am satisfied that this would not prejudice the overall supply of housing in the Borough. The housing trajectory takes a cautious approach to the potential delivery of sites over time and Policy CS9 on the delivery of housing retains sufficient flexibility ensuring that the CS would be robust enough to sustain a slow down in development or a change in the type of housing.

97. However, Policy PS3 indicates that land within the Waterside area will be comprehensively redeveloped in accordance with the approved planning brief, including the provision of a new local centre. This requirement is unduly restrictive and reduces flexibility to adapt to change. Amendment to Policy PS3 in MM49 would overcome this concern and allow proposals that are in accordance with an approved masterplan.

Staveley and Rother Valley Corridor (S&RVC)

98. The S&RVC is the only strategic site within the CS and has major implications in terms of the ability to deliver new housing, employment and an improved environment. The corridor is about 180 hectares in extent and consists mostly of former heavy industrial sites that traditionally provided employment for Barrow Hill, Hollingwood and Staveley. Following the recent closure of a pharmaceuticals site, there remains only limited employment. Various development options have been the subject of public consultation and these

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32 The precise boundary of the site will be defined through the Area Action Plan.
options were appraised in 2011\textsuperscript{33}. An Area Action Plan (AAP) preferred option was published for comment in November 2012\textsuperscript{34}.

99. Some 2000 new dwellings are proposed up to 2031, representing 26% of the planned new housing provision within the Borough within the plan period. The ability to deliver this amount of housing in a low value area with abnormal development costs and the appropriate package of infrastructure improvements has been questioned. It is argued that the projected annual level of completions and the estimated capital values of residential development are too high to reflect the site and market conditions leading to doubts over viability. There is no doubt that the costs of strategic infrastructure works will be substantial and a significant proportion is likely to be ‘up-front’ costs that will need to be addressed before any significant development value has been accrued. Some of these costs have already been budgeted for by landowners, including costs of remediation works to a settling lagoon. Further, the Corridor has been included in the Homes and Community Agency’s North Derbyshire and Bassetlaw Housing Market Area Local Investment Plan which will be used to prioritise any intervention by the Agency, highlighting remediation and affordable housing as key issues.

100. There is also the opportunity for the potential open cast extraction of shallow coal reserves, which are present in commercially viable quantities, as part of a scheme of remediation that would also generate early revenue from the site to assist in the delivery of infrastructure.

101. The infrastructure requirements have been assessed and tested in the process of preparing the AAP and incorporated in the CS Infrastructure Delivery Plan\textsuperscript{35} and summarised at Appendix A of the CS. This has been further tested through the Community Infrastructure Levy and Affordable Housing Viability Assessment (EV6). Due to the strategic nature of the Corridor, proposals for a number of infrastructure requirements have been identified for CIL funding as well as funding from other sources. A further more detailed infrastructure delivery plan will be produced for the AAP.

102. The Sheffield City Region Infrastructure Fund (SCRIF), which has been agreed by the Government, will provide a single framework to address infrastructure funding and a legal body is to be established in April 2014 to determine how the funds will be used. The scale of funding will be in the order of £700m for the eight local authorities within the city region. The Borough Council is engaged in the process and putting forward priority schemes for funding including the Staveley Corridor. The fund will operate alongside CIL and is expected to support the early delivery of transport and water management infrastructure.

103. The Chesterfield-Staveley Regeneration Route (CSRR) is currently a protected route in the County Council’s Local Transport Plan but it is recognised that its route does not optimise the regeneration of the Corridor. Alternative alignments are being investigated in the ongoing AAP work and it has been identified as a priority scheme for infrastructure funding through SCRIF. Its implementation in full is not considered necessary for the early phases of the Corridor proposals and the AAP will retain flexibility in the scale and mix of proposed uses in later proposals.

\textsuperscript{33} EV12 Staveley Corridor Area Action Plan Feasibility Study: Options Appraisal Report, Taylor Young, October 2011
\textsuperscript{34} Staveley and Rother Valley Corridor Area Action Plan : Preferred Option; November 2012
\textsuperscript{35} SD8 Infrastructure Study and Delivery Plan, CBC, October 2011
phases to allow development to come forward in the absence of a completed CSRR.

104. There are potential flooding risk issues relating to the River Rother but the Environment Agency accepts that the level of risk is not as great as originally thought and that flood risk continues to be addressed as part of the development of the AAP. I note also that an argument has been made to extend the site to include a former landfill area but I can see no strategic purpose in doing so and in any event, the detailed boundary is a matter for the Area Action Plan.

105. As a strategic site which requires considerable remediation to deal with ground contamination and pollution, the Corridor requires a clear vision and huge commitment to bring about significant change to create a new community of houses, jobs, services, transport and other infrastructure. There is every indication that investment will take place on site and that there is sufficient flexibility in the CS and in Policy PS5 to ensure that changes in funding streams and market demand can be accommodated.

106. Although doubts have been expressed by developers about the robustness of the evidence base and provision of the necessary infrastructure to support major housing development in the Corridor, I am not persuaded that such doubts are wholly convincing or that they justify the identification of housing development in alternative locations of the Borough to compensate for any potential shortfall in delivery. Whilst the detail of the overall development of the Corridor may vary during the course of the implementation period in order to respond to changing circumstances, the approach to the regeneration of the Corridor is the most appropriate strategy when considered against reasonable alternatives, is well founded and represents a critical component of the CS.

107. MM51 introduces a requirement that one of the objectives of the masterplan forming the Area Action Plan for the Staveley and Rother Valley Corridor will be to conserve (rather than to recognise) the quality of the historic environment. This is necessary to reflect national policy.

Conclusions

108. The various regeneration schemes that are being pursued by the private sector or the Council along with its development partners are fundamental to the future of the Borough and should contribute effectively in tackling the legacy of derelict and poor quality industrial environments. I consider that with the modifications described above, the strategy for Making Great Places is soundly based, deliverable and sufficiently flexible to respond to unexpected changes in circumstances.

Design and the Historic Environment

Main Issue: Whether the CS adequately reflects the necessary standards of design?

109. Policy CS17 sets out the general design criteria that development will be expected to satisfy although MM42 incorporates an additional criterion relating to density. MM40 indicates that the Council is preparing a Residential Design Guide SPD jointly with its neighbouring authorities and is proposing to introduce design reviews for locally significant proposals.
110. The Percent for Art scheme has been criticised as not being the subject of viability testing. The Council has implemented this nationally recognised scheme through the 2006 Local Plan. MM41 clarifies that the value of development costs to which the scheme would apply excludes land costs and that the percent for art requirement will be tested through the CIL process.

111. MM43 indicates that the identification of non-designated heritage assets in a local list will be carried out with various stakeholders and that an SPD will be prepared advising how local heritage assets can make a positive contribution to development.

112. I find that these modifications are necessary for the soundness of the CS and make it more effective satisfying paragraphs 58 and 62 of the Framework in particular.

Miscellaneous Matters

113. The CS is accompanied by a number of appendices. Appendix B provides the monitoring and review framework for the CS. Modification MM52 replaces Appendix B in its entirety with a more detailed framework with specific targets, indicators, triggers, actions and contingencies that will provide a more robust approach to monitoring and review.

114. Appendix F sets out the Council’s car parking standards and MM53 is necessary to clarify the factors to be taken into account in assessing the level of parking provision appropriate for residential proposals outside town and district centres well served by public transport and having commercial and social facilities.

115. MM55 introduces a new appendix detailing superseded, retained and deleted 2006 Local Plan Policies which is necessary for a cogent understanding of the relationship of the CS with the 2006 Local Plan. Concern has been expressed that whilst Policy CS18 is sufficient to meet the Framework requirements for a strategic level policy, a number of historic environment policies are proposed to be superseded upon adoption of the CS and this will leave a policy void. However, I am satisfied that many of the concerns expressed are covered by relevant parts of the Framework relating to conserving and enhancing the historic environment and that Policy CS18 provides adequate protection for both designated and non-designated heritage assets. It will be a matter for the Borough Council to ensure that it meets its statutory responsibilities in respect of heritage assets, to have regard to the advice in the Framework and to determine whether it necessary to establish further policy guidance beyond that of Policy CS18, although, as I have noted above, MM43 provides for an SPD on local heritage assets to be prepared.

Minor Changes

116. I do not consider that MM2, MM3, MM4, MM44, MM45 and MM46 of the Council’s proposed modifications are necessary for the soundness of the Plan and would be better described as additional modifications that can be dealt with by the Council before it adopts the Plan. Accordingly, I have made no further reference to them in the report and deleted them from the schedule of main modifications necessary for the soundness of the Plan.

117. Having considered all the other points raised, no further changes are required to ensure that the plan is sound within the terms of the Framework.
Assessment of Legal Compliance

118. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th></th>
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<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The CS is identified within the approved LDS of November 2012 which sets out an expected adoption date of July 2013. The Core Strategy’s content and timing are compliant with the LDS.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in February 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed ‘main modification’ changes (MM)</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
<tr>
<td>Habitats Regulations Assessment (HRA)</td>
<td>The Habitats Regulations HRA has been carried out and is adequate.</td>
</tr>
<tr>
<td>National Policy</td>
<td>The Core Strategy complies with national policy except where indicated and modifications are recommended.</td>
</tr>
<tr>
<td>Sustainable Community Strategy (SCS)</td>
<td>Satisfactory regard has been paid to the SCS.</td>
</tr>
<tr>
<td>2004 Act (as amended) and 2012 Regulations</td>
<td>The Core Strategy complies with the Act and the Regulations.</td>
</tr>
</tbody>
</table>

Overall Conclusion and Recommendation

119. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

120. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 1, the Chesterfield Local Plan: Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

PN Jarratt

Inspector

Appendix 1: Schedule of Main Modifications