

For publication

**Chesterfield Borough Local Plan – Consultation on Main
Modifications (EG000)**

Meeting:	Cabinet
Date:	25 th February 2020
Cabinet portfolio:	Economic Growth
Report by:	Strategic Planning and Key Sites Manager

For publication

- 1.0 Purpose of report**
- 1.1 To brief Members on progress with the emerging Local Plan and the main modifications to the Local Plan that have been recommended by the Inspectors following the Hearing sessions held in October/November 2020.
- 1.2 To seek approval to undertake public consultation on the proposed main modifications as required by the Local Plan regulations.
- 1.3 To seek approval to submit the representations received on the public consultation to the Planning Inspectorate and request a report with final recommendations for main modifications.

2.0 **Recommendations**

- 2.1 That consultation be undertaken on the proposed Main and Additional Modifications to the emerging Local Plan (set out in appendix A) for a minimum of six weeks, as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (SCI).
- 2.2 That, following the end of this consultation, the proposed modifications and any representations received during the consultation period be submitted to the Planning Inspectorate.

3.0 **Report details**

- 3.1 The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare a development plan for their area in accordance with the Town and Country Planning (Local Planning) (England) regulations 2012, and to review that plan every five years.
- 3.2 The council's current Local Plan consists of the Local Plan Core Strategy 2013 and the 'saved' policies of the Replacement Chesterfield Borough Local Plan 2006. This plan needs review to keep it up to date with the latest planning guidance set out in the National Planning Policy Framework (NPPF) and to ensure it contains sufficient development allocations for the borough's growth for at least the next fifteen years.
- 3.3 The council consulted on a draft Local Plan in early 2017, followed by a targeted consultation on Gypsy and Traveller sites.
- 3.4 Formal consultation on the 'Submission Local Plan was undertaken for six weeks in January/February 2019, following unanimous approval of the Local Plan at a meeting of the Full

Council in December 2018. The submission Local Plan, and all the representations received during the consultation period were then submitted to the Planning Inspectorate (PINs) for independent Examination in Public (EiP).

- 3.5 The Inspectorate appointed two Planning Inspectors to undertake the Examination. Public hearings were held by the Inspectors over three weeks in October/November 2019, where officers and those who had submitted representations gave evidence on all aspects of the plan. The purpose of the Hearing sessions was to test that the plan was legally prepared and 'sound' (ie. 'Positively Prepared', 'Justified', 'Effective' and 'Consistent with National Policy')
- 3.6 The Hearing sessions are now closed, but the Plan remains in the Examination period until receipt of the Inspectors' report.

4.0 **Main Modifications**

- 4.1 The Local Plan hearings finished on 6th November 2019. The Inspectors have set out a number of changes that they would like to see made to the plan ('main modifications') in order to make the plan sound. Main modifications are those that materially affect the functioning of the plan and are required to make the plan 'Sound'.
- 4.2 The full range of Main Modifications are set out in the Appendix A. Text deleted from the submission Local Plan is shown with a ~~striketrough~~, and additional text **bold and underlined**. The most significant modifications can be summarised as follows:
- Extend the plan period to from 2018-2033 to 2018-2035, to accord with NPPF requirements for a minimum 15-year period from adoption;

- Increase employment land minimum requirement from 44 hectares to 50 hectares to align with extended plan period;
- Change the housing requirement to be based on the new Local Housing Need (LHN) methodology, resulting in a reduced annual minimum need of 240 dwellings per annum over the extended plan period (resulting in an overall reduction in the minimum requirement from 4374 to 4080 homes over the plan period 2018-2035);
- Policies LP1 Spatial Strategy & LP2 “Principles for Location of Development” – change from emphasis from walking distance to centres, to more emphasis on walking access to a range of key services (Employment centres, Primary schools, Secondary schools, Further Education institutions, GPs, Hospitals, Food stores, Town Centres) and removal of the proposed 800m threshold walking distance to centres;
- Policy LP4 Flexibility in Delivery of Housing – refinement of policy wording regarding development on unallocated sites outside the built-up area, and identifying the extent of the ‘built up area’ on the Policies Map;
- Table 4 Housing Allocations – H3 Manor House Farm, H22 Lister Car Sales and H24 Barker Lane have been removed as they are no longer available for development;
- Policy LP5 Range of Housing – change in affordable housing requirements from ‘up to 20%’ to a sliding scale in line with the already agreed Community Infrastructure Levy (CIL) Zones. Additional text to clarify the circumstances where 25% the higher ‘adaptable and accessible housing technical standard’ will be required.

Additional text clarifying the circumstances where housing for older people will be supported;

- Policy LP15 A Healthy Environment – inclusion of reference to cumulative impact on air quality;
- Policy LP16 Green Infrastructure – inclusion of reference to protecting and enhancing access to multi-user trails;
- LP21 Design – Percent for Art removed as a requirement for development (although the policy will still seek to ‘encourage’ provision of public art) to align with the new CIL Regulations;
- Policy LP23 Influencing the Demand for Travel – additional text regarding cycle parking, and a commitment to prepare a Supplementary Planning Document (SPD) on planning for walking and cycling within new development;
- Policy RP1 Regeneration Priority Areas - Reduction of expected housing numbers in Duckmanton from 400 to 310 due to landscape constraints. Increase of expected housing numbers in Mastin Moor from 400 to 670 to reflect evidence presented by landowner. Increase in housing numbers in Poolsbrook from 100 to 175 to reflect the planning permission now being implemented;
- Inclusion of a monitoring framework including housing and employment land trajectories.

4.3 The council will also put forward a series of ‘additional modifications. These are changes that do not affect the functioning of the plan and include grammar and spelling corrections, and factual updates that do not affect the

functioning of policies (such as the updated timeline for restoration of Chesterfield Canal or the implementation of HS2 Phase IIb). The Inspectors will not consider these modifications, but it will be more robust and reduce the risk of any challenge if these are consulted upon alongside the Main Modifications.

5.0 **Main Modifications Process**

- 5.1 The Inspectors have already been provided with a draft of the Main Modifications as part of the Examination process, to confirm that they address the points they expect them to. It is important to note that the Main Modifications must relate to the Actions identified by the Inspectors. The council cannot use the Main Modifications process to introduce additional changes, or to re-open matters discussed at the Hearings, without going back to an earlier stage in the preparation of the Local Plan.
- 5.2 All the main modifications must be subject to Sustainability Appraisal and Equalities Impact Assessment to identify whether they raise issues not addressed in the appraisal of the Local Plan. This has been carried out and has not raised any additional issues of concern. On the assumption that the Main Modifications are approved by members they must then be subject to consultation for a minimum of six weeks.
- 5.3 Consultation will only relate to the proposed modifications – it does not provide an opportunity to raise objections to aspects of the plan already considered through the hearing sessions.
- 5.4 The Strategic Planning and Key Sites Manager has also written to the Planning Inspectorate formally requesting that they consider the modifications as part of their report, as required by the Local Plan Regulations.

- 5.5 There is no requirement to report the results of the consultation or opportunity to make further changes to the plan in response to any comments. Once the consultation is complete, the schedule of Main Modifications and any comments received will be sent to the Inspectors who will then make final recommendations on modifications in the form of a formal report to the Council. Following the receipt of (what is hoped to be) a positive Inspectors' report, the Local Plan will need to be approved for adoption by a meeting of the Full Council.
- 5.6 It is important to re-iterate that at this stage, whilst the council is responsible for preparing the specific wording of modifications, this can only be in direct response to the issues that the Inspectors directed the council to address through the Hearing Sessions.

6.0 **Communications, Consultation and Community Engagement**

- 6.1 Consultation would involve letters/emails to Statutory consultees and organisations and members public who have asked to be notified of Local Plan progress. This would set out the availability of the material describing the modification and the timescales and procedures for commenting.
- 6.2 As the consultation is limited in scope and targeted, no broader workshops, public meetings or drop-in events are currently proposed.

7.0 **Human resources/people management**

- 7.1 The consultation would be undertaken from within existing Strategic Planning Team with agreed support from the Policy and Communications Service where appropriate to support the develop of equality impact assessments and communication and consultation activity.

8.0 **Financial implications**

8.1 The costs of the consultation and Inspectors' costs will be met from the Local Plan reserve budget

9.0 **Legal**

9.1 Consultation on the Local Plan is being undertaken in line with the council's published Statement of Community Involvement (SCI). The consultation and submission of modifications is being carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

9.2 The consultation period would overlap with the purdah period for the Derbyshire Police and Crime Commissioner Elections. Advice has been sought from the Council's Monitoring Officer who has confirmed that, as the consultation is limited and targeted, and there is no requirement for public meetings or to report the findings of the consultation, it would not conflict with the LGA guidance on Purdah.

9.3 The Main Modifications have also been the subject of assessment under the Habitats Regulations and undergone Sustainability Appraisal as required by the Local Plan Regulations.

10.0 **Information assurance and data protection**

10.1 The consultation materials and responses will be handled in accordance with the council's Information Assurance Data Protection procedures. An advisory note specific to the Local Plan work has been agreed and will accompany consultation material. Responses will be shared with the Planning Inspectorate as required by the Town and Country Planning

(Local Planning) (England) Regulations 2012 and will be made available on the council's website with redactions.

11.0 Equality, diversity and human rights

11.1 The Submission Local Plan was subject to Equalities Impact Assessment. An update has been undertaken to assess the impact of the proposed Main Modifications. This has identified one potential short term negative impact, but on that will be mitigated by the council's emerging Play Strategy.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Delay in receipt of Inspectors' report	Med	Med	Undertake consultation as recommended and forward responses to PINs as soon as complete	Med	Low
Proposed modifications not agree	High	Low	Modifications have been reported and discussed by Local Plan Steering Group	High	Low
Local Plan reserve – expenditure on SA, viability assessment and further housing needs work risk of delays adding to costs, Risk of overspend on reserve	Med	Low	Review payments in preparing 2020/21 budget	Low	low
Staffing – annual leave and staff sickness	Med	Low	Fortnightly progress meetings to ensure allocation of key work.	Low	Low

12.0 Alternative options and reasons for rejection

12.1 It is important to re-iterate that at this stage, whilst the council is responsible for preparing the specific wording of modifications, this can only be in direct response to the issues that the Inspectors directed the council to address through the Hearing Sessions.

12.2 At this stage of plan preparation, the council's options are limited to:

- Produce and consult on modifications as directed by the Inspectors;
- Go back to an earlier stage of plan preparation (this would likely involve re-opening the hearings as a minimum, or abandoning the examination and reverting to an earlier stage of consultation);
- Abandon the preparation of the Local Plan and effectively start again.

12.3 Options 2 and 3 would entail significant delays and additional costs, and the risks of leaving the council without a sound planning strategy or five-year housing supply on which to base decisions on planning applications. These options have therefore been rejected.

13.0 **Recommendations**

13.1 That consultation be undertaken on the proposed Main and Additional Modifications to the emerging Local Plan (set out in appendix A) for a minimum of six weeks, as required by The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (SCI).

13.2 That, following the end of this consultation, the proposed modifications and any representations received during the consultation period be submitted to the Planning Inspectorate.

14.0 **Reasons for recommendations**

14.1 To meet the duty to prepare a development plan as set out in the Planning and Compulsory Purchase Act 2004 and in

accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Glossary of Terms	
NPPF	National Planning Policy Framework
SCI	Statement of Community Involvement
PINs	Planning Inspectorate
LHN Methodology	Local Housing Needs methodology (the government's preferred method for determining the minimum number of dwellings to be built in the Local Planning Authority Area)
CIL	Community Infrastructure Levy
LPA	Local Planning Authority
HRA	Habitats Regulation Assessment
SA	Sustainability Appraisal

Decision information

Key decision number	919
Wards affected	All
Links to Council Plan priorities	Making Chesterfield a thriving borough Improving quality of life for local people

Document information

Report author	Contact number/email
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Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
This must be made available to the public for up to 4 years.	

Appendices to the report	
Appendix A	Schedule of Main Modifications to the Chesterfield Borough Local Plan
Appendix B	Modifications to the Policies Map
Appendix C	Preliminary Equalities Impact Assessment
Appendix D	Habitats Regulation Assessment
Appendix E	Sustainability Appraisal