

## For publication

### **Chesterfield Borough Local Plan 2018-2035 (EG0000R)**

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Meeting: Council

Date: 15 July 2020

Cabinet portfolio: Economic Growth

Report by: Strategic Planning and Key Sites Manager

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#### **1.0 Purpose of report**

- 1.1 To report the findings of the Inspectors' Report into the Examination in Public of the new Chesterfield Local Plan.
  
- 1.2 To seek approval to adopt the Chesterfield Borough Local Plan (as recommended to be modified by the Inspectors' Report) as the Council's Development Plan for the borough [Regs].

#### **2.0 Recommendations**

- 2.1 That the Inspectors' Report attached at appendix B to this report is noted.
  
- 2.2 That the Local Plan 2018-2035 attached at appendix A, incorporating the modifications recommended by the Planning Inspectors' Report is adopted by the Council to meet the requirement of Section 38 of the Planning and Compulsory Purchase Act 2004.

- 2.3 That the Council delegates authority to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth to make any minor changes (including formatting and images) necessary to make the Local Plan (that do not materially affect the Plan) and associated documents ready for printing and uploading to the council website.
- 2.4 That the Council delegates authority to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth to make necessary changes to any Supplementary Planning Documents and informal Planning Guidance currently used by the Council to make appropriate reference to the new Local Plan.

### **3.0 Background**

- 3.1 Every Local Planning Authority is required, under the Planning and Compulsory Purchase Act 2004, to prepare a Local Plan for their area that addresses priorities for development and use of land. The plan must be based on robust evidence and be in accordance with the National Planning Policy Framework (NPPF).
- 3.2 The borough's previous Local Plan consisted of the Chesterfield Borough Local Plan Core Strategy (adopted July 2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (adopted June 2006). The plan is now over five years old and pre-dated the most recent NPPF.
- 3.3 The Local Plan 2018-2035 will fully replace both the Core Strategy and the Replacement Chesterfield Borough Local Plan. It has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 3.4 In order to be adopted, a Local Plan must be found 'Sound' through an independent Examination in Public, held by a Planning Inspector/s appointed by the Secretary of State. These 'Tests of Soundness' are as follows.

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

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

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

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

- 3.5 The council consulted on a draft of the plan in January and February of 2017 and undertook a further consultation on potential Gypsy and Traveller Sites in January 2018. The representations received through these consultations were taken into account in preparing the Submission Local Plan. This was then subject to formal consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for six weeks starting in January 2019. The Submission Local Plan, and the representations received during the consultation, were then submitted to the Secretary of State on 28<sup>th</sup> June 2019, who appointed two Independent Planning Inspectors to undertake the Examination in Public of the Local Plan.

- 3.6 Hearing sessions were held by the Inspectors between 15<sup>th</sup> October and 6<sup>th</sup> November 2019, attended by a number of interested parties. Following these hearing sessions, the Inspectors identified a number of areas where changes ('Main Modifications') were necessary to make the plan 'Sound' and asked the Council to prepare these modifications, to be agreed with the Inspectors. The Council's Cabinet approved these Main Modifications at its meeting on 25<sup>th</sup> February 2020 and they were then subject to a six-week period of consultation. Following this consultation period, the Modifications and all representations received were passed to the Planning Inspectorate for consideration in preparing their report on the Examination.
- 3.7 The Inspectors' Report (appendix B) was received by the Council on 27<sup>th</sup> May 2020. It concluded that "the Chesterfield Borough Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it". The report is accompanied by a schedule of the recommended Main Modifications (appendix C). The Inspectors' Report and Schedule of Modifications have been published as required by the Local Planning Regulations (which requires the report be published as soon as practicable after receipt).
- 3.8 This report and its recommendations are due to be considered by the Cabinet at its meeting on 14 July, 2020.

#### **4.0 Main Modifications**

- 4.1 The full Main Modifications are set out in appendix C. However, the key areas in which the modifications alter the Submission Local Plan previously approved by the Council are 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 Ley (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 multiuser 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 275 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;*

## 5.0 The New Local Plan

- 5.1 A version of the new Local Plan, incorporating the recommended changes, is attached at appendix A.
- 5.2 The Local Plan will cover the period up to 2035 and sets out the overall strategy for the pattern, scale and quality of development and makes sufficient provision for:
- Housing, employment, retail, leisure and other commercial development
  - Infrastructure
  - Community facilities
  - Conservation and enhancement of the natural, built and historic environment, and planning measures to address climate change.
- 5.3 In total the plan makes provision for at least :
- 4080 new homes
  - 50ha of employment land
  - 7736 sqm of new retail space (3444sqm comparison and 4292sqm convenience)

## **6.0 Adoption**

- 6.1 The Inspectors' report itself is not legally binding (the Council is not obliged to adopt the Plan), but under the Planning and Compulsory Act 2004 (section 23(3)), if the Inspector recommends Modifications to make the Plan Sound it can only adopt the plan with all those modifications (and any other 'additional' modifications that do not materially affect the policies set out in the Plan).
- 6.2 Upon adoption of the New Plan, the Local Plan Core Strategy (2013) and the Replacement Chesterfield Local Plan (2006) would be superceded and would cease to have any relevance to decisions on planning applications.
- 6.3 The Local Planning Regulations require that 'as soon as reasonable practicable' following adoption, the Council publish the new Local Plan, an Adoption Statement, the Sustainability Report and details of where and when the Local Plan can be inspected.

## **7.0 Human resources/people management implications**

- 7.1 There are no HR implications arising specifically from this report.

## **8.0 Financial implications**

- 8.1 The Planning Inspectorate charged £75,485.86 for undertaking the examination. This cost has been met from the existing Local Plan reserve set aside for the specific purposes. The total cost of the examination.

## **9.0 Legal and data protection implications**

- 9.1 The Local Plan has been prepared and consulted on in line with the requirements of the Town and Country Planning (Local Planning) Regulations 2012, the National Planning Policy Framework, the National Planning Policy Practice Guidance and the council's own Statement of Community Involvement.
- 9.2 Representations to the plan received during the consultation period were dealt with according to the GDPR.

## **10.0 Consultation**

- 10.1 The Local Plan has been subject to consultation throughout its preparation. Consultation has been carried out in accordance with the Council's own Communications and Engagement Strategy and Statement of Community Involvement (SCI), and the requirements of the Town and Country Planning (Local Planning) Regulations 2012, the National Planning Policy Framework, the National Planning Policy Practice Guidance.

## **11.0 Risk management**

- 11.1 This work concerns the implementation of statutory and good practice performance requirements. All relevant documents and reports have to be published and available for public scrutiny.

Description of the risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Legal Challenge to the Plan	High	Low	The Plan has been prepared in accordance with the relevant regulations and guidance	Low	Low

The Plan is not adopted in accordance with the report	High	Low	The Plan is adopted	Low	Low
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## 12.0 **Equalities Impact Assessment (EIA)**

- 12.1 An Equality Impact Assessment of the Local Plan was undertaken at Submission stage and this has been updated to reflect the Modifications.

## 13.0 **Sustainability Appraisal**

- 13.1 The Local Plan has been subject to ongoing Sustainability Appraisal. A summary Statement will be published alongside the Local Plan.

## 14.0 **Alternative Options and Reasons for Rejection**

- 14.1 Under the provisions of the Planning and Compulsory Act 2004 (section 23(3)), the only alternative option legally available to the Council at this stage is to decide not to adopt the Local Plan in its entirety. It is not possible to adopt the Plan in part or only with some of the recommended modifications.
- 14.2 The Examination in Public is now closed. Should the Council choose not to adopt the Local Plan it would be necessary to re-write the Plan and recommence the consultation and examination process. This would involve a delay of some years (the current Plan has taken three years from publication of the first draft to this point) and significant additional expense (see 'Financial Implications' above).

14.3 In the meantime, the Council would be reliant on the existing Core Strategy and RCBLP. Both Plans significantly pre-date the latest National Planning Policy Framework, are based on largely out of date evidence and do not make sufficient development allocations to meet the required housing need. As demonstrated in the recent appeal against the refusal of planning permission for housing at Northmoor View, Brimington, the existing Local Plan documents are increasingly at risk of successful challenge on the basis of being considered out of date. Not adopting a new plan will also reduce the Council's likelihood of being able to demonstrate a minimum of five years supply of deliverable housing sites. In both cases, the 'presumption in favour of sustainable development' set out in the NPPF applies and the Council's ability to resist unwanted development would be significantly reduced.

14.4 For these reasons, the alternative option has been rejected

## 15.0 **Recommendations**

- 15.1 That the Inspectors' Report attached at appendix B to this report is noted.
- 15.2 That the Local Plan 2018-2035 attached at appendix A, incorporating the modifications recommended by the Planning Inspectors' Report is adopted by the Council to meet the requirement of Section 38 of the Planning and Compulsory Purchase Act 2004.
- 15.3 That the Council delegates authority to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth to make any minor changes (including formatting and images) necessary to make the Local Plan (that do not materially affect the Plan) and associated documents ready for printing and uploading to the council website.

15.4 That the Council delegates authority to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth to make necessary changes to any Supplementary Planning Documents and informal Planning Guidance currently used by the Council to make appropriate reference to the new Local Plan.

## 16.0 **Reasons for recommendations**

17.0 To meet the council's duties under the Planning and Compulsory Purchase Act 2004.

### **Decision information**

<b>Key decision number</b>	<b>958</b>
<b>Wards affected</b>	All
<b>Links to Council Plan priorities</b>	All

### **Document information**

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<b>Appendices to the report</b>	
Appendix A	Chesterfield Borough Local Plan 2018-2035
Appendix A	Local Plan Policies Map (attached as supplementary document)
Appendix B	Report on the Examination of the Chesterfield Borough Local Plan
Appendix C	Schedule of Main Modifications