



The Planning Inspectorate

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# Report to Chesterfield Borough Council

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Inspectors appointed by the Secretary of State

Date: 27 May 2020

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## Report on the Examination of the Chesterfield Borough Local Plan

The Plan was submitted for examination on 28 June 2019

The examination hearings were held between 15 October and 6 November 2019

File Ref: PINS/A1015/429/4

## Abbreviations used in this report

AA	Appropriate Assessment
AQMA	Air Quality Management Area
CIL	Community Infrastructure Levy
CSRR	Chesterfield Staveley Regeneration Route
DCC	Derbyshire County Council
D2N2	Derbyshire & Nottinghamshire LEP
Dpa	Dwellings per annum
DtC	Duty to Co-operate
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
HS2	High Speed 2
IDP	Infrastructure Delivery Plan
IMD	Infrastructure Maintenance Depot (HS2)
LAA	Land Availability Assessment
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LHN	Local Housing Need
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RBMP	River Basin Management Plan
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SCI	Statement of Community Involvement
SCR	Sheffield City Region
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPD	Supplementary Planning Document
SRVC	Staveley Rother Valley Corridor (Site SS5)
WPVA	Whole Plan Viability Assessment

## **Non-Technical Summary**

This report concludes 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. Chesterfield Borough Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The plan period be extended to 2034/35 to ensure at least a 15-year plan period on adoption;
- To apply the standard method for Local Housing Need so that the objectively assessed need for housing is at least 240 dwellings per annum;
- Include a housing trajectory and explanatory text;
- To provide further clarity that those areas of employment land described as 'sites without planning permission' are positive allocations of land in the Plan and to amend some housing site capacities;
- Alterations to ensure that policies aimed at securing a range of housing and enhancing the quality of the built environment are effective; and
- A number of other modifications to ensure that the plan is effective, justified and consistent with national policy

## Introduction

1. This report contains our assessment of the Chesterfield Borough Local Plan (the Plan) 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. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2019 (NPPF), at paragraph 35, makes it clear that in order 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 planning authority has submitted what it considers to be a sound plan. The Chesterfield Borough Local Plan submitted in June 2019 is the basis for our examination. It is the same document as was published for consultation in January 2019.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and Habitats Regulation Assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary we have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the plan identified as Chesterfield Borough Local Plan Policies Map Pre-Submission Consultation Version – January 2019 as set out in document SD2.
6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are

some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs in document MM.008 'Schedule of Policies Map Changes and Accompanying Maps'.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the 'Chesterfield Borough Local Plan Policies Map Pre-Submission Consultation Version – January 2019 and the further changes published alongside the MMs in document MM.008.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council's Duty to Co-operate (DtC) Statement [KSD5] details the strategic matters which have been appropriately identified as being of relevance to the preparation of the Plan. amongst other things these include the scale of new housing and employment provision, the needs of travellers, and infrastructure such as the A61 corridor enhancements. For each strategic matter the statement also comprehensively identifies the organisations with whom the Council has sought to cooperate, the evidence base, actions taken, outcomes and any ongoing co-operation.
11. The administrative geography means that the urban area of Chesterfield is closely bounded by North East Derbyshire District. The Borough's eastern villages and Markham Vale strategic employment site border close to Bolsover District. These three authorities, together with Bassetlaw in Nottinghamshire, form an identifiable Housing Market Area (HMA). A statement of common ground (SoCG), signed by all these authorities and Derbyshire and Nottinghamshire County Councils in May 2018 [SCG1], whilst predating the latest NPPF, nonetheless accords with national policy on maintaining effective cooperation, in particular NPPF paragraph 27.
12. The SOCG at Table 1 outlines the shared evidence base work and how the authorities are working together to secure outcomes on strategic and cross-boundary planning matters. It is clear from the SoCG that no authorities (including Derbyshire Dales who are not part of the HMA) have formally requested Chesterfield to accommodate any of their own development needs and nor has any organisation with which the Council has a duty to engage contended that Chesterfield has not complied with the duty. In respect of potential unmet Gypsy and Traveller accommodation needs from North East Derbyshire, the concurrent examination of the local plan for that area has identified a way forward [document EX.CBC.010] such that there is no duty-to-cooperate issue for Chesterfield at the time of this examination.
13. As set out in Issue 2 below we recommend separately that Chesterfield adopts a lower housing requirement in accordance with the latest standard methodology for local housing need (LHN). We are mindful that on

submission, the Plan was consistent with the Borough's figure for objectively assessed housing need identified in the jointly prepared Strategic Housing Market Assessment (SHMA) for the wider HMA. In recommending the LHN figure, which is only marginally lower than the SHMAs OAN, we are satisfied that this does not create wider issues for positively meeting housing needs across the wider HMA.

14. The issue of improved cooperation to monitor the effects of cumulative growth in North Derbyshire and Sheffield on air quality and its potential effect on the qualifying features of internationally protected sites in the Peaks<sup>1</sup> has been identified by the constituent local authorities in dialogue with Natural England, notwithstanding the separate findings of the Plan's Habitats Regulations Assessment (HRA) [KSD4]. The HMA SoCG at page 18 identifies that all authorities agree to commit to a monitoring programme, an approach endorsed by Natural England. Chesterfield Borough Council is positively coordinating initial efforts to move this forward [document EX.CBC.005].
15. The impacts arising from the scale of growth proposed in the Borough's eastern villages on infrastructure in neighbouring Bolsover District and the need to ensure that cross-boundary infrastructure is consistently identified and protected are matters of soundness, for which some MMs are proposed, rather than issues under the legal Duty. The timing of the separate SoCG between Chesterfield and Bolsover [SCG9] demonstrates that there has been relevant on-going joint working on strategic cross-boundary matters.
16. Notwithstanding the early stage of plan-making in Sheffield City and the evidence of initial representations to Chesterfield Borough Council in 2017, there is no formal request at the time of plan submission for Chesterfield to accommodate any unmet needs from both the city or the wider Sheffield City-Region (SCR)<sup>2</sup>. A draft and unsigned SoCG [SCG7] for the wider SCR does not indicate an absence of maintaining effective cooperation in accordance with the Duty given the record of past dialogue and mechanisms for on-going collaboration presented in the Council's DtC Statement. We are satisfied that there has been good interaction with SCR authorities and Local Enterprise Partnerships (LEPs) given the strong functional economic links and infrastructure interdependencies. There is credible evidence in the draft SoCG [SCG7] that housing need and employment ambitions for the SCR are very likely to be met through the current round of plan-making.
17. In the light of the above we are satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

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<sup>1</sup> Peak District Dales SAC: South Pennine Moors SAC: and Peak District Moors (South Pennine Moors Phase 1) SPA.

<sup>2</sup> DtC Statement 2019 [KSD5], Appendix 6.

## Assessment of Soundness

### Main Issues

18. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 8 main issues upon which the soundness of the plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

**Issue 1 – Whether the plan period is sound; whether the plan's spatial strategy, including the extent of proposed Strategic Gaps and Green Wedges is justified and effective; and whether the sites allocated for development in the plan have been selected using a robust and objective process.**

#### *Plan Period and Presumption in Favour of Sustainable Development*

19. The submitted Plan has a base date of 1 April 2018 and covers the period to 31 March 2033. The plan contains strategic policies as defined in the NPPF and as such should look ahead over a minimum 15 year period from adoption. On this basis it is necessary for consistency with the NPPF (paragraph 22) to extend the plan period by two years to 2034/35.
20. Extending the plan period by two years has consequential implications for the plan's housing and employment land requirements and these are addressed separately below under Issues 2 and 6 respectively. It is recognised that various aspects of the Plan's evidence base look ahead only as far as 2033 but by moderately extending plan period the overarching spatial strategy of concentration and regeneration in Policy LP1 remains justified. In any event, the legal requirement to consider the need to review the plan within a five-year period would provide the appropriate opportunity to assess whether the provision for housing and employment, the infrastructure requirements and the available environmental capacity needs to be revisited. Consequently, we recommend **MM3, MM4, MM5** and **MM6** to reflect the required extension to the plan period. These modifications would ensure the plan period is consistent with national policy.
21. In accordance with NPPF paragraph 11, the presumption in favour of sustainable development should be an integral part of plan-making and thus flow through to decision-making. Consequently, there is no requirement for plans to repeat the presumption and so submitted Policy LP3 and supporting text should be removed. We therefore recommend **MM13** for effectiveness and to avoid unnecessary repetition of national policy as advised at NPPF paragraph 16(f).

#### *Spatial Strategy and Key Diagram*

22. Geographically the Borough of Chesterfield is relatively compact and comprises the urban areas of the town, the settlements of Staveley, Brimington and Inkersall along the A619 corridor to the east of Chesterfield and the former mining communities (the eastern villages) of Duckmanton, Mastin Moor and Poolsbrook. Genuinely different spatial strategy options are limited such that

Appendix H of the Sustainability Appraisal (SA) report considers 4 options, three of which (variants on degrees of concentration and regeneration) perform broadly similarly and a fourth option of more dispersed growth performs less well against the SA objectives. The SA demonstrates that the spatial strategy to concentrate development within walkable distances of existing centres and to regenerate priority areas including the eastern villages, Holme Hall and key strategic regeneration sites including SS5 Staveley and Rother Valley Corridor (SRVC) site is an appropriate strategy in the context of the social, economic and environmental objectives for the Borough.

23. Some of the strategic sites were previously identified in the 2013 Core Strategy which generates considerations of deliverability. Sites such as SS3 (Waterside) and SS5 (SRVC) are however, critical to the successful place shaping of the Borough by redeveloping high profile derelict and under-utilised brownfield land at locations that can significantly transform circumstances for Chesterfield residents and businesses and positively change perceptions of the Borough. Initial phases of development at the SS3 site are now being implemented and it is important that the plan continues to focus necessary momentum on regenerating these challenging but sustainably located strategic sites.
24. Similarly, that part of the strategy to facilitate development in locations where it can positively affect communities where multiple indices of deprivation are prevalent (the Regeneration Priority Areas (RPAs)), should not be unduly weakened by a more dispersed pattern of growth. The Plan identifies five focused RPAs (four former mining villages and Holme Hall) and it is clear from the baseline evidence in the SA (including the spatial overview at Section 3.2 of SA) that these are appropriate parts of the Borough to focus regeneration, including through additional plan-led development. There is a justified need to diversify housing stock in these areas, address significant unemployment and deprivation issues, increase population to support and sustain local services and in the case of the former mining communities in the eastern villages to align additional housing growth to the strategic employment at nearby Markham Vale. Overall, we find the identification of the RPAs within the spatial strategy as locations where additional development will be promoted (considered in detail separately under Issue 3 below) to be a justified and effective approach.
25. In contrast to the 2013 Core Strategy, which contained a similar strategy of concentration and regeneration (Policy CS1), the plan realistically recognises that a balance must be struck between maintaining effort on key sites whilst also ensuring sufficient land is deliverable to meet development needs, especially in the short term. Accordingly, appreciable areas of greenfield land are proposed for allocation to achieve this and to improve housing markets in those parts of the Borough where new housing can assist regeneration efforts and diversify the housing stock. In this context, an alternative strategy to disperse growth further, including additional greenfield land releases would harmfully dilute the justified continuation of a concentration and regeneration strategy, which is now yielding results with significant benefits for the wider area.
26. The strategy of seeking to accommodate growth within walking distances of centres is, in principle, justified recognising the twin objectives of securing

modal shift and improving public health. In assessing potential allocations in the plan there is little evidence that the Land Availability Assessment (LAA) methodology, as the starting point, has applied the 800 metre (m) walking distance benchmark, with accessibility being determined, with the input of Derbyshire County Council (DCC), on broader measures including general accessibility to services and highway safety. SA does apply an 800m walking threshold on the pool of preferred and reasonable alternative sites and as an element of looking at the sustainability of site options. We find this a reasonable approach in ensuring that proposed allocations are better aligned to the objectives of modal shift and improving public health as part of a planned pattern for sustainable development. Moreover, we are able to come to this view on the basis that the Plan, as subject to SA, identifies sufficient land supply opportunities for housing within the 800m walking distance.

27. Policy LP2 on the principles of the location for development would allow for additional development to come forward where it would maximise opportunities for walking, cycling and the use of public transport. As set out above, the principle of embedding new housing within walkable communities remains a justified approach. The reference to the expectation that further new residential development should be within an 800m walking distance is, however, too prescriptive and would not appropriately reflect qualitative matters (such as gradients, busy roads and the environment of the pathways). Accordingly, the 800m reference should be removed together with the accompanying text at paragraph 2.16 and reference should be made to the Council's Residential Design Supplementary Planning Document (SPD) which provides further guidance on walkable neighbourhoods. **MM11** and **MM12** would do this and we recommend them for effectiveness.
28. To further clarify the broad strategy of the plan in spatial terms, the plan should contain a key diagram. **MM2** would remedy this and we recommended it for consistency with national policy (NPPF paragraph 23).

#### *Strategic Gaps and Green Wedges*

29. The plan proposes six strategic gaps and three green wedges, all of which are to be protected from development. Strategic Gaps are primarily a landscape and character designation intended to maintain the identify of individual settlements, avoid coalescence and to support the appreciation and wider perceptual benefits of open countryside. Green Wedges serve to provide access to countryside where it extends into the urban fabric of Chesterfield. Both designations are carried forward from the 2013 Core Strategy and have been reviewed for this plan in the 2016 Ove Arup Study [document EV17].
30. In terms of consistency with national policy, protecting the natural environment is a key strand of achieving sustainable development as set out in paragraph 8c of the NPPF. The NPPF also advises, at paragraph 20d that strategic policies should conserve the natural environment including landscapes and green infrastructure. Paragraph 170 of the NPPF states that planning policies should recognise the intrinsic character and beauty of the countryside. We have also been directed to a recent appeal decision<sup>3</sup> in the

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<sup>3</sup> APP/A1015/W/19/3223162

Borough which considered that the Strategic Gap designation was broadly "consistent with the aims of the Framework to promote local distinctiveness."

31. The methodology for reviewing the delineation of the Strategic Gaps and Green Wedges is logical and consistent, including the various proposals to either remove or add areas from these designations. The Strategic Gaps are not overly extensive, particularly if the objective of being able to appreciate a sense of open countryside between the distinct but closely related communities of Chesterfield, Tapton, Brimington, Inkersall, Staveley and Mastin Moor is to be maintained. In many cases the gaps involve relatively narrow bands of verdant, undulating countryside containing tributary valleys from the River Rother. These gaps provide a strong sense to the setting of these settlements, which are generally to be found on the higher land. This can be appreciated from the various rights of way that are available across the gaps and from the A619 as it passes through these communities. It is therefore justified to provide a particular degree of protection for this part of the Borough. It is also important to note that the ability of the plan to secure a sustainable pattern of development to meet identified needs would not be inhibited by either the proposed Strategic Gap or Green Wedge designations.
32. There are a small number of instances where the Policies Map needs to be amended, including: the Brimington and Tapton gap (SG1) to reflect the recent appeal decision and the latest landscape evidence from the Council [document EX.CBC.017]; the Ringwood and Hollingwood Gap (SG2) to reflect the extant planning permission west of Bevan Drive and to exclude the paddock area at Troughbrook Road as part of the amended H5 allocation; and Loundsley Green Road (GW2) to reflect the area that now has a reserved matters consent for 13 dwellings. It would be a matter for the monitoring of the plan and the latest evidence at the time of any plan review to determine whether the Strategic Gap and Green Wedge boundaries should be further altered.

#### *Site Selection Process*

33. The site selection process follows a LAA methodology which has been developed to ensure consistency across the HMA [document KSD14]. Nearly 430 sites have been assessed through the LAA process based on a call for sites in January 2016 and other sources of data. We are satisfied that reasonable efforts have been made to identify potential sources of supply.
34. The LAA methodology follows a two-stage initial filtering process, including a consideration as to whether particular constraints could be mitigated. From the sieving process some 95 sites were identified as being deliverable or developable. The Council has prioritised those deliverable sites that are on previously-developed land, those that are located within Regeneration Priority Areas and those sites that best accord with the strategy of concentration and regeneration. Provided the outcome is an adequate and sustainable deliverable supply of land to meet identified requirements, we consider the Council's approach to the prioritisation of suitable and available sites to be justified and consistent with the sound spatial strategy.
35. There will always be some disagreement around the site selection process but the judgements applied by the Council in assessing the sites have been

reasonable and transparently set out. Site selection can be a finely balanced and multi-layered exercise but the portfolio of sites that have advanced through the LAA stages have been further assessed through SA which has appropriately considered the proposed sites and reasonable alternatives. This is principally presented for housing sites, which is the area of particular concern, at SA Tables 5.6-5.8 and Appendices I and J [document SD3 and updated addendum SD5]. We consider the combined approach of the LAA and SA in demonstrating sustainable and deliverable / developable sites have been selected to be robust and therefore justified.

36. Overall, we are satisfied that the selection of sites has been carried out on an appropriate basis, and that the Council have met the requirements of the LAA methodology and the relevant PPG<sup>4</sup> chapter.

#### *Conclusion on Issue 1*

37. In conclusion, subject to the above-mentioned MMs, the plan period and the plan's spatial strategy and its approach to Strategic Gaps and Green Wedges is justified, effective and consistent with national policy. Furthermore, the sites allocated for development in the plan have been selected using a robust and objective process.

#### **Issue 2 – Whether the plan's housing requirement figure is justified and consistent with national policy.**

38. The Plan was submitted for examination after 24 January 2019 and so the starting point for evaluating the minimum number of homes needed is an assessment of local housing need (LHN) using the standard method.
39. As part of the examination the Council has submitted an up-to-date analysis (the Icen report September 2019 (EX.CBC.015)) which sets out the LHN under the standard method and why it can be considered appropriate for Chesterfield. In applying the 2014 household projections and the latest 2018 Office for National Statistics (ONS) data on the workplace affordability ratio, the LHN figure for Chesterfield would be for a minimum of 240 dwellings per annum (dpa). We find the Icen Report to be a robust and objective piece of evidence, reflecting national policy<sup>5</sup> that using LHN is consistent with the Government's objective of significantly boosting supply.
40. The housing requirement in the submitted plan was informed by the North Derbyshire and Bassetlaw Strategic Housing Market Assessment (SHMA) update of 2017. This indicated a need for at least 265 dpa based on a demographic starting point in the 2014 household projections of 204dpa which was then adjusted to reflect a combination of 10-year migration trends, household formation suppression and to account for vacant dwellings. No adjustments were made for supporting future jobs growth or in response to market signals. The SHMA update predates the NPPF and the approach of using the standard method to assess LHN. In any event, the outputs between LHN and the SHMA are not significantly different in Chesterfield. As such the

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<sup>4</sup> Housing and Economic Land Availability Assessment

<sup>5</sup> Planning Practice Guidance paragraphs 2a-005-20190220 & 2a-006-20190220

SHMA does not provide a compelling basis for deviating from the expected LHN figure as a starting point for the housing requirement.

41. We are mindful that the PPG states that a housing need figure higher than the standard method can be considered for example where there are particular growth strategies or unmet need from neighbouring authorities or where a recently produced SHMA significantly exceeds output from the standard method (PPG, paragraph 2a-010). Reference has been made to the growth ambition of the SCR LEP to create 70,000 net new jobs over the period 2015-2025. This target predates recent uncertainties around the economy as well as the long-term prospects/timeframe for phase 2b of the High Speed 2 rail project (HS2). It amounts to a doubling in jobs growth against trend figures. The sensitivity testing in the SHMA identifies a significantly higher growth scenario of 330dpa to support the SCR's ambitions. However, we are now at the midpoint of the LEP period and there is limited evidence before us that the 70,000 net jobs target is on track to be delivered or remains appropriate.
42. LEPs are intrinsically very positive and aspirational about jobs growth. Accordingly, we do not consider the reference to "particular growth strategies" in the PPG to mean LEP Strategic Economic Plans per se, as to do so would not properly reflect the exactness or certainty associated with "particular growth strategies" which is emphasised in the examples given in the PPG around transformational growth deals or specific infrastructure investments. In the short to medium term we are satisfied that applying the LHN figure of 240dpa would not inhibit jobs growth necessary to support the local economy. The 240dpa includes a positive adjustment for affordability which as the PPG advises (para 2a-006) is to enable people to live near where they work and to otherwise boost the supply of housing.
43. In respect of unmet need, Figure 3 of the Icen Report provides a useful overview of the HMA and notes that collectively the SHMA identifies a need for 1,184dpa. In comparison the latest LHN figure is 1,015dpa. The Council has provided evidence of ongoing discussion through HMA Local Plan Liaison Meetings that transitioning to LHN is acknowledged provided each constituent authority meets its own needs. We are satisfied that by applying the lower LHN figure of 240dpa in Chesterfield, the wider needs of the HMA would not be harmed. References are made to unmet need from Derbyshire Dales and Sheffield City and this is dealt with in the DtC section above and not repeated here.
44. In considering the LHN figure of 240dpa, compared to the marginally higher SHMA figure of 265dpa, we are particularly drawn to the Icen Report's analysis, at Section 6, that the housing market in Chesterfield is comparatively, to other parts of the HMA, somewhat fragile. This is reflected in recent housing delivery and housing market performance in recent years. Neither new builds nor overall house sales in the Borough have recovered to pre-2008/09 recession levels. There is no evidence that land supply has been constrained in recent years, including the positive release of major unallocated greenfield sites (paragraph 1.17 of the Housing Topic Paper). As such we consider the Icen Report's assessment (paragraphs 6.3-6.6) is reliable in finding that comparatively weak market circumstances are a significant consideration in ensuring that a feasible housing requirement is set for the Borough. Whilst there are positive signals that market activity is picking-up

and key strategic previously developed sites are now coming to fruition, the LHN figure would be a more achievable foundation on which to plan.

45. The LHN figure of 240dpa would be a minimum housing target. There is no persuasive evidence in the SHMA or elsewhere that a separate and higher housing requirement would be necessary either to deliver housing for different groups in the community or to meet the need for affordable housing. This is reaffirmed at Section 7 of the recent Icen Report.
46. Bringing this together, to be consistent with national policy the housing requirement needs to be modified to apply the standard method LHN as the minimum starting point. There is no justification in this case to plan for a higher number of homes than the standard method indicates. The principal consequence of applying the LHN of 240dpa is that the housing requirement for the plan period (to 2035) would need to be amended to 4,080 homes. This is a minimum figure for the plan period 2018-2035. **MM4, MM5, MM7, MM10** and **MM14** would embed and explain the modified housing requirement in the strategic objectives, spatial strategy and strategic housing policy of the plan. We recommend them so that the plan would be justified, and consistent with national policy.

#### *Conclusion on Issue 2*

47. In conclusion, subject to the above-mentioned modifications, the plan's housing requirement based on the standard method for LHN and extended to 2035, would be justified and consistent with national planning policy.

#### **Issue 3 – Whether the allocations for housing development in the plan are justified, effective and consistent with national policy.**

48. Policy LP4 seeks to ensure the plan makes flexible housing provision and includes a number of housing allocations. The policy also allows for some limited scenarios for additional housing supply outside of the built-up areas within the overall spatial strategy of concentration and regeneration. However, Policy LP4 requires modification to ensure internal consistency with recommended modifications to Policy LP2. Moreover, to ensure clarity for the decision taker, it is also necessary that Policy LP4 is modified to define that the built-up area is set out on the policies map and includes reference to 'rural worker' at criterion (f) for consistency with national policy at paragraph 79(a) of the NPPF. This will also require the Council to geographically define the built-up area on the Policies Map. This was consulted on alongside the proposed main modifications.
49. As paragraph 11(d) of the NPPF sets out the actions that the decision maker should take in the event the Council is unable to demonstrate a five year deliverable supply of housing land it is not necessary to repeat it in Policy LP4. **MM17** would introduce all of the above modifications to Policy LP4 and we recommend it for effectiveness and consistency with national policy.

#### Housing Allocations

50. Table 4 beneath Policy LP4 identifies housing allocations and associated site areas and capacities. A number of the allocations now benefit from planning

permission. Whilst they remain as allocations for the purposes of Table 4 their updated planning status and delivery profile is reflected in the latest housing trajectory. Additionally, proposed allocations H22 and H24 are no longer available and these sites should be removed from Table 4 accordingly. Some of the figures in the table require modification to ensure accuracy and to reflect the most up to date information and the related policy. **MM18** would set this out, identifying both the overall capacity of the various housing sites and the capacity that would be deliverable or developable within the plan period. We therefore recommend the modification so that the LP is effective, justified and consistent with national policy.

51. We now turn to assess the individual housing allocations to assess whether they are deliverable or developable and whether the estimated capacity is justified. The figures in brackets represent the site capacity as per the submitted plan.

*Site H35 Land South of Worksop Road, Mastin Moor (400 dwellings)*

52. At 20ha this is one of the larger sized allocations in the plan. Notwithstanding the edge of settlement location, the site is well-related to services and facilities and to the nearby Markham Vale strategic employment site. As submitted the overall density would not represent an efficient or effective use of land at a sustainable location and so would be inconsistent with national policy on this basis and therefore not sound.
53. Outline permission was refused for 650 dwellings at the allocation in October 2019. Notwithstanding this and despite the increased number of dwellings, the reason for refusal does not raise any technical issues or infrastructure issues (including highways related) and relates primarily to policy conflict with the Core Strategy which does not allocate the site for development. The quantum of development tested by the SA was for 600 homes, which is not materially different to the figure associated with the refused application. As such, the evidence, including SA, indicates that the capacity should be amended to a justified and more positively prepared capacity of 650 dwellings.
54. The allocation would secure a new local centre with community facilities and health facilities and would make a substantial contribution to housing need over the plan period. It would also help address deprivation within the Regeneration Priority Area (RPA), rebalance the local housing stock and take advantage of employment opportunities arising at nearby Markham Vale. These factors would outweigh the landscape character effects associated with the allocation. Subject to satisfactory mitigation measures, the evidence does not indicate any significant barriers and the allocation is developable in the plan period. Following the refusal of permission at the site, the Council have sensibly delayed housing contributions anticipated from the allocation until 2023/24. Based on the discussions at the hearing and the technical evidence preparatory work associated with the recent application at the site, this appears to be a reasonable expectation.
55. We therefore recommend as part of **MM18** that the capacity of Site H35 is increased to 650 dwellings so that the plan is justified and effective.

*H34 Land South of Tom Lane, Duckmanton (400 dwellings)*

56. An outline planning application is pending at the site, wherein the number of dwellings has been reduced to 275 to reflect landscape, topography and urban design considerations based on a more detailed analysis of site conditions and context. This, alongside policy mechanisms within the Plan, would ensure that an appropriate number of houses would be delivered at the site. Consequently, we recommend that Table 4 be modified as part of **MM18** to present a lower capacity of 275 dwellings at Site H34 as being justified and effective.
57. In the absence of any objection from the Highway Authority (DCC), and policy mechanisms available to the Council to secure any necessary highway mitigation, in principle the allocation would not have an unacceptable effect on highway safety or a residual cumulatively severe impact on the road network. Similarly, based on the available evidence and mechanisms available to secure any necessary mitigation, the allocation in principle would be acceptable in terms of flooding, sewerage network capacity and secondary school capacity. The outline application has been pending for some time although based on the hearing discussion the site applicant is working with the Council and DCC. The available evidence indicates that the allocation is developable within the plan period. Indeed, the early stages of construction now underway at nearby allocation H26, confirm that the local market conditions for housing development at Duckmanton appear to be favourable.

*H33 Land at Linacre Road, Holme Hall (300 dwellings)*

58. This Council owned site is in the latter stages of being sold to a developer, and although it does not have Supplementary Planning Document status, a masterplan that has been subject to community involvement has been adopted by the Council. The allocation would support the vitality and viability of services and facilities at Holme Hall and help address deprivation associated with the RPA. The allocation would increase traffic along Chatsworth Road and Newbold Road but we note the SoCG between the Council and DCC as highway authority. We also note that additional site investigations are to be undertaken to confirm locations of Bell Pits. However, overall, no insurmountable constraints or infrastructure issues are identified and although unlikely to form part of the five year deliverable housing land supply, the site would be developable within the plan period.

*H31 Varley Park, Poolsbrook (175 dwellings)*

59. The allocation would support the Poolsbrook RPA. Planning permission has been granted for 175 dwellings at the site, 100 of which are anticipated to be delivered within the five-year period. Early preparatory works are underway at the site, and the evidence indicates that the delivery trajectory is realistic.

*H36 Land at Inkersall Road (400 dwellings)*

60. The Council anticipate that this allocation would deliver housing from 2022/23 onwards, yielding 150 units within the first five years of the plan. The site offers two outlets for future developers and we find the proposed trajectory for delivery at H36 to be reasonable on this basis. A resolution to grant outline planning permission for 400 dwellings subject to a Section 106 agreement was

made whilst the plan was in examination, reaffirming the anticipated delivery timescales. No concerns have been raised by DCC in respect of highway or flood risk matters, with mitigation proposed. The Design and Access Statement and masterplan layout indicates that the loss of good quality agricultural land would be minimised, that pedestrian and cycling access points would be provided and identifies walkable accessibility to services and facilities. A range of technical documents have been produced to support the developability and deliverability of the site (including matters such as transport, landscape effects, built heritage, flooding and land contamination Assessment) and a range of infrastructure is contained within the site boundary.

*H30 Former Walton Works (150 dwellings)*

61. The allocation would secure the future conservation of the heritage asset by involving enabling works in relation to the Walton Works Mill Building, a Grade II\* building considered to be 'at risk'. The site is also located within a conservation area. A planning application involving mixed use development at the site has been pending for some time, with the Council resolved to grant planning permission, subject to the completion of a Section 106 agreement. The Council explained that the applicant is still keen to pursue the scheme. However, we are cognisant of the complexity of such schemes and the time elapsed to date. As such although not deliverable within the next five years, the allocation is considered to be developable over the plan period.

*H32 Bent Lane, Staveley (140 dwellings)*

62. The site is adjacent to Norbriggs Flash Local Nature Reserve and a functional flood zone. However, the majority of the site is located within Flood Zone 1. The Council seek to dispose of the site in 2020 with flood risk and access constraints to be resolved prior to commencement. Access to the site would also require highway improvements and the full adoption of Bent Lane. No significant constraints have been identified that could not be addressed by suitable mitigation. To reflect surface water flooding constraints at the site and the proximity of the Local Nature Reserve, the net developable area of the allocation has been slightly reduced however it remains sound that the capacity remains as 140 dwellings. We find the trajectory is reasonable in not anticipating any delivery within the next five years but considers the allocation to be developable over the middle part of the plan period starting in 2025/6.

*H27 and H28 Land at Walton Hospital (150 dwellings combined)*

63. Both sites were allocated in the 2006 Replacement Chesterfield Borough Local Plan and have been the subject of lapsed outline planning permissions. However, Homes England now own the vacant sites and thus have control of their delivery, with the appointed developer required to deliver at pace. The evidence indicates that the sites are deliverable and should be included in the five-year period.

*H19 Former Ash Glen Nursery and H25 Former Boat Sales, Sheffield Road, Unstone (78 dwellings combined)*

64. Both allocations would comprise the re-use of previously developed land and bring wider regeneration benefits as set out in the Policy LP2. A minor part of

allocation (H25) is within flood zone 3a. However, outline planning permission has been granted at the site and a reserved matters application is pending for 50 dwellings (all affordable) with funding secured from Homes England. Overall, we are satisfied that allocation H25 is deliverable within the five-year period. Allocation H19 has been the subject of pre-application discussions and given the absence of any significant constraints or infrastructure requirements we find the site is developable within the plan period.

*H21 Staveley Canal Basin (36 dwellings)*

65. A large proportion of the allocation is located within Flood Zone 2, although the Council highlight that the flood map is out of date with flood risk reduced by the canal infrastructure. In addition, we note the Environment Agency have raised no objection to the allocation. The site is owned by Derbyshire County Council who are in the process of producing a Planning Brief, with a mixed-use scheme comprising residential and commercial development envisaged. A revised anticipated capacity of 90 dwellings, all of which would be delivered within the five-year period, is based on the emerging planning brief. No significant constraints or infrastructure requirements have been identified and the allocation would support the wider restoration of Chesterfield Canal, offering facilities for users. With a planning brief in progress and the site access and basin already delivered, the allocation is deliverable within the five-year period as anticipated by the Council, although the capacity should be increased in Table 4 as set out in **MM18**.

*H15 Former Goldwell Rooms (25 dwellings)*

66. Part of the site benefits from planning permission for a 71-bed care home and planning permission has been granted for the remainder of the site. The site has been subject to a planning brief document, is owned by a developer, and no significant constraints or infrastructure requirements have been identified. We are satisfied the allocation is deliverable within the five-year period as envisaged by the Council. The calculation of 70 dwellings from the allocation is based on the methodology set out in the Planning Practice Guidance<sup>6</sup> and so the capacity of the allocation in Table 4 should be amended accordingly as per **MM18**.

Strategic Sites (except SS4 Markham Vale – see Issue 6 below)

67. Policies SS1 – SS7 of the Local Plan allocate seven Strategic Sites seeking to deliver a variety of uses, most of which include housing. The soundness of each allocation, together with its contribution to the housing trajectory, is dealt with in turn. Site SS4 which is entirely employment related is considered elsewhere in this report at Issue 6.

*Policy SS1 Chesterfield Town Centre (including 100 dwellings)*

68. Chesterfield Town Centre serves a large catchment area and Policy SS1 would ensure a coordinated approach to development outside the town centre boundaries allocated by Policy LP9. However, the policy requires revision to clarify that subject to other relevant policies the Council will support planning

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<sup>6</sup> Reference ID: 63-016a-20190626.

applications that contribute to the criteria set out in the policy, including a reference to housing to ensure consistency with the wider ambitions of the policy. This modification is also recommended for clarity in respect of the approach towards retail proposals outside the Chesterfield Town Centre Primary and Secondary Shopping areas, to confirm the status of the map included on page 92, to ensure that the supporting text to the policy is up to date and to include an insert plan to show the location of Spire Neighbourhood. **MM50, MM51 and MM52** would do this and so we recommend them for effectiveness.

69. Spire Neighbourhood is anticipated to accommodate 100 dwellings. This area includes a number of public car parks and a paint merchants use. However, the Council own the majority of the site and the policy would require assessment of any public car parking lost and, if necessary, compensatory provision. However, it is necessary to make this requirement clear to ensure policy effectiveness. **MM52** would do this and we recommend it accordingly. In light of the forthcoming masterplan work and existing use of the area, housing from Spire Neighbourhood is more likely to come forward outside the first five years of the plan. The plan's housing trajectory therefore takes a reasonable approach to profiling the site.

*Policy SS2 – Chatsworth Road Corridor*

70. This Strategic Site encompasses a district centre, employment premises, residential use, a conservation area, Walton Works (Grade II\* listed building) and vacant sites south of Chatsworth Road. The policy would ensure an integrated approach to development within this area. However, as other considerations may apply, **MM53** is necessary to establish that the Council will support development proposals that contribute towards the criteria within the policy. For clarity, this modification would also identify housing allocation H30 (which is within the SS2 area) and the adjacent employment allocation made in Policy LP7. The extent of the SS2 area should also be identified on the policies map to ensure clarity for future applicants and decision takers. Based on Policy LP22 great weight should be afforded to the heritage significance of the Walton Works within the SS2 area.

*Policy SS3 Chesterfield Waterside and the Potteries (including 1000 dwellings)*

71. This is a high-profile strategic site close to the town centre and railway station. For effectiveness, as other criteria may apply to development, Policy SS3 should be modified to set out the Council will support development proposals rather than stating that planning permission will only be granted for development that meets the listed criteria. Criterion c) also requires modification to ensure that the allocation reflects the existing site consent for up to 1550 dwellings and other uses. For effectiveness the latest approved version of the master plan should be included at page 98 of the plan. We therefore recommend **MM54 and MM62** to achieve these changes.
72. The allocation benefits from outline planning permission. Following this, the site was allocated in the Core Strategy. Time has passed since both of these milestones, however, good progress has been made in bringing the site forward. A number of planning conditions associated with the outline permission have been discharged. In addition, following the approval of a

reserved matters application, Avant Homes are on site undertaking preparatory work for the development of 173 homes. The council have also been in pre-application design discussions regarding reserved matters relating to a development of approximately 314 apartments. Pre-application discussions have also been undertaken for a further part of the site that has capacity for 200 to 300 residential units. Overall the above factors indicate that the allocation will deliver within the five-year period as anticipated by the Council. The wider allocation would be developable over the plan period such that Table 4 of the plan should be revised to show that 1,100 units of the 1,550 site capacity are likely to be built within the plan period, reflecting the latest evidence.

*Policy SS5 Staveley and Rother Valley Corridor (150 dwellings)*

73. This Strategic Site (approximately 187 ha) seeks to achieve the mixed use regeneration of mostly vacant former industrial land by delivering a variety of uses, including approximately 1,500 dwellings (150 of which within the latter end of the plan period), employment land, a local centre, and wetland habitat. The allocation also seeks to accommodate the Chesterfield to Staveley Regeneration Route (CSRR) and the Infrastructure Maintenance Depot (IMD) in association with HS2. The allocation lies within the vicinity of Barrow Hill where, alongside other communities, the community have been particularly economically and socially affected by the decline of industry that previously occupied the allocation site. A sizeable body of evidence has been developed over the years in association with an Area Action Plan at the site. Although this was not progressed further, the site was subsequently allocated in the CS.
74. The allocation is an opportunity to regenerate previously developed land, address deprivation, and meet long term housing and employment needs. We acknowledge that the allocation is subject to a number of constraints and infrastructure requirements, which include matters relating to contamination, flooding, heritage and biodiversity. Nonetheless two outline planning applications are pending for development at the central and western parts of the allocation. Also based on discussions at the hearing, we are satisfied that viability matters would not preclude the principle of development here.
75. Additionally, with a growing body of evidence for the site, there are no insurmountable constraints or insuperable infrastructure requirements that have been identified by consultees. However, we recognise that the allocation comprises a large area subject to a range of constraints and note matters relating to the CSRR and HS2 need to be progressed. Such circumstances indicate that housing would not be delivered at this site until very late in the plan period, as recognised by the Council in the housing trajectory. At this stage the allocation is considered developable although a future plan review would provide an opportunity to re-appraise the situation should matters progress faster than anticipated.
76. Turning to the policy itself, a number of modifications are required to ensure it is effective and consistent with national policy. Firstly, references under each character area to 'planning permission will be granted for.....' should be revised as the criteria listed are unlikely to be exhaustive. Also, clarity is needed in relation to the requirement for a transport assessment at criterion ii) and the implications of the HS2 IMD at bullet point 2 of the Hall Lane Character Area.

For clarity, it should be indicated that the site layout at page 107 of the plan is for illustrative purposes only. As housing is now expected from the allocation within the plan, modification to the supporting text at paragraph 3.7 of the plan is also required. Alongside delivering other minor revisions to improve clarity, we recommend **MM55** and **MM56** as being necessary for effectiveness and consistency with national policy.

*Policy SS6 Land at Dunston (500 dwellings)*

77. A large greenfield site to the west of the borough, SS6 has the potential to make a significant contribution to housing supply and support a new local centre to serve the development. Reserved matters applications have been approved for phase 1 of the eastern part of the allocation, which has already delivered a number of homes and which is anticipated to deliver another 199 dwellings within the first five years of the plan. Phase 2 of the allocation (to the west) does not benefit from planning permission but is projected to deliver 100 dwellings within the first five years of the plan. However, the discussions between the landowner, the Council and County Council on Phase 2 are advanced, and a signed SoCG between the landowner and Council [SCG10] has been submitted to support the suitability and deliverability of the allocation. The allocation could provide two outlets for developers, which would ensure phases 1 and 2 could be built out concurrently. With phase 1 already under construction, the technical evidence produced to date, and the signed SoCG, the trajectory to secure permission and commence construction of phase 2 from 2022/23 onwards is realistic.
78. In respect of highway matters, we note the SoCG between the Council and DCC. No significant constraints or infrastructure requirements have been identified and consequently the allocation is deliverable and then developable over the plan period as anticipated by the Council. However, to ensure that the policy is effective it is necessary to clarify that the scale of the allocation (the remaining balance) would be 500 dwellings and that acceptable access arrangements, appropriate walking and cycling provision, heritage asset mitigation and provision of a new primary school would be required. We have slightly amended the criterion on heritage assets to ensure the wording better reflects national policy. **MM57** would do this and we recommend it accordingly. Table 4 should also be amended to reflect the overall capacity of the site is increased to 799 dwellings as per **MM18**.

*Policy SS7 – Chesterfield Railway Station*

79. This Strategic Site seeks to improve accessibility to and from the railway station, including by safeguarding a route for a link road between Hollis Lane and Crow Lane and for improvements to the pedestrian bridge over the A61. The policy also appropriately seeks to maximise regeneration benefits likely to stem from future HS2 services. The delineation of the area to which Policy SS7 applies appropriately reflects those areas of under-utilised land around the station where access improvements and overall enhancements to the station environment as a gateway to the town are envisaged. It is a suitably focused area, recognising the proximity of adjoining sites SS1 and SS3 which will bring forward complementary strategic town centre and edge of centre development. Additional masterplan work is being undertaken for the SS7 area, which the Council envisage would inform an SPD. We consider this an

appropriate way forward to ensure development on land within SS7 suitably responds to adjoining strategic areas of change.

80. To ensure that the policy is effective and clear, it is necessary to set out that the Council will support development proposals that contribute to the criteria set out in the policy and to include a requirement relating to archaeology and inclusive access. For clarity, some of the supporting paragraphs also require modification to reflect the current position in respect of the masterplan and HS2 and to cross refer to other relevant LP policies. **MM59** would make the plan effective in this regard and we recommend it accordingly.

#### Regeneration Priority Areas (RPAs)

81. Policy RP1 seeks to guide the sustainable development of five designated RPAs covering Barrow Hill, Duckmanton, Holme Hall, Mastin Moor and Poolsbrook. The geographical extent of the RPAs and the allocations within them would deliver this aim and appropriately reflects the evidence. To ensure that the policy is clear, effective and justified, it is necessary that it specifies that a master planned approach applies to major development, responds to the latest position regarding community facilities and services, specifies which residents should be provided training and employment opportunities, and set outs that development should take account of the cumulative impact on the wider highway network. As the housing figures given are not maximum numbers, subsequent applications would be judged on their own merits and accompanying evidence. Therefore, the reference to exceeding housing growth in Policy RP1 is not justified and therefore not sound.
82. For clarity, cross references to the housing allocations and updated likely number of dwellings is also necessary, including the increased capacity at Site H35 at Mastin Moor. References to design, conserving or enhancing heritage assets within the RPAs and other minor changes to policy criteria are necessary to provide clarity for the decision taker and consistency with the NPPF. We have fine-tuned the proposed main modification to introduce 'significance' in respect of those RPAs where heritage assets are relevant. All of the above required modifications to Policy RP1 are addressed by **MM49** which we recommend for effectiveness and consistency with national policy.

#### Conclusion on Issue 3

83. In conclusion, subject to the above-mentioned modifications, the plan's allocations involving housing development, would be justified and consistent with national planning policy.

***Issue 4 Whether the plan's policy framework for meeting the various housing needs and types in the Borough, including the accommodation requirements of gypsies and travellers, is justified and consistent with national policy.***

#### Mix of Housing

84. Policy LP5 seeks to ensure a range of housing types in developments, including affordable housing, adaptable and accessible housing and housing for older people. A recommended size mixture of housing is contained in a table at paragraph 3.10 of the LP, which is taken from the SHMA. However, as the

table relates to the wider housing market area, it would not specifically relate to the borough area and thus should be removed. This aside, the Council state that this evidence will be updated. As such, to ensure effectiveness, the policy should set out that it will seek a range of dwelling types and sizes based on the Council's most up to date evidence, including based on the location and characteristics of the area to reflect the recommendations of the SHMA.

**MM19** and the first part of **MM22** will achieve this and so we recommend them in order for the policy to be effective and consistent with national policy in meeting the housing needed for different groups in the community as anticipated in the NPPF.

85. The plan does not make specific provision for new or expanded managed sites for residential static caravans. Nonetheless, we are satisfied that the development management policies in the plan provide a suitable framework for assessing individual proposals. In terms of the adequacy of the evidence base on the extent of any need for such accommodation, we consider that the current work to undertake a wider accommodation assessment of all caravan needs in accordance with Section 214 of the Housing and Planning Act 2016 across Derbyshire is the appropriate way forward and that the adoption of this plan should not be unduly delayed to await its outcome. The law requires Council's to consider the need to review their plans every five years and we would expect the outputs of the Derbyshire-wide caravan assessment to be part of the consideration as to when the Council reviews the plan.

#### Affordable Housing

86. Whilst the 2017 SHMA estimates a potential small surplus of affordable housing in the borough over the Plan Period due to the likely scale of re-let supply, the SHMA also states that the annual affordable housing need in the short term (over the next 5 years) is 42 dwellings per annum. Consequently, a zero requirement for affordable housing could result in a shortfall of affordable housing supply in the first five years of the plan. In this context, alongside the relatively modest proportion of affordable housing sought and the potential for plan review, the need for a policy to require affordable housing provision is justified and consistent with national policy. However, Policy LP5 as submitted in requiring "up to 20%" affordable housing provision on qualifying sites of 10 units or more, lacks precision or certainty, it would not be effective and therefore would not be sound.
87. Options around affordable housing provision, including the previous Core Strategy requirement of 30%, have been tested as part of the Whole Plan Viability Assessment (WPVA). The WPVA has recommended different requirements based on varying degrees of viability across the borough, broadly aligning with the CIL charging zones. This results in a more nuanced approach ranging from 0% in the most challenging viability zones to as much as 20% in those parts of the Borough where sales values and site conditions can support a higher provision. **MM22** would incorporate this in Policy LP5 and we recommend the zonal approach and sliding scale of affordable housing so that the plan is justified, effective and consistent with national policy.
88. Furthermore, to ensure housing delivery is not compromised, a further modification to Policy LP5 as part of **MM22** would be necessary to cover the defined situations where a lower proportion or different mix of affordable

housing types would be considered. This would ensure that the parameters for further viability testing are regulated given that the WPVA has reasonably tested the viability of affordable housing for the purposes of ensuring the policy requirements of the plan do not inhibit its delivery.

89. NPPF paragraph 64 sets out that for major housing development, planning policies should expect at least 10% of the homes on the site to be for affordable home ownership unless this would significantly prejudice the ability to meet identified needs. The 2017 OAN Update [EV26] indicates that additional social rented affordable housing should be sought as it is more affordable and accessible to households. It also sets out that owing to lower deposit requirements and overall costs, shared ownership would be the most appropriate form of affordable housing ownership. These factors justify the affordable tenure types sought and **MM22** would clarify that 90% of affordable housing provision is to be social rented products and 10% in the form of affordable home ownership.

#### Housing for older persons and persons with mobility impairments/disabilities

90. The evidence indicates that the proportion of over 65-year olds in the borough is above the national average and that this will grow over the plan period. Coupled with this are long term health problems and disability levels that are above the national average and which are also projected to grow across the borough's population. Similarly, the number of people claiming disability living allowance is also above national average levels. The Borough is also nationally one of the most deprived for health and disability indicators in terms of the Indices of Multiple Deprivation. In addition, on a Borough level a low proportion of housing stock is of wheelchair standard.
91. The evidence in the 2017 SHMA indicates an annual need of 50 specialist dwellings for older people, 14 wheelchair adapted homes, and 21 registered care bed spaces. More recent evidence of older persons housing needs to 2035 prepared by DCC indicates an approximate need for 281 additional purpose-built dwellings for older persons and 336 housing with care units over the plan period. We are also cognisant that older people may not want specialist care and may wish to stay or move to general housing that is already suitable or which can be adapted for their mobility.
92. In terms of housing for older persons, the plan as submitted, pre-dates recent evidence from DCC and is generally limited in its policy content and approach in Policy LP5 to housing for this part of society. As such the plan would not be effective or consistent with paragraph 61 of the NPPF. **MM20** would necessarily provide additional, comprehensive text and data on latest housing needs for older persons in the Borough. The final part of **MM22** would expand content in Policy LP5 to clarify the circumstances in which proposals for older persons accommodation would be permitted, including on sites allocated for residential development in Table 4 to Policy LP4. Accordingly, we recommend both these MMs.
93. The M4(2) standards have been viability appraised with an allowance of £500 per unit applied to 10% of residential units tested. Whilst this is below the proportion of M4(2) dwelling sought by the policy, considering the exceptions set out to this requirement, the viability testing gives a reasonable conclusion

that the optional M4(2) standard at 25% would be broadly viable and unlikely to impede housing delivery. Although much of the Council's assessment of existing housing focuses on social housing stock and indicates a higher proportion of need for M4(2) standards for such properties, the case to diversify housing stock in the borough is nonetheless compelling. The 25% provision sought is a reasonable point for the requirement and it would be for monitoring to inform plan review as to whether this % should be adjusted (up or down).

94. Policy LP5 as submitted is however less than clear in its requirements for adaptable and accessible homes nor is it consistent with national policy in requiring 10% of affordable housing provision to be built to the M4(3) wheelchair accessible standard. Accordingly, the supporting text and that part of Policy LP5 relating to the optional standards needs to be modified to separate and clearly identify that the M4(2) standard is to be sought on 25% of units on all schemes of 10 dwellings or more. It also needs to clarify that the higher M4(3) standard will only be sought where the Council is responsible for allocating or nominating a person to that affordable household, where an identified need exists, and subject to negotiation and consideration of viability and suitability. **MM21** and the final part of **MM22** with achieve all of the above and we recommend them accordingly to ensure that the policy is consistent with national policy justified and effective.

#### Gypsy and Travellers and Travelling Showpeople

95. The Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2015 (GTAA) [Document EV28] assesses the need for permanent pitch and transit site provision for Gypsies and Travellers and plot requirements for Travelling Showpeople over the period 2014-2034. The requirement for Chesterfield Borough is four permanent Gypsy and Traveller pitches between 2014 -2019. This has been met through the granting of recent planning consents for five private pitches on land at Hady Lane, Chesterfield. The GTAA identifies no further permanent pitch or transit site need for Gypsies and Travellers over the remaining 2019-2034 period. In addition, no accommodation needs for travelling showpeople were identified within the GTAA. Accordingly, **MM24** to Policy LP6 and **MM23** to its supporting text are necessary to reflect the current position that identified needs have been met and to include a reference to the 2015 national Planning Policy for Traveller Sites (PPTS).
96. The GTAA evidence shortly preceded the change in planning definitions for Gypsies and Travellers in the 2015 PPTS to exclude those who had permanently ceased to travel. The GTAA is a comprehensive piece of evidence drawn across a wide geographical area and based on thorough bespoke primary data collection exercises including surveys and interviews. We are satisfied that for the purposes of this plan, in the short to medium term, that the needs of those who meet the current PPTS definition have not been underestimated. In terms of wider caravan needs, including those who have permanently ceased to travel, the Council and neighbouring authorities are currently in the process of producing a new GTAA that would respond to the requirements of Section 124 of the 2016 Housing and Planning Act. Dependent on the outcome of the assessment when complete, this matter should form part of a plan review.

97. In the above circumstances, the use of a criteria-based approach in Policy LP6 to guide planning applications for Gypsy and Traveller pitch provision is appropriate as set out in the PPTS. However, it is necessary to remove the reference to the 'Designing Gypsy and Traveller Sites Good Practice Guide 2008' (which is no longer extant), a superfluous reference to Local Green Spaces, an unjustified reference requiring development to be on unallocated land, and the need to meet other relevant Local Plan policies, as the plan would be read as a whole. However, it is not necessary for soundness to delete criterion h) in relation to flood zone 3. **MM24** would achieve this and we recommend it for effectiveness.

#### Conclusion on Issue 4

98. In conclusion, subject to the above-mentioned modifications, the plan's policy framework to meeting the various housing needs and types in the Borough, including the accommodation requirements of gypsies and travellers, is justified and consistent with national policy.

#### **Issue 5 – Whether the plan provides for an adequate and ongoing supply of deliverable and developable housing land.**

99. As set out in Issue 2 the modified plan period housing requirement figure of 4,080 would be justified. It should be phased across the modified plan period to 2035 at a steady 240dpa. On submission, the plan did not contain a housing trajectory or adequate transparency on the components of supply or how performance against a requisite deliverable supply should be measured. As such, the plan would not be justified, effective or consistent with national policy (NPPF paragraph 73) and therefore unsound.

100. Since the start of the plan period, 212 dwellings were accurately recorded as being completed in year 1 (2018/19) resulting in a modest shortfall of 28 dwellings. In considering supply, we have worked forward from the latest monitoring base date of 2019/20. Whilst the spatial strategy relies to an appreciable degree on a small number of strategically sized previously developed sites, the plan judiciously recognises the risk and lead-in times for the most challenging sites. Accordingly, the plan takes a positive but realistic approach to those sites where ongoing preparatory work and funding means there is now a credible prospect of early delivery but also allocates a range of small and medium allocations, including numerous greenfield sites, to boost supply in the short to medium term. Accordingly, it is justified that the modest shortfall is recovered within the first five years rather than over the plan period.

101. Housing delivery in Chesterfield has been fragile since the economic downturn in 2008/09, averaging around 150dpa. Consequently, the performance of the housing market to build new homes has been persistently below plan target (380dpa in Core Strategy 2013). Latest assessment against the Housing Delivery Test confirms this remains the case and has necessitated a Housing Delivery Action Plan, which recognises the significance of the Plan in addressing the historic under delivery of housing<sup>7</sup>. This would include applying a 20% buffer to the deliverable supply (240dpa plus the shortfall) in

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<sup>7</sup> Table 3.1, Examination Document EX.CBC.028

accordance with NPPF paragraph 73 to improve the prospect of achieving the planned supply. Accordingly, there would need to be deliverable supply sufficient to yield 1,471 dwellings the first five years.

102. The housing trajectory, as part of the recommended main modifications, identifies that the housing supply within the plan period would comprise a combination of permitted sites without allocations (938), allocated sites (2,839) and capacity on strategic sites, including supply on SS3 Waterside and SS6 Dunston (2,149). In accordance with NPPF paragraph 70, the Council have provided compelling evidence<sup>8</sup> of past windfall delivery and propose to make an allowance to extrapolate this forward. Given the wider urban area of Chesterfield and the settlements to the east we consider the proposed windfall allowance of 34dpa, to be applied from 2021/22 to avoid initial double counting, a reasonable approach. Accordingly, windfall would add 476 dwellings to the overall supply over the plan period.
103. The Council has also taken a guarded approach to all permitted sites and applied a 10% allowance for non-implementation. For the purposes of this plan that is a reasonably prudent discount which would de-risk any unexpected delays from this source of supply.
104. Taking all of this into account, the housing trajectory identifies a cumulative supply of 6,497 dwellings over the plan period, against the requirement of 4,080. The deliverable supply from 1 April 2019 would be 2,481 dwellings against the requirement for 1,471 homes. This is an appreciable buffer but would provide for flexibility in the event that risks materialise to affect delivery. This may be particularly the case given that the housing market in the Borough appears to have been historically susceptible to market fluctuations, such as the 2008/9 economic downturn when delivery dropped to around 50dpa.
105. In terms of the supply, the deliverability of key sites to the plan are considered separately in Matter 4 above. However, it is important to note here that forecast supply from strategic site SS5 (Staveley & Rother Valley) is towards the last 3 years of the plan period. This prudently reflects the deliverability evidence and is modestly set at 150 homes in total. Depending on circumstances, some earlier delivery at SS5 may well be possible, but the trajectory is justified in not relying on it. Elsewhere, the Council has, in refining the trajectory, taken a more cautious approach and re-profiled several sites so that delivery is anticipated slightly later than originally envisaged. Again, this is a justified and logical approach, particularly where informed by site statements from those promoting key sites (Appendix 6 of April 2019 Housing Land Supply Position [EX.CBC.002]). Elsewhere, the build-out rates set out in the LAA methodology are reasonable to apply in the trajectory.
106. In profiling the supply of housing, delivery is set to ramp up significantly over the next five years to levels notably in excess of recent performance. The average is just shy of 500dpa with 2022/23 yielding nearly 660 completions. Such levels of delivery are also significantly above the identified requirement, such that were there a degree of slippage in delivery in the 2019-2024 period

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<sup>8</sup> Appendix 4 of Housing Topic Paper

there would be appropriate headroom to mitigate this risk. At a headline level it would be understandable to have some doubts about the realism of this figure but looking bottom-up from the individual lines within the trajectory it is evident that a significant number of sites combine to achieve these figures. This includes an appreciable amount of small and medium sites, many of which already have planning consent. These are the type and scale of site that should be attractive to a variety of developers and capable of being delivered reasonably quickly, avoiding phasing or significant infrastructure (as per NPPF paragraph 68). Current, improving construction activity across the Borough gives confidence that the market can deliver these types of sites.

107. Elsewhere, deliverable supply includes initial phases on Chesterfield Waterside including consented build-to-rent apartment units, which due to their construction will yield significant numbers (over 400 units) in a short period of time. We recognise this is a new approach in the Borough, but the character and location of the Waterside site lends itself to this type of accommodation. Build to rent is recognised in the NPPF and is becoming well-established in other parts of the country. This initial investment and activity at the Waterside site provide appropriate assurance that delivery, including the build-to-rent units, would be significant in the first five years.
108. The trajectory anticipates some allocated sites contributing in the first five years (2019/20-2024/25). A number of these now have planning consent or are the subject of planning applications or proposals. Chief amongst these is Site SS6 at Dunston, which is expected to deliver 328 homes in the first five years on Phase 1 which already has permission and is well under construction. The trajectory is informed by a SoCG with the site developer and the location and scale of the greenfield site would readily sustain two outlets simultaneously for an overlapping period of around 2 years. Elsewhere larger allocated sites at Dunston Road (Site H29) and Poolsbook (H31) are now permitted and under construction and surplus public sector land at Walton Hospital (Sites H27 & H28) benefits from Homes England involvement to support delivery 'at pace'. The trajectory is justified in taking a positive outlook on delivery at these sites. Elsewhere, other larger allocated sites have generally been pushed back (mainly by 12 months) within the trajectory including the 275 homes south of Tom Lane, Duckmanton and the 650 homes at Mastin Moor. This is prudent notwithstanding various degrees of technical activity to obtain planning permission on some of these allocated sites.
109. Overall, the proposed trajectory accords with advice in the PPG (paragraphs 68-004 to 007-20190722 and 3-017 to 024-20190722) and the NPPF (including the 2019 definition of 'deliverable') on the need to demonstrate a clearly evidenced deliverable supply. Taking 2019/20 as the expected year of adoption and the latest monitoring outputs available as of 1 April 2019, as set out above, the trajectory confirms a deliverable 5-year housing land supply of 2,471 dwellings against a requirement of 1,471 dwellings on the point of plan adoption in Spring 2020. Even if delivery were not to prove to be as strong or as buoyant as profiled, there is significant headroom between the identified supply and the adjusted five year housing requirement (including the shortfall and 20% buffer). Accordingly, the plan contains appropriate resilience and flexibility to respond to changes in circumstances. Furthermore, the plan also identifies a supply of specific, developable sites for growth in years 6-10 and in years 11-15 where there is a reasonable prospect that they will come forward

in the timescale envisaged. In this context we find there are no grounds to allocate additional housing land as part of this plan.

110. As required by the NPPF at paragraph 68(a) approximately 15.5% of the housing requirement (excluding any small-scale windfall provision) would be accommodated on sites no larger than 1 hectare. This adds to our view that the plan has sought to meaningfully diversify supply to support an early boost in delivery whilst concurrently enabling strategic previously developed sites to be unlocked within pragmatic timeframes that recognise infrastructure interdependencies and necessary lead-in times.
111. In summary, the proposed housing trajectory, reflecting the latest housing requirement and the extended plan period to 2035 needs to be incorporated into the plan. **MM16** would do this and **MM67** would ensure the corresponding part of the monitoring framework would be similarly modified. Additionally, various parts of Section 3 of the plan on 'Homes and Housing' need to be amended to introduce necessary transparency on the components of the deliverable and developable supply as well as important factual updates. This would be achieved through **MM15**. In this way, the strategic policies would ensure the identification of a 5-year deliverable housing land supply from the date of plan adoption in the 2019/20 period. We therefore recommend these MMs so that the plan would be justified, effective, positively prepared and consistent with national policy and therefore sound.
112. In conclusion on Issue 5, and subject to the above-mentioned modifications, the plan provides for an adequate and ongoing supply of deliverable and developable housing land.

**Issue 6 – Whether the land requirements for employment development are based on robust evidence and whether policies for employment and town centres are justified, effective and consistent with national policy.**

Employment Land

113. The Borough is within an area of "overlap geography" between the functional economic areas of the SCR LEP and the D2N2 LEP (covering Derbyshire and Nottinghamshire). Chesterfield is a sub-regional employment hub for north Derbyshire with access to the A61 and mainline railway. Elsewhere eastern parts of the Borough have access to the M1 (junctions 29a and 30) and there has been a significant uptake of employment development on the former Markham Vale colliery site, an enterprise zone straddling the Chesterfield and Bolsover boundary. Between them Policies LP1 and LP7 identify a plan-led strategy to support both the Council's and the LEPs' strategies for economic growth including spatial priority areas such as Markham Vale, the A61 corridor and the Staveley and Rother Valley corridor as the key locations for employment.
114. In terms of potential barriers to economic growth the Council's Growth Strategy 2019-23 identifies that jobs growth in the Borough has not been as strong as the national average and that key sectors to the local economy including manufacturing, public services and retail, face a challenging outlook. To support economic growth, there is a need not only to release additional conventional employment land but also to look to regeneration sites, particularly those closest to the railway station, with its future potential HS2

connectivity, to improve the proportion of 'knowledge workers' in the local economy. These sites also relate well to ongoing LEP prioritisation of Chesterfield being a hub within a North Derbyshire Growth Zone, exemplified by significant investment in the A61 corridor through a £16m package of junction improvements. Accordingly, Policy LP7 appropriately reflects the economic potential of these regeneration sites.

115. The plan seeks to support the delivery of 4,200 net additional jobs by 2033, which would represent a continuation of current trends (a jobs growth rate of 6% over this period). Whilst this may appear cautious, structural uncertainties in the wider economy (for example, Brexit) and the fluid situation with HS2, means it is an appropriately realistic figure. It is also necessary to recognise that upskilling, enhanced productivity and improved economic activity rates are part of the Council and LEP strategies to meet demand for future employment. The SCR LEP has particularly bold aspirations for jobs growth but as set out above, the foundations for that scenario are now of some age. Again, plan review would be the appropriate opportunity to respond to any change in circumstances.
116. Whilst the Council's Growth Strategy places a certain emphasis on HS2, both in terms of a stopping service at Chesterfield and the potential Infrastructure Maintenance Depot (IMD) at Staveley, given the timeframe the Plan is justified in taking a pragmatic view and not over-relying on HS2. With Phase 2b of the HS2 likely to be delivered beyond the plan period, a plan review would be well placed to take stock of how the HS2 project is progressing. It is also worth noting that recent employment land take-up has been particularly influenced by the success of Markham Vale. That strategic site (which has benefitted from Enterprise Zone status) is now nearing completion and it would be unlikely that take-up rates, not just at Markham Vale but across the Borough, would continue at a similar pace.
117. On submission the plan identified a need for 44ha of employment land, reflecting an anticipated average take-up rate of 3ha per annum. The evidence in the Council's Employment Land Requirement Paper 2018-2033 is convincing in that the demand for additional land for manufacturing is likely to be low and the growth will be in sectors such as storage and distribution, financial and business services and public administration and health. The Council has looked at those jobs that would require land for 'B' class uses and applied recognised formulas for translating that employment demand into the 44ha figure. With the extended plan period to 2035, this needs to be extrapolated over 2 additional years, so that the justified, effective and positively prepared minimum land requirement would be 50ha. **MM3, MM6, MM8, MM9, MM10** and **MM25** would introduce the revised 50ha requirement at the necessary points in the plan and we recommend them all accordingly.
118. The plan would provide for a net 49ha of employment land from a combination of sites with planning permission and various land allocations at established business areas. This would be at the margins of identified need but would be sufficient to meet needs in the short to medium term. This is illustrated in an employment land trajectory provided for the examination which shows a realistic supply of just over 17ha of employment land in the next 5 years, most of which already has planning permission. We recommend the trajectory is embedded in the monitoring framework of the plan to gauge effectiveness of

the plan's employment land approach in accordance with PPG paragraph 3-02-20190722. **MM68** would do this and we recommend it accordingly.

119. In terms of the suitability and deliverability of the employment land supply identified, all of the sites have been through the LAA process and SA (section 5.13 and Table 5.14). We are satisfied that the Council has not sought to protect or safeguard land within its trajectory which has no reasonable prospect of coming forward for employment uses. In any event, Policy LP7, as submitted, provides an effective policy mechanism to consider the re-development or change of use of employment sites to non-employment uses subject to appropriate criteria.
120. In considering whether there is sufficient flexibility, we have taken account that in addition to 'conventional supply' of 49ha through established business areas, the plan also positively allocates mixed-use strategic regeneration sites of which employment is an important component. This includes sites SS1, SS3 and SS7 in and around Chesterfield town centre. There is also the policy approach to encourage a mix of uses, including employment generating uses, in the Chatsworth Road Corridor (Policy SS2). Across the Borough Policies LP7 and LP8 would provide a positive development management framework for B class uses within established business areas as well as farm diversification schemes, tourism proposals and live/work units. Additionally, the proposed Peak Resort scheme in the north of the Borough will provide a notable number of jobs in the leisure and hospitality sectors on a reclaimed opencast mining site, with initial works funded in part by £2.85m from the SCR Investment Fund.
121. On submission, Table 9 and Policy LP7 lack clarity on distinguishing between existing undeveloped employment land within established business areas that is available for employment uses (with or without permission) and land which the plan would be allocating for employment uses. For transparency the Policies Map would need to clearly distinguish them also, including the 2.5ha remaining at Prospect Park, Dunston. **MM28** would clarify the distinction and update Table 9 accordingly and we recommend it for effectiveness.
122. Overall, we are satisfied through the underpinning LAA work and sub-regional employment land review that the plan has identified, safeguarded and allocated an appropriate supply of employment land to meet the revised 50ha minimum requirement. The continued identification of Markham Vale as a strategic employment site is justified given its scale, enterprise zone status and investment and support that has enabled the former colliery site to be regenerated. Whilst only a few remaining pockets of land are left to be developed within the Borough, it is a cross-boundary strategic site with Bolsover District. The plan's approach to the site accords with the wider HMA SoCG and the separate SoCG with Bolsover District Council.
123. There remains around 8ha of supply within the Borough's part of Markham Vale to meet immediate needs. Any additional supply at Markham Vale should be considered strategically through ongoing dialogue between the two Councils. Additionally, in a Chesterfield context, there are areas of land, notably within the Staveley and Rother Valley corridor, which provide further flexibility for employment within the plan period in addition to 49ha of baseline supply. This includes land at the allocated strategic site (SS5) but also the

former Hartington Colliery site, which is currently being reclaimed and was recently a shortlisted site for train manufacture, as well as consented land at Farndale Road, Staveley. These sites have good links to the M1 via the Staveley Northern Loop Road.

124. Ongoing efforts to deliver and secure the CSRR would substantially bolster employment prospects here and enhance a part of a Borough that keenly needs to be regenerated. The plan as submitted takes a pragmatic approach to the Staveley & Rother Valley strategic site recognising that the HS2 IMD whilst an appreciable land-take would be a low-density employment use. That could change depending on how or when HS2 proceeds. A moderate and justified allowance (2ha) is made for employment use at the Works Road part of the site within the employment land trajectory. Delivery of the CSRR may well mean that the plan's prudent outlook on employment at this location could be improved but within the existing evidence base the submitted Policy SS5 provides a sound approach for future employment provision here.
125. On employment matters we are satisfied that plan sets out a clear economic strategy for the area which positively encourages sustainable economic growth and is flexible to needs not anticipated in the plan. In this way the plan accords with the requirements at NPPF paragraphs 81 and 82.

#### Town Centres and Retail

126. Policy LP9 defines a hierarchy of town centres, which comprises Chesterfield town centre, small town centres and district centres, local service centres and local centres, and seeks to support the viability and vitality of them. Out of centre retail locations are also recognised (retail parks and out of centre food stores) with food stores identified on the policies map. Policy LP9 in principle is consistent with national policy and would ensure sufficient flexibility for non-A1 retail uses provided they support the viability and vitality of relevant centres. However, to ensure clarity and consistency with the NPPF and the PPG the policy should set out that development should be of an appropriate scale, that main town centre uses will be supported, explain the applicability of criteria a) to f) and to simplify criterion a). Additionally, 'Sheffield Road' should be added to the list of local centres.
127. We also recommend removing references to residential uses being permitted 'normally' and 'only' at first floor level and above. NPPF paragraph 85(f) is more flexible, recognising that residential development has an important role in ensuring the vitality of centres. Initially we considered removing entirely that part of the policy on residential uses given what is at NPPF paragraph 85 but in light of the representations on proposed main modifications we have subsequently recommend retaining the section for clarity for plan users provided the words 'normally' and 'only' are removed and a qualified reference to appropriate redevelopment sites added. We do not consider the additional text materially alters the submitted policy and would be wholly consistent with national policy.
128. Bringing this altogether, **MM30** would secure of the above recommended changes. Consequently, we recommend it for effectiveness and consistency with national policy.

129. Table 12 of the Plan relates to convenience and comparison retail supply and for clarity it should set out the planning status of each site. **MM29** would do this and we recommend it for effectiveness. As planning permission has been granted for residential units on Goyt Side Road the policies map is to be modified to reflect the revised extent of the Chatsworth Road District Centre.
130. The Council's approach for proposed retail and town centre uses outside of designated centres in respect of sequential and impact tests is set out in Policy LP10. The policy seeks to depart from the default threshold for impact tests set in the NPPF (paragraph 89). The PPG<sup>9</sup> sets out a list of criteria important to consider in setting a locally appropriate threshold. The Retail and Centres Study (EV35) recommends a lower threshold to trigger the requirement for an impact assessment based on the overall scale and draw of the centres, their vulnerability, the number of available opportunity sites and market patterns. On this basis and noting existing planned investment and adopted strategy (see Policy SS1 and the Chesterfield Town Centre Master Plan), the locally derived thresholds proposed are justified. However, for clarity the policy should clearly set out the locally set thresholds, include thresholds for all other locations and identify that impact assessments are required for relevant proposals that fall outside designated retail centres. **MM31** would achieve this and we recommend it for effectiveness and consistency with national policy.

#### *Conclusion on Issue 6*

131. In conclusion, subject to the above referenced modifications, the plan's requirements for employment development and policies for employment and town centres would be justified, effective and consistent with national policy.

#### **Issue 7 – Whether the plan's development management policies for the natural and built environment are justified, effective and consistent with national policy.**

##### Design (Policy LP21)

132. Policy LP21 covers typical development management design considerations, alongside requirements for emission reductions and for major development to make provision for public art. The Percent for Art has been a longstanding development plan requirement in the Borough. The requirement can bring economic, environmental and social benefits and it also requires the consideration of viability. However, no substantive evidence has been submitted to demonstrate this requirement would meet the statutory tests (regulation 122 of the CIL Regulations 2010) and those set out in paragraph 56 of the NPPF; particularly the test of necessity. Accordingly, it would be justified only for the policy to encourage major developments to incorporate public art where reasonable. The final part of **MM46** would do this and we recommend it accordingly.
133. Energy efficiency and water use are matters covered at the Building Regulations stage. Nonetheless, a requirement, in principle, for development to contribute towards the reduction of CO<sup>2</sup> emissions and renewable energy generation would be consistent with the NPPF, the PPG (in particular the

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<sup>9</sup> Reference ID: 2b-015-20190722.

section 'Design: process and tools') and the Climate Change Act 2008. However, to require a statement for all development would be unreasonable as would applying the criteria inflexibly. Therefore, Policy LP21 should be amended so that the requirements on reducing emissions apply to major development only and introduce some flexibility including matters of feasibility and viability. It is also necessary for effectiveness that the expectation to be able to withstand any long-term impacts of climate change is part of the standard design criteria in Policy LP21 that applies to all development. Again, **MM46** would make these changes and we recommend them for effectiveness and consistency with national policy.

134. Additionally, Policy LP21 should be modified to ensure that the policy is consistent with the NPPF in supporting outstanding or innovative designs and requiring good design. Requiring development to respond positively to the character of the site and area rather than 'integrate' would also ensure good, innovative design, responsive to its context is not unduly constrained. Including a reference to 'designated local, district and town centres' in criterion c) and further explanation regarding criterion e) would also offer clarity to the decision maker. Again, **MM46** would encompass all of these recommended changes and we recommend it accordingly.

#### Historic Environment (Policy LP22)

135. Policy LP22 relates to the historic environment and sets out requirements for designated and non-designated heritage assets. To ensure consistency with the NPPF the policy should set out that great weight will be given to the conservation of designated heritage assets and guide assessment of any harm to the significance or the loss of a designated heritage asset, including the requirement for surveying and recording. As matters of local character and distinctiveness are dealt with by Policy LP21 and as Policy LP22 would not be applicable to 'all' new development, references to these matters should be removed for clarity with subsequent changes to the criteria required this modification. It would also be necessary to ensure clarity in respect of criterion g) by establishing that it applies to 'relevant' development proposals and includes other areas of archaeological significance.

136. The Council had published and consulted upon a local list based on established criteria. However, in respect of non-designated heritage assets the policy seeks a level of protection in excess of that afforded by the NPPF. References to non-designated heritage assets throughout the policy are also imprecise. We have made some further changes to the proposed modification post consultation to enhance alignment to the NPPF in relation to the 'significance' of a heritage asset being the factor against which potential impacts would be considered. **MM47** would set out all of the above modifications and we recommend it for effectiveness and consistency with national policy.

#### Environmental Policies (Policies LP13, LP14, LP15, LP17, LP18, LP19 and LP20)

137. The plan supports proposals for renewable energy via Policy LP13 subject to the direct and cumulative adverse impacts of such development being acceptable. For clarity the policy at criterion i) should refer to the impact on the character and appearance of the open countryside. To ensure consistency with national policy, the wind energy aspect of the policy should be modified

to recognise that the NPPF applies a specific approach for wind energy developments (footnote 49 at paragraph 154). Accordingly, the general support in the NPPF for community-led renewable schemes, including developments outside of areas identified in Neighbourhood Plans, does not apply. Consequently, the policy needs to remove reference to support for community led proposals outside of areas identified as being suitable for wind turbine development in Neighbourhood Plans. After further reflection we have amended the consulted main modification to clarify the need to remove a reference to community led proposals to ensure consistency with national policy. For renewable energy projects within the Green Belt the precise wording of the policy needs to align with the NPPF. We therefore recommend **MM36** to encompass the above modifications in order for the plan to be effective and consistent with national policy in terms of managing renewable energy proposals.

138. Policy LP14 relates to the management of water in the borough, and specifically sets out requirements relating to flood risk, drainage and water use. To ensure consistency with national policy, Policy LP14 should ensure that development does not increase flood risk elsewhere, is made safe for its lifetime and contributes to reducing the overall level of flood risk. The requirement for the provision of sustainable drainage systems should be clear that it applies for major development only. For clarity, the reference to 'or water resources' should be removed from criterion a). **MM37** would make these necessary modifications to Policy LP14 and we recommend it so that the plan would be justified, effective and consistent with national policy in this regard.
139. The PPG<sup>10</sup> sets out that where there is a clear local need, local plan policies can require new dwellings to meet the building regulations optional requirements on water usage of 110 litres/person/day. The PPG goes on to say that it will be for a local planning authority to establish a clear need based on existing sources of evidence, consultation with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration on the of the impact on viability in housing supply. The 2015 Humber River Basin Management Plan (RBMP), identifies the 110l/p/d requirement at Section 3.2 as part of a menu of measures to prevent deterioration in the natural flow and water levels within the catchment. Additionally, the Council's evidence indicates that the cost of implementing the optional requirement would be modest.
140. Initially, we were of the view that a clear need for this aspect of the policy had not been sufficiently demonstrated. This may have arisen in part from the references in evidence to the Humber Flood Risk Management Plan 2016 rather than the RBMP. However, on reflection, and in light of the Environment Agency's response to the main modifications consultation, including the RBMP, we are now satisfied that the optional technical requirement would be justified and consistent with national policy and so we have not recommended the proposed modification to remove it. We are satisfied that no one would be prejudiced by this approach given it was part of the submitted plan and was

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<sup>10</sup> Reference ID: 56-014-20150327 – 56-016-20150327.

discussed at hearings on Policy LP14 and would be viable. We have therefore amended **MM37** accordingly.

141. Policy LP15 sets out requirements in relation to the effect of development on occupiers and users, air quality, contamination and soil and agricultural land quality. References to 'tranquillity' and 'appearance' should be replaced with more precise terms. The policy should also be clear that development should have an acceptable impact on the amenity of users and adjoining occupiers to ensure consistency with national policy. Additionally, for consistency with the NPPF regarding Air Quality Management Areas (AQMAs), and for clarity, the policy should also refer to cumulative impacts, omit 'normally' and specify that it is air quality within AQMAs that is the consideration.
142. In relation to agricultural land, to ensure consistency with national policy and with Policy LP2 and to strike an appropriate balance, reference to previously developed land should be removed and a reference to other 'sustainability considerations' that suggest higher quality agricultural land is preferable included. A best practice soil resource document is briefly referred to in the policy. It would add clarity to set out what this document is in the supporting text. In terms of the protection and sustainable use of soil resources, a more proportionate and positively prepared approach would be to ensure that this aspect of policy applies to 'major' development only. The requirement for a phase II land contamination report would not be confined to just full or reserve matters planning applications. As such, and to ensure policy LP15 is effective, this reference should be deleted. In addition, for effectiveness the policy should also include requirements for a phase I land contamination report and land stability risk assessment (where necessary) and mitigation. Accordingly, we recommend **MM38** and **MM39** which would include the above changes, all of which are necessary so that the plan would be effective and consistent with national policy.
143. Policy LP17 would ensure that species, habitats and sites of international, national importance are protected and enhanced and that a net measurable gain in biodiversity is secured. In principle the policy is soundly based. However, to ensure clarity, effectiveness and consistency with national policy, **MM41** is required to include references to protected and priority species, the retention of existing features of ecological value and to set out further details regarding assessments and surveys, including when they would be required.
144. The Council consider that the Playing Pitch and Outdoor Sports Strategy [EV7] is robust but needs updating. They are currently in the process of producing strategy documents relating to parks and open space and play equipment. The plan review presents an opportunity to reflect any material changes in the evidence base following updates to EV7 and production of the noted strategy documents. Nonetheless Policy LP18 is sufficiently underpinned by the recently published Open Space Standards Paper and Assessment Report [EX.CBC.032-033]. Now these documents have been published, more accurate mapping and a clearer approach to avoid double counting for certain typologies exists. As such modification to the numerical standards provided in Appendix B of the plan is necessary to ensure that the policy is justified and effective. For clarity effectiveness and consistency with the NPPF modification to the policy is also required to set out when it would apply, to cross refer to Appendix B, to further detail the application of criterion c) to modify criteria ii) and iii) and

include a definition of open space in the supporting text. We therefore recommend **MM42**, **MM43** and **MM65** to achieve these necessary modifications.

145. It was confirmed at the hearing that land at Newbold Back Lane is in use as a paddock whilst the use at the Poolsbrook Country Park caravan and motorhomes site is self-explanatory. Accordingly, to ensure Policy LP18 is justified in its geographical extent the open space designation at both of these sites is proposed to be updated on the policies map.

146. Policy LP19 would safeguard the Chesterfield Canal as identified on the policies map. Whilst the policy sets out the requirements to be met to secure planning permission for development at the Staveley basin location this list is unlikely to be exhaustive. Furthermore, application of this policy would be aided by a cross reference to plan allocation H21. Consequently, we recommend **MM44** for plan effectiveness.

147. Amongst other roles, the supporting text to Policy LP20 recognises the valuable wildlife function of rivers within the borough, yet the policy as submitted does not reflect this or the potential future enhancements to the character of the river corridor. **MM45** would rectify this and we recommend it as being necessary for effectiveness. Overall, we are satisfied that the LP20 designation has been appropriately defined and that no additional areas should be added as being necessary for plan soundness.

#### Conclusion on Issue 7

148. In conclusion, subject to the above referenced modifications, the plan's development management policies for the natural and built environment are justified, effective and consistent with national policy.

### **Issue 8 – Whether the plan's implementation and infrastructure delivery policies and its arrangements for monitoring are justified, effective and consistent with national policy**

#### *Implementation and Infrastructure*

##### *Transport Infrastructure*

149. Through the duty to co-operate, engagement with infrastructure providers and dialogue with the LEPs and North Derbyshire Infrastructure Planning Group, amongst others, the submitted Plan is predicated on a strategy that reflects and makes sufficient provision for that infrastructure necessary to support the planned growth. The principal evidence is contained in an up-to-date Infrastructure Study and Delivery Plan 2019 (the IDP), supplemented by various SoCGs with infrastructure providers that either confirm capacity exists or that mechanisms for delivering additional capacity are feasible and/or available. The IDP reflects both the Derbyshire and SCR Infrastructure Investment Plans, providing appropriate reassurance of future coordination around funding bids and priorities for key infrastructure.

150. As set out elsewhere in this report HS2 would be a very significant infrastructure project for the Borough in the medium to long term of the plan period. The plan strikes the right balance between supporting and enabling

the preferred route and options of HS2 without placing an undue reliance on it. We recognise that the HS2 project would bring benefits in terms of station improvements, enhanced connectivity and for promoting investment in and around central Chesterfield, as well as the direct employment potential of an IMD at Staveley. Whilst these are all appreciable benefits, delivery of the plan is not at risk should HS2 Phase 2b be delayed or cancelled.

151. A number of highways projects are critical to the successful delivery of the plan, namely the CSRR and junction improvements as part of the A61 Growth Corridor through the Borough, including the Hollis Lane Link Road. In the short term, the A61 junction improvements in north Derbyshire will enable several development sites in the Borough, including strategic previously developed sites, to sustainably come forward. It would also facilitate modal shift through pedestrian, cycle and bus infrastructure enhancements along the corridor. The £16million cost is largely funded, mainly through £12.8million of LEP Local Growth Fund monies together with other sources, including developer contributions. We are satisfied that planned investments along the A61 will unlock and boost early plan-led delivery.
152. In the medium term (2020-26) the highways priority is delivery of the CSRR. The overall design and cost of the scheme remains to be determined but its delivery as a comprehensive connecting route through the Rother Valley would likely lead to the need to reconsider Phase 2 of the Staveley Northern Loop Road (connected to the approval of Markham Vale). For the time being the safeguarding of Phase 2 of the Northern Loop Road remains justified. The submitted plan also reserves a corridor route for the CSRR which would bring significant benefits including unlocking the strategic SRVC site, providing direct access to both the M1 and A61 corridors, as well as removing traffic from the Brimington AQMA and various communities on the A619 corridor.
153. A number of bodies actively support the CSRR scheme including the Council, the 2 LEPs, the principal landowner, Homes England and DCC. The focus is on a funding bid to Midlands Connect as part of the Large Local Major Schemes 2020-25 process, which could be supplemented by Community Infrastructure Levy (CIL) and other funding streams. A planning application and supporting technical work is progressing providing further reassurance of a commitment to the scheme. As set out elsewhere the plan takes a pragmatic view of delivery timeframes on the SRVC strategic site. It is nonetheless prudent that the plan identifies and reinforces the role of the CSRR to sustain a supply of developable land further into the plan period and beyond. Consequently, we are satisfied that there is a clear collective commitment to advance the CSRR and a reasonable prospect of its delivery within the timeframe envisaged. The plan's identification and policy support for the scheme is justified, effective and positively prepared.
154. Another important medium-term (2020-26) highways scheme is the Hollis Lane Link Road which would provide an alternative, direct connecting route from the station masterplan area to the A61 corridor. It would yield environmental improvements by removing station related traffic having to currently negotiate often congested parts of the historic town centre including St Mary's Gate and Saltergate. This in turn will support the proposals in the plan for the reconfiguration and more efficient use of land around the station and the Policy SS1 town centre proposals, including the Spire Neighbourhood

(100 homes) and the Northern Gateway site at Saltergate. The £1.65m link road scheme is currently being advanced by DCC and a detailed scheme for phase one has progressed to the application stage. Sources of funding include the A61 Growth Corridor funding and the potential use of CIL. We are satisfied that there is justification for the scheme to be supported in the plan and a reasonable prospect of its delivery within a timeframe to release strategic growth identified on sites SS1, SS7 and indirectly SS3. **MM58** recommended elsewhere would clarify the latest situation with the Hollis Lane Link Road.

### *Social Infrastructure*

155. In relation to the capacity of education and health infrastructure to support planned growth and potential cross-boundary implications the relevant SoCGs [SCG5 & SCG6] with health and education bodies do not indicate that there are significant issues in this regard. This appears to be borne out with the recent consideration of, and consultation on, a 650-home proposal at Mastin Moor (Site H35 in the submitted plan).
156. In recognition of the role such facilities have in ensuring a quality of life, Policy LP11 seeks to guide the location of new social infrastructure facilities, encourage co-location, multi-use and improvement of them, and protect against their loss. **MM32** is necessary to ensure that the policy is effective and consistent with national policy<sup>11</sup> by including reference to the need for a continuous 12-month marketing period at a realistic price when a loss of community or recreational facility is proposed.
157. Green infrastructure will be maintained and improved by Policy LP16. This policy also sets out the Council's approach to development in respect of the Green Belt, Green Wedges and Strategic Gaps. To ensure consistency with the NPPF, criterion a) should be separated into two criteria, reference to Local Green Spaces removed (as none exist in the plan area) and it should be clarified that planning obligations would be sought when necessary and appropriate. For effectiveness, the policy should seek to protect and enhance access to the multi-user trails network and cross refer to the policies map, which would require updating. For clarity, 'and' should be inserted after each criteria and references in the last paragraph regarding surveys and assessment omitted as this matter is covered in Policy LP18. **MM40** would incorporate all of these necessary changes and we recommend them for effectiveness.
158. As identified through the IDP, notwithstanding significant and important funding from both LEPs and other sources there will be an appreciable funding gap to deliver the full range of infrastructure identified. The Council has a charging schedule in place and whilst not reviewed alongside this plan, it remains a valid mechanism to assist mitigate the impacts directly arising from development across the Borough. This is recognised in Policy LP12 together with the continued use of planning conditions or planning obligations to secure developer contributions. Various changes to the CIL Regulations and the PPG sections on CIL and viability in 2019 mean that Policy LP12 as submitted

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<sup>11</sup> PPG Reference ID: 066-001-20190722.

would not be legally compliant, effective or consistent with national policy. **MM33, MM34** and **MM35** would make the necessary technical changes and we recommend them accordingly.

*Travel and Transport (Policies LP23 and LP24)*

159. Policy LP23 relates to travel demand and includes requirements relating to vehicle and cycle provision, electric vehicle charging points and identifies priority areas for sustainable transport measures and highways improvements. The policy would prioritise optimisation of walking, cycling and public transport early in the build out period of new developments which would help establish sustainable patterns of travel. To ensure clarity, 'intensive' should be removed from criterion a), 'and' included between criterion d) and e), and 'any' inserted into criterion i). The policy should also set out development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe as identified in the NPPF. Clarification of the application of criteria one and six and the inclusion of bicycle parking requirements to secure sustainable transport are also necessary. As the NPPF does not require local plans to set vehicular parking standards this is not a matter of plan soundness. The criteria-based approach utilised would ensure sufficient and locally appropriate parking provision. **MM48** would make all of the above necessary changes to Policy LP23 and we recommend it for effectiveness and consistency with national policy.

160. Policy LP23 as submitted also requires all residential properties with off-street parking to include provision for charging electric vehicles on each property. The policy seeks spaces with charging points for residential and commercial proposals with shared provision where practical. The Council have declared a climate emergency and in response to the AQMA at Church Street, Brimington, the Council are currently producing an Air Quality Action Plan and the electric vehicle charging requirement as set out in the submitted policy would help address air quality issues.

161. The requirement for an electric vehicle charging point, however, was not specifically tested as part of the Whole Plan Viability Report. The Council assert that the cost of installing an electrical vehicle charging point would be approximately £50 for a new dwelling, and thus consider that an impact on development viability is unlikely. However, no detailed evidence or assessment has been provided to substantiate these submissions. Given the significance in national policy (NPPF, paragraph 57) that policy requirements should be assumed to be viable we have serious concerns that the cost implications of requiring electric vehicle charging points has been underestimated. We are also concerned that the technical detail in Appendix C of the plan on specific requirements for vehicle charging standards could become quickly outdated. As such we are not able to find the requirement for electric vehicle charging points to be soundly based.

162. **MM48** would remove the requirement from Policy LP23 and **MM65a** would remove Appendix C and we recommend both modifications so that the Plan is justified and consistent with national policy. We recognise the Council's keenness to support the transition to a low carbon future through supporting electric vehicle infrastructure. The government has recently consulted on

changes to the building regulations in respect electric vehicle charging in residential and non-residential buildings. The consultation document proposes that every new residential building and material change of use with an associated car parking should have a charge point. Taking this into account we are satisfied that what the Council intended to achieve through Policy LP23 could come forward on a nationally consistent basis, which would be the preferred approach.

### *Plan-wide Viability*

163. In line with NPPF paragraphs 31 and 57 and PPG paragraph 10-002-20190509, the plan is supported by a 2018 Whole Plan Viability Assessment (WPVA) which seeks to demonstrate that the collective cost of plan policies would not undermine the broad deliverability of the plan. The construction costs, including an allowance for economies of scale on larger schemes, and sales inputs are all reasonable. As are the site typologies that have been tested as representative sites likely to come forward to deliver the strategy. As set out in the PPG (paragraph 10-016-20190509) establishing the landowner premium (an existing use value (EUV) plus an incentivisation uplift) is an iterative process informed by judgement. Whilst we have some moderate concerns that a potentially over-inflated land value premium may be evolving at Chesterfield, in part explaining why development interest has been stronger in other areas of the HMA, we accept that the WPVA process has engaged comprehensively with the market and developers to generate the sliding scale of threshold land values set out at Table 5.2 (p44). Given property values in the Borough are currently below the East Midlands average (pages 51-54 of WPVA) and the significant pool of affordable second-hand housing stock (page 57 of WPVA) the issue of the extent of any premium above EUV may be an area the Council wishes to revisit at the time of a plan review.
164. We are satisfied that the majority of policy requirements have been accounted for and realistically costed at pages 70-71 of the WPVA including average S106 costs and the cost of accessible/adaptable housing. Furthermore, modifications elsewhere to the affordable housing policy to set a more nuanced approach to the CIL zones, including 0% affordable housing in the most challenging zone, should aid overall deliverability.
165. We recognise that there are some challenging former industrial sites which have particular redevelopment costs (decontamination etc.) and are key to the delivery of the plan's strategy. Given their strategic significance, the Waterside and SRVC sites have been specifically assessed in the WPVA in accordance with the PPG advice and there are viable solutions for both sites subject to pragmatism on developer contributions, opportunities for public funding and specific development responses, including, for example, higher density development at the Waterside site. There is also the likelihood that some smaller previously developed sites may be equally testing in terms of their viability. Whilst the WPVA reflects this, the submitted plan also contains appropriate flexibility to respond to any change in circumstances, including the use of viability appraisal to justify any alternative affordable housing contribution. Overall, we find the WPVA is reasonable in its conclusion that the cumulative impact of the plan's policies will not put the delivery of development at serious risk.

### *Monitoring*

166. The plan on submission was accompanied by a separate monitoring and implementation framework [document KSD10]. On adoption this needs to be part of the plan, rather than a separate document and various aspects of the monitoring framework need to be updated in light of the various MMs recommended elsewhere in this report. Chief amongst these are the need to include an updated housing trajectory and a new employment land trajectory to measure the effectiveness of key strategic policies of the plan. Consequently, we recommend **MM66**, **MM67** and **MM68** which would address these points and ensure monitoring of the plan would be effective and consistent with national policy.
167. In conclusion on Issue 8, subject to the above-mentioned modifications, the plan's implementation policies and mechanisms are justified, effective and consistent with national policy.

## **Assessment of Legal Compliance**

168. Our examination of the legal compliance of the Plan is summarised below.
169. The plan has been prepared in accordance with the Council's Local Development Scheme.
170. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement 2014.
171. Sustainability Appraisal has been carried out and is adequate.
172. The Habitats Regulations Appropriate Assessment Report (January 2019), supplemented by an Addendum Report (June 2019) sets out that following screening, an appropriate assessment (AA) has been undertaken. That assessment concludes, that subject to policy-based measures incorporated into the plan, there would be no adverse effect on the integrity of European Sites, arising from the policies and proposals of the plan either on its own or in combination with other relevant plans.
173. As set out elsewhere in this report, ongoing cooperation is required in relation to the cumulative impacts of traffic arising from growth in wider north Derbyshire and Sheffield on air quality where arterial roads affect the Peak District Dales Special Area of Conservation (SAC); South Pennine Moors SAC; and Peak District Moors (South Pennine Moors Phase 1) SPA, in order to monitor any significant unexpected effects. The proposed monitoring is supported by Natural England, who also agree<sup>12</sup> it is not mitigation needed to support the plan's HRA conclusion of no adverse effect on site integrity.
174. In relation to climate change, the plan sets out strategic objectives to reduce greenhouse gas emissions, manage increased travel demands, reduce the risk of flooding, secure net gains in biodiversity and secure high standards of energy efficiency. More specifically the plan gives priority to sustainable travel modes and supports low emission vehicles through the provision of electric

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<sup>12</sup> Document EX.CBC.006

charging points (Policy LP23). The plan also requires the management of flood risk including sustainable drainage (Policy LP14), the provision and protection of green infrastructure including improved tree cover (Policies LP16 and LP17) and the avoidance of unacceptable environmental pollution (Policy LP15).

175. Furthermore, the plan sets out a suite of policies which support sustainable construction and renewable energy. This includes, amongst other things, the introduction of the optional technical standard to sustainably manage water consumption (Policy LP14), support for renewable energy schemes (Policy LP13) and requiring a statement as to how new developments, through their design and construction quality, will reduce CO<sup>2</sup> emissions (Policy LP21). Overall, we are satisfied that the plan provides a reasonable and effective approach for land use planning in the Borough to mitigate, and adapt to, climate change, as required by law.
176. The submitted plan does not identify those policies which are to be considered as strategic policies which would create issues for monitoring the effectiveness of the plan in addressing the strategic priorities for the area and for determining the general conformity of any future neighbourhood plans that may come forward. **MM1** would address this and we recommend it for legal compliance with Section 19 of the 2004 Act (as amended) and for consistency with national policy (NPPF paragraph 21). Policy SS8 sets out support for Neighbourhood Plans and how they will be taken into account. The policy wording needs to be amended to ensure consistency with legislation on neighbourhood planning and therefore we recommend **MM60** for effectiveness.
177. On adoption the plan would replace the policies of the Chesterfield Borough Local Plan Core Strategy (2013) and those saved policies of the Replacement Chesterfield Borough Local Plan (2006). Plans are required<sup>13</sup> to identify those policies that are to be superseded. The Council had done this in a separate document but **MM64** would insert this necessary information as an appendix to the LP and we recommend it for legal compliance and effectiveness.
178. Subject to the above recommendations, the plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
179. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The submitted Plan was accompanied by an Equality Impact Assessment [document KSD3] and further evidence of earlier equality impact assessment was provided during the examination [documents EX.CBC.30a-g]. Relevant groups and people were invited to participate in the preparation of the Plan, including representatives of the Gypsy and Traveller communities, religious and faith groups and bodies representing the elderly and disabled.
180. In respect of age and disability, the plan, subject to the MMs recommended, is likely to have a positive impact in terms of delivering additional housing to latest Building Regulations standards as well as securing the optional technical standard M4(2) for accessible and adaptable dwellings on major residential proposals. In respect of gypsies and travellers, it is agreed with gypsy and

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<sup>13</sup> Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012

traveller representatives that through the grant of planning permissions, the identified need for pitches over the period 2014-2034 has been met. Work is now underway across North Derbyshire to update the GTAA as part of a wider assessment of needs, that would inform plan review.

## **Overall Conclusion and Recommendation**

181. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

182. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix the Chesterfield Borough Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Bryn Bowker and David Spencer*

Inspectors.

This report is accompanied by an Appendix containing the Main Modifications.