

## **FOR PUBLICATION**

### **Local Plan: Sites and Boundaries Development Plan document and approval of Local Development Scheme (J010)**

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MEETING:	1. CABINET 2. EXECUTIVE MEMBER FOR PLANNING
DATE:	1. 21 APRIL 2015 2. 14 APRIL 2015
REPORT BY:	DEVELOPMENT AND GROWTH MANAGER
WARD:	ALL
COMMUNITY ASSEMBLIES:	ALL
KEY DECISION REFERENCE (IF APPLICABLE):	329

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## FOR PUBLICATION

### BACKGROUND PAPERS FOR PUBLIC REPORTS:

Chesterfield  
TITLE: Local Plan      LOCATION: [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)  
Core Strategy

Local  
Development  
Scheme 5

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## **1.0 PURPOSE OF REPORT**

- 1.1 To update members on progress with the Local Plan: Sites and Boundaries Development Plan Document and to agree

the future timetable and arrangements for producing the Local Plan.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Council cease production of a separate Local Plan Sites and Boundaries DPD and Staveley and Rother Valley Corridor Area Action Plan
- 2.2 That the Council prepare a new Local Plan that will replace the existing Local Plan Core Strategy and the DPDs proposed in the Council's Local Development Scheme 5 (LDS5)
- 2.3 That the Council adopt and publish a new Local Development Scheme (LDS6) setting out the timetable and arrangements for preparing a new Local Plan.
- 2.4 That a Local Plan board be set up to provide oversight of the preparation of the Local Plan

## **3.0 BACKGROUND**

- 3.1 The Council is responsible for the preparation and adoption of a Local Plan for the Borough under the Planning and Compulsory Purchase Act 2004. The Council must also prepare and maintain a Local Development Scheme (LDS). This provides a public statement of the council's programme for producing the Local Plan. It explains which Local Development Documents will be produced as part of the Chesterfield Local Plan and when and how they will be produced.
- 3.2 The Council's most recent Local Development Scheme, LDS5, was published in November 2012 and set out that the Council would prepare a Local Plan consisting of the following Development Plan Documents (DPDs):
  - Core Strategy
  - Sites and Boundaries
  - Staveley Area Action Plan
- 3.3 The Council's Core Strategy was adopted in July of 2013 following examination by a Planning Inspector. An Issues and Options consultation was undertaken on Sites and

Boundaries in November 2012, alongside publication of a preferred option of the Staveley and Rother Valley Corridor Area Action Plan.

3.4 Progress on the remaining two DPDs has been limited since adoption of the Core Strategy for a number of reasons, primarily delays in waiting for key evidence to be provided by third parties (including new household projections from the ONS) and, in the case of Staveley, the additional need to respond to proposals for HS2). There have also been changes in the circumstances of the Borough, including its relationship to the Local Economic Partnerships and City Regions. In particular, the Council's Local Plan now needs to respond to:

- receipt of updated housing projections;
- growth aspirations set out in the SCR and D2N2 Strategic Economic Plans;
- historically low levels of house-building within the Borough;
- experience in implementing policies of the adopted Core Strategy;
- changes to legislation and guidance (eg on Code for Sustainable Homes and Zero Carbon standards);
- advice from the HCAs Large Applications team (ATLAS) regarding the implementation of development proposals for Staveley Works;
- announcement of the proposed route of HS2 and the proposed location of a Maintenance Depot on Staveley Works

3.5 The overall Spatial Strategy set out in the Core Strategy; 'Concentration and Regeneration', is generally considered to still be up to date and appropriate for the Borough. The Development Management policies set out in the Core Strategy are also still generally effective and in line with National Policy. However there are some areas, particularly around sustainable development and retail policy, which

would benefit from updating to reflect changes in legislation and/or supporting evidence.

- 3.6 In response, it is proposed that the Council ceases production on the Sites and Boundaries DPD and the Area Action Plan. Instead a partial review of the existing Core Strategy will be undertaken and a single, new Local Plan prepared for the Borough that rolls together Strategic and Development Management Policies, Site Allocations and proposals for the Regeneration of Staveley Works.
- 3.7 This will have the benefit of providing a simple to understand, robust and up to date planning framework for the Borough. This would not represent a return to 'square one' however. The spatial strategy set out in the adopted Core Strategy is still considered broadly up to date and would be updated rather than replaced. Existing work undertaken on the Sites and Boundaries DPD, including consultation responses received in 2012-13, will be used to inform the new Local Plan. Given the scale of work already undertaken that can be re-used and/or updated, a first draft of a new Local Plan is expected to be prepared by the Autumn of 2015.
- 3.8 The proposed change requires the publication of a new Local Development Scheme (LDS) for the Borough, setting out a public statement of the council's programme for producing the Local Plan. The proposed LDS, set out at Appendix 1 explains which Local Development Documents will be produced as part of the Chesterfield Local Plan and when and how they will be produced.
- 3.9 The proposed LDS sets out the following key dates for preparation of the new Local Plan:
- November 2015 - Publish draft plan
  - February 2016 - Pre-submission draft
  - April 2016 – Submission to Secretary of State
  - June 2016 - Examination
  - December 2016 - Adoption

- 3.10 It should be noted that the current Local Plan, consisting of the adopted Core Strategy and the saved policies of the Replacement Chesterfield Borough Local Plan (2006) would continue to apply until such time as a new Local Plan is adopted.

### **Project Management**

- 3.11 At present, the Local Plan process is overseen by the Local Development Steering Group, consisting of the Executive Member for Planning, the shadow Member for planning and their deputies. This group meets on an infrequent basis as relevant reports are taken for Executive Member approval. It is proposed that this be formalised by creating a Project Board, which will meet on a regular basis (quarterly) to receive reports on progress, and as required at key milestones. It is recommended that this board consist of the Executive Member for planning and the Shadow Member, alongside a member of the Senior Management Team.

## **4.0 CORPORATE ISSUES**

- 4.1 In writing this report the following standard corporate issues have been considered:

- ***Risk Management and Equalities (see separate paragraphs below)***
- **capital or revenue financial implications** – The Council currently sets aside a reserve to pay for the costs of examining Local Plans, with an annual contribution made from the Forward Planning budget to cover this. As of the end of 2014-15 this is expected to stand at £260,285. This is currently set on the basis of needing to cover the costs of two DPDs (Sites & Boundaries and an Area Action Plan). Although examining a full Local Plan is likely to be more complex and time consuming than either of the currently proposed DPDs individually, there are likely to be cost savings from only needing to set up one examination, one set of consultations etc. An estimate based on the costs of the last Core Strategy Examination (£57,660) suggests that the cost of examining a fresh Local Plan (including site allocations, which will add to the length of examination), could be in the region of £70 -£100K (assuming that the plan is found to be sound). On this basis the existing

reserve is considered sufficient and a saving of £35K pa can be achieved by suspending contributions to the reserve temporarily, to be reviewed after the next Local Plan examination.

- **Human Resources/people management implications** - The Local Plan would be prepared by the Strategic Planning and Key Sites team. The team was significantly restructured in 2013, reducing from 6 planning officers and a technician to 4 planning officers. The move to a single Local Plan will somewhat simplify the workload of the team by reducing the burden of examinations, although the same evidence and policy areas will still need to be addressed. A separate report on the structure of this team, to enable it to deliver the Local Plan and other Corporate Priorities has been prepared.
- **Legal and human rights** - Preparation of the Local Plan will be in accordance with the regulations set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Development) Regulations 2004, and in line with the guidance set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). The publication of a revised Local Development Scheme will meet the requirements of the Planning and Compulsory Purchase Act 2004 to 'prepare and maintain a Local Development Scheme'.
- **Efficiency** – The recommendations will lead to increased efficiencies by reducing the need to run separate examinations into both a Sites & Boundaries DPD and an Area Action Plan, and result in reduced duplication in the preparation of formal notices, consultation materials and letters etc.
- **Consultation with the public and with stakeholder groups** – There is no requirement to consult on the publication of a Local Development Scheme. The Local Plan will be consulted on in line with the requirements of relevant legislation and the procedures set out in the Council's adopted Statement of Community Involvement (adopted 2014).
- **Implications for other services inside and outside the council** – As the Local Plan will involve the allocation of land for development and for protection from development, it will have

implications for the land assets of the Council and other public bodies (including Derbyshire County Council). These implications will be explored fully in the preparation of and consultation on the Local Plan.

## 5.0 Risk Management

Description of the Risk	Impact	Likelihood	Mitigating Action
LDS is not approved, leading to reputational risk to the council and inability to submit Local Plan for examination	High	Low	Approve LDS
Further delays puts LDS out of date	Low	Low	Regularly review progress and publish updated LDS as necessary

## 6.0 Equalities Impact Assessment (EIA)

6.1 This report does not recommend any changes in council policies or practices at this stage. The preparation of a new Local Plan would be the subject of a full EIA as part of the process of Sustainability Appraisal.

## 7.0 ALTERNATIVE OPTIONS TO BE CONSIDERED

7.1 Publication of a Local Development scheme is a Legal Requirement and therefore no alternative has been considered to this part of the recommendation.

- 7.2 The Council could continue down the existing route of preparing a separate Sites and Boundaries document, with the intention of adopting it under the existing Core Strategy in the hope of resolving the council's lack of a demonstrable five year supply of deliverable housing sites. However it is doubtful that this would present any significant saving in time. Both the Site and Boundaries DPD route and the new Local Plan with site allocations would be based on the same evidence and would have to go through the same stages of publication, examination and approval. The revised spatial strategy would be an update rather than a complete re-write, and is not expected to add significantly to the length of the process
- 7.3 More significantly, any minor gain in time is likely to be offset by the risk of a Sites and Boundaries DPD being found unsound if the council's overall spatial strategy, in particular its housing targets, are not reviewed and kept up to date. Based on evidence of other council's Local Plans at examination, this risk is considered to be very high and would introduce significant further delay into the process of plan adoption.
- 7.4 A third option would be to not continue with preparation of the Sites and Boundaries DPD and instead rely on the adopted Core Strategy. In this case the only mechanism to demonstrate a five year supply of housing would be through granting planning permissions. The council would continue to be in a weak position to defend against planning applications for housing on inappropriate greenfield sites and the Core Strategy would face increasing challenge at appeals of being considered 'out-of date'.
- 7.5 Regarding the Staveley and Rother Valley Corridor AAP specifically, a number of options were considered in the report by ATLAS, ranging from continuing to prepare an AAP to simply dealing with planning applications as they are received. Given that the council is already in discussion with the major landowners about planning applications to bring the site forward for development, a process is likely to proceed faster than the production of a formal AAP, the formal route is considered redundant. The alternative of simply dealing with applications as they are received



however, would not deliver the joined up approach to infrastructure delivery that is required to deliver this difficult site and is likely to result in cherry picking of the most easily developed parts of the site at the expense of others.

## **8.0 RECOMMENDATIONS:**

- 8.1 That the Council cease production of a separate Local Plan Sites and Boundaries DPD and Staveley and Rother Valley Corridor Area Action Plan
- 8.2 That the Council prepare a new Local Plan that will replace the existing Local Plan Core Strategy and the DPDs proposed in the Council's Local Development Scheme 5 (LDS5)
- 8.3 That the Council adopt and publish a new Local Development Scheme (LDS6) setting out the timetable and arrangements for preparing a new Local Plan.
- 8.4 That a Local Plan board be set up to provide oversight of the preparation of the Local Plan

## **9.0 REASONS FOR RECOMMENDATIONS**

- 9.1 In order that resources can be re-targeted at preparing a sound Local Plan.
- 9.2 In order to put in place a sound Local Plan with a five year supply of deliverable housing sites in accordance with the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework.
- 9.3 As required by the Planning and Compulsory Purchase Act 2004.
- 9.4 To ensure effective project management and oversight of the Local Plan process.

You can get more information about this report from Alan Morey  
01246 345371

Officer recommendation supported.

J. F. Kelly

Signed

Executive Member

Date 14/3/2015

Consultee Executive Member/Support Member comments (if applicable)/declaration of interests

## **APPENDIX 1**

### **Chesterfield Borough Council Local Development Scheme 6**

#### **Introduction**

This is the sixth Local Development Scheme for Chesterfield, taking the place of the fifth Local Development Scheme (LDS5) that was approved in November 2012.

The Planning & Compulsory Purchase Act 2004, as amended subsequently by a series of measures, introduced a new system for development plans in England. It required the preparation of Local Development Frameworks (LDFs) to replace the previous system of structure plans and local plans.

The 2004 Act, as amended, requires the council to prepare and maintain a Local Development Scheme (LDS). This provides a public statement of the council's programme for producing the Local Plan. It explains which Local Development Documents will be produced as part of the Chesterfield Local Plan and when and how they will be produced.

The Localism Act 2012 and associated regulations made additional changes to the requirements for LDFs. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance also guide the preparation and implementation of Local Plans. The most significant change was the reintroduction of the concept of a single, integrated local plan as the main Development Plan Document for an area like the Borough of Chesterfield.

This Local Development Scheme took effect on XX of XXXX 2015.

***The programme for the Local Development Scheme (LDS) setting out the proposed timetable and dates of key milestones for each LDD is set out below.***

### **Current Development Plan**

As of March 2015, the Development Plan for Chesterfield comprised the following documents:

- Chesterfield Borough Local Plan Core Strategy (adopted July 2013)
- Saved policies of the Replacement Chesterfield Borough Local Plan (adopted June 2006) as set out in appendix H of the Local Plan Core Strategy
- Saved policies of the Derby & Derbyshire Waste Local Plan (adopted March 2005)
- Saved policies of the Derby and Derbyshire Minerals Local Plan (adopted 2000 and altered 2002)

The council published a draft Community Infrastructure Levy (CIL) Charging Schedule in 2014. This was subject to examination in August 2014 and a positive report received from the Examiner. The council intends to adopt its CIL charging regime during 2015

### **Progress on Local Plan Implementation**

A number of factors, including delays to, or changes in, key evidence (including the publication of revised household projections), increased working with the D2N2 and SCR LEPs, and a change in government emphasis from two-part Local Development Frameworks to single Local Plans, has delayed progress on the Sites and Boundaries DPD and Staveley and Rother Corridor AAP.

The overall Spatial Strategy that was set out in the Local Plan Core Strategy; 'Concentration and Regeneration' is generally considered to still be up to date and appropriate for the Borough. The Development Management policies set out in the Core Strategy are also still generally effective and in line with National Policy. However there are some areas, particularly around sustainable development and retail policy, which would benefit from updating to reflect changes in legislation and/or supporting evidence.

The Council has received an updated Strategic Housing Market Assessment (SHMAA), which is indicating that household growth will not be as strong as previously predicted. In addition, SCR and D2N2 LEPs have set out growth aspirations in their Strategic Economic Plans for additional jobs across the regions (70,000 by 2021 in the case of SCR and 55,000 in D2 N2). Both of these factors are likely to translate into a need to publish a revised housing target for the borough in response.

Support has been received from the Homes and Communities Agency's ATLAS team on the progression of the Staveley and Rother Valley Corridor Area Action. The

conclusion of the review was that, rather than continuing to progress a formal AAP, the regeneration of the corridor would be best progressed through a Strategic Framework Plan, alongside an enhanced policy position through setting out site specific policies as part of a Local Plan.

On this basis the Council proposes to:

- 1. Cease production of a separate Site Allocations DPD;*
- 2. Cease production of a separate Area Action Plan for the Staveley and Rother Valley Corridor (SRVCAAP);*
- 3. undertake a partial review of the Core Strategy, in particular housing and employment land targets, and combine it with site allocations (including detailed policies for the Staveley and Rother Valley Corridor) to produce a comprehensive, single Local Plan for the Borough. This will replace the saved policies of the RCBLP, the Local Plan Core Strategy and the emerging Site Allocations DPD and SRVCAAP.*

### **Proposed Development Plan**

To take the place of the 'saved' plans and policies described above, the council has prepared, or proposes to prepare, the following LDDs to form the LDF:

LDD	Subject Matter	Geographical Coverage	Timetable
<b>Development Plan Documents</b>			
Replacement Chesterfield Borough Local Plan	Saved policies and site allocations for development to 2016	Chesterfield Borough	Adopted 2006 To be replaced 2016 by new Local Plan
Local Plan Core Strategy	Vision, objectives and spatial development strategy for Chesterfield to 2031	Chesterfield Borough	Adopted 2013 To be replaced 2016 by new Local Plan
Proposals Map	Policy boundaries and site allocations related to Development Plan	Chesterfield Borough	Revised map adopted 2013 To be replaced 2016 by new Local Plan
Chesterfield Borough Local Plan	Updated vision, objectives, spatial development strategy and site allocations for Chesterfield to 2033	Chesterfield Borough	November 2015 - Publish Draft Plan February 2016 – Consult on Pre-submission draft June 2016 - Examination December 2016 - Adoption
<b>Other Local Development Documents</b>			
Statement of Community Involvement	Procedures and practice for community engagement in plan preparation and determining planning applications	Chesterfield Borough	Updated SCI adopted 2014
Authority Monitoring Report	Monitoring data on housing delivery and plan preparation and implementation	Chesterfield Borough	Publish annually in May
Community Infrastructure Levy Charging Schedule	Charging regime for provision of infrastructure to support growth set out in the adopted Local Plan	Chesterfield Borough	Draft Charging Schedule published Nov 2013 Submitted June 2014 Examination complete August 2014 Adoption by Dec 2015