Dear Mr Morey

**Chesterfield Local Plan Examination: Post Hearing Advice – Main Modifications and Related Matters**

**Introduction**

1. During the hearing sessions a number of potential main modifications (MMs) were discussed. The Examination has kept a running list of all of these, a significant number of which were helpfully worked up into a draft format for the respective hearing sessions. We understand the Council is currently working on a full draft of the MMs and ensuring that any updates to Sustainability Appraisal and Habitat Regulations are considered where necessary. Consequently, this letter relates solely to a small number of potential main modifications that were discussed, but where some additional clarification may be necessary. This is the position we outlined to the Council in the final hearing session on 6 November.

2. At this stage we are not inviting any comments about the contents of this letter.

**Main Modifications**

**Process**

3. The Council should now prepare a consolidated schedule of all the potential MMs identified during the hearing sessions. The Council should also consider the need for any consequential changes that might be required in connection with any potential MMs such as changes to the policies map and any additional modifications (AMs) that would assist the presentation and comprehension of the Plan (spelling, grammar, contextual changes and any minor updates that reflect MMs).

4. We will need to see the draft schedule of MMs and may have comments on it. We will also need to agree the final version of the schedule before it is made available for public consultation.

5. The schedule should take the form of a numbered list of MMs with changes shown by means of strikethrough to show deleted text and new text shown in bold or underlined (or both). It should also include a column that briefly explains the reasons for the MMs to assist consultees. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together as one main modification. The MMs should be expressed as changes from the pre-Submission Version of the plan (December 2018).

6. The Council should also satisfy itself that it has met the requirements for sustainability appraisal by producing an addendum in relation to the
potential MMs, as appropriate. We will need to see a draft of the addendum and may have comments on it. The addendum should be published as part of the public consultation.

7. Any AMs are a matter solely for the Council. If the Council intends to make any AMs these should be set out in a separate document from the MMs. If the Council intends to publicise or consult on any AMs it should be made clear that such changes are not a matter for the Inspectors.

8. Advice on MMs and sustainability appraisal, including on consultation is provided in the ‘Examining Local Plans Procedural Practice’ (July 2019), in particular at Section 6). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed MMs and not about other aspects of the plan and that the MMs are put forward without prejudice to the Inspectors’ final conclusions.

9. The Procedural Practice also states that the general expectation is that issues raised on the consultation of the draft MMs will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

10. The following documents should be made available (or clearly signposted) as part of the consultation:

   • Sustainability Appraisal of the proposed main modifications
   • All changes to the submission Policies Map relating to main modifications or where necessary for accuracy/clarity
   • Any further Habitat Regulations Assessment

11. The Council indicated its intention to progress expediently to consultation on main modifications early in 2020. We would support this, including maintaining pragmatic dialogue through the Programme Officers where our input/advice is required.

Post Hearings Advice on potential main modifications

Housing Need

12. As discussed under Matter 3 the objective housing need for the Borough should be modified to 240 dwellings per annum (dpa) and the plan period extended from 2032/33 to 2034/35 to ensure consistency with national policy.

13. As discussed during Matter 6 on housing delivery, the plan should include a housing trajectory (preferably in the form of a graph) setting out:

   (i) the annual target between 2018/19 and 2034/35 based on the standard methodology local housing need figure.
   (ii) annual completions in 2018/19.
(iii) forecast annual delivery between 2019/20 and 2034/5, including making an allowance for windfall delivery at 34dpa from 2021/22 onwards.

(iv) the annual requirement between 2019/20 and 2034/5, including the recovery of the shortfall in delivery in 2018/19 within the first five years and a buffer as required by paragraph 73 of the National Planning Policy Framework (20% as per Housing Delivery Test outputs).

Allocated Sites

14. A number of modifications were proposed to clarify those areas of land that would provide for both employment and housing allocations and distinguish these sites from general sources of land supply. It is imperative that the consultation on these MMs makes appropriate cross-referencing where there is a consequential modification to the Policies Map. No new allocations are proposed as result of the hearings although the capacity and boundaries of some allocations will need refining to reflect the latest evidence. It is also to be noted that no proposed allocations were advised to be removed, other than H3 Manor House Farm, Hasland (following comments from Historic England).

Consideration of potential main modifications

15. The views we have expressed in the hearing sessions and in this letter on potential MMs and related policies map changes are based on the evidence before us, including the discussion that took place at the hearing sessions. However, our final conclusions on soundness and legal compliance will be provided in the report which we will produce after the consultation on the potential MMs has been completed. In reaching our conclusions, we will take into account any representations made in response to the consultation. Consequently, the views we expressed during the hearing sessions about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.

16. As the Council may be aware, it will need to submit a formal request under Section 20(7) of the Planning and Compulsory Purchase Act 2004 inviting us to recommend those main modifications considered necessary to make the plan sound. This will need to be done before the consultation on main modifications begins and paragraph 6.1 of Procedure Guidance for Local Plan Examinations explains this further.

17. Thank you for your cooperation on this. If you need any clarification, please contact us through the Programme Officers.

Bryn Bowker and David Spencer
Inspectors.

13 November 2019