25 July 2019

Dear Mr Morey

Chesterfield Local Plan Examination – Initial Observations of the Inspectors

We are writing to assure the Council that since the submission of the Chesterfield Local Plan on 28 June 2019 we have been undertaking our preliminary assessment of the submitted Plan, the key supporting documents and evidence base and those representations made on the pre-submission plan in February 2019. We have a number of detailed matters we wish to explore through the examination which we will publish in a Matters, Issues and Questions document, together with guidance notes and a draft programme for the examination, in early August. As you are no doubt aware the Council will be required to prepare statements in response to our questions which will assist in our assessment of whether or not the submitted Plan is an appropriate and effective response to the particular circumstances in the Borough. The Council’s statements can also usefully clarify where potential main modifications may be necessary for soundness (please see further guidance below).

Whilst most of our issues and questions can be addressed through forthcoming statements and discussion at the hearings there are a small number of preliminary matters where it would be helpful to have an early written response from the Council to assist our examination. We set these out as follows:

**Duty to Co-operate (DtC)**

The submitted DtC Statement [document KSD5] provides a comprehensive assessment of the engagement with organisations on strategic cross-boundary matters. It is noted that the representations on the proposed submitted plan from Derbyshire County Council, Bolsover and North East Derbyshire District Councils, Sheffield City Council and the Sheffield City Region do not assert that the duty has been transgressed, particularly in relation to any unmet housing needs. A small number of representations refer to unmet housing needs from Derbyshire Dales and Sheffield as part of the needs of wider Housing Market...
Area(s) and the Sheffield City Region (SCR) although paragraphs 4.5-4.7 of the DtC Statement address this. The DtC Statement at paragraph 3.8 refers to a SCR Statement of Common Ground (SOCG). Has there been any progress or is there an anticipated timeframe on this document? Additionally, the submitted North Derbyshire and Bassetlaw HMA SOCG (May 2018) only appears to have been signed by Bassetlaw District Council and is presented as a ‘draft’. Is this correct? If so, is there an explanation / update?

On a similar theme other statements of common ground are only partially signed (Strategic Highways Infrastructure and Transport Evidence, Flood Risk and Education) and similarly it would be helpful to know if these are statements in progress or whether they have now been fully signed off? The same applies to a number of further statements of common ground appended to the DtC statement. Again, it would be helpful to understand at this early stage whether there are updated / fully signed versions of these statements or progress being made on completing signatures.

Plan Period

Assuming a positive and productive examination it nonetheless remains that the current plan period to 2033 would not be consistent with national policy at paragraph 22 of the National Planning Policy Framework (NPPF) to provide strategic policies for the Borough over a minimum 15-year period from plan adoption. The submitted housing topic paper helpfully discusses the implications of extending the plan period to 2035. At this early stage of examination, unless there are exceptional circumstances in Chesterfield to retain the 2033 end date, a number of main modifications are likely in order to extend the plan period to 2035. The Council may wish to start developing what is set out in the Housing Topic Paper in terms of whether there is existing flexibility within the already identified ‘developable supply’ to support growth in the 2033-35 period, additional provision through a robustly demonstrated windfall allowance (excluding years 1 and 2 in any trajectory to avoid double-counting) and/or any emerging certainties around funding to facilitate timely delivery on some of the longer-term strategic sites (for example Housing Infrastructure Fund (HIF) or Local Enterprise Partnership (LEP) funding).

Housing Need / Requirement

Notwithstanding the submission of the plan after 24 January 2019 it is noted that the submitted housing requirement is that of the objectively assessed need (OAN) of 265 dwellings per annum identified through the Strategic Housing Market Assessment Update 2017 [document EV26] as opposed to a figure
informed by local housing need (LHN) of 240 dwellings per annum through the standardised methodology. The NPPF at paragraph 60 and the Planning Practice Guidance (PPG) at paragraph 2a-003-20190220 advise that there need to be exceptional circumstances in not using the LHN as a starting point in establishing the housing need. We recognise that the Housing Topic Paper responds to this key point (perhaps echoing the final part of PPG paragraph 2a-010-20190220) and we are also cognisant of those submissions that contend that the housing need should be higher than the submitted OAN to reflect the employment aspirations of the SCR LEP.

We will explore this further through our Matters, Issues and Questions and at the relevant hearing session. It would be helpful, however, at this early stage to understand whether there has been any discussion with Housing Market Area (HMA) authorities or at the wider SCR level on the implications of the transitional period for plan-making where some local plans in the HMA/SCR are progressing under OAN and others under LHN in terms of ensuring wider housing needs and economic aspirations are supported. Accordingly, key questions for the examination will revolve around: (a) whether there would be any significant consequences were it to be recommended that the LHN figure be used as the starting point for the housing need in Chesterfield; and (b) whether there would be evidence to justify any adjustments to the LHN as per paragraph 2a-010-20190220 of the PPG to arrive at an alternative (higher) housing requirement.

Habitats Regulation Assessment (HRA)

The contents of the January 2019 HRA are noted. The HRA (page 11) refers to Natural England correspondence to your consultants ‘Wood’ dated 1 November 2018, (ref. 262024). Is it possible to provide a copy of this Natural England correspondence? The representations from North East Derbyshire District Council refer to on-going monitoring around deposition of nitrogen in relation to a number of Special Areas of Conservation (SAC) and Special Protection Area (SPA) sites and paragraph 4.26 of the Council’s DtC Statement responds to this with reference to the HMA SOCG. If there is any further update or progress which can be provided on steps towards on-going SAC/SPA monitoring we would be grateful to be briefly appraised at this stage.

Sites

The site allocations will be discussed further in due course. However, at this early stage, it would appear that the precise location and geographical extent of Strategic Site 2 (Chatsworth Road Corridor) has not been included within the
submitted documentation or policies map. Could the Council please provide a map to address this matter.

Within the submission documentation, a number of designated heritage assets are referred to in relation to the proposed strategic sites and housing allocations. Heritage Impact Assessments (document KSD22), which include mapped locations of heritage assets and associated descriptions, have been provided for some of the housing allocations. Is a similar document available for the strategic sites and the remaining site allocations? If not, this information should be provided. The Council should also highlight where the appraisal results/site allocation summaries can be found in respect of the Strategic Sites. In addition, for completeness, a copy of the Council’s Community Infrastructure Levy Regulation 123 list should be uploaded onto the examination library.

Main and Additional Modifications and Modifications to the Policies Map

We are not aware that the Council has started to put together any schedules of proposed main or additional modifications or potential modifications to the Policies Map. This is not unusual at this stage of the examination but there is nothing at this stage to prevent the Council from identifying possible modifications that it is minded to make either in response to the representations received, as an outcome of statements of common ground or when reflecting on our matters, issues, questions when they are published shortly.

For the purpose of the Examination, changes to the plan need to be referred to as either ‘main’ or ‘additional’ modifications. These should be presented in a tabular form and preferably separately. They should be kept as ‘live’ documents throughout the examination process.

The distinction between ‘main’ and ‘additional’ modifications reflects the provisions of Sections 20 and 23 of the Planning and Compulsory Purchase Act 2004. Any change to the wording of a policy or supporting text necessary to make the plan sound should be presented as a main modification. Please note that any change to the text of the plan which directly relates to and/or would generate a change to the Policies Map should also be recorded as a main modification. Whilst the changes to the Policies Map are not in themselves main modifications (due to the legislation) there will also be a need for the Council to keep a separate running schedule of changes to the Policies Map. Each modification will need a bespoke reference (eg MM1 or AM1 or PM1 etc.).

The Council will, in due course, need to submit a formal request in accordance with Section 20(7)(c) of the 2004 Planning and Compulsory Purchase Act inviting
us to recommend those modifications necessary to ensure that the plan would be legally compliant and sound.

Moving Forward

It will probably come as little surprise to the Council that the focus of the examination will be the scale of the planned provision of homes and employment land, the proposed spatial strategy in terms of focusing on potential regeneration areas (including their infrastructure requirements, viability and delivery), whether the proposed sites will provide a deliverable supply of development land to ensure a plan-led system and the overall viability and deliverability of the policies of the plan as a whole.

As things stand it is our intention to be sitting for the hearings in mid-October to early November and we will be liaising through the Programme Officers in preparing a draft programme which we intend to issue early next month. We particularly note that the examination website is well-structured and up-to-date with all relevant documents and we would recommend the website to those with an interest in the plan examination and its progress. As the Council and others may be aware, the Planning Inspectorate’s ‘Procedure Guide for Local Plan Examinations’ was revised and re-published in the latter part of June 2019. We would be grateful if the Examination web-page could be updated to include a link to this latest guidance to the benefit of all parties.

If you require any further clarification from us on any of the matters identified in this letter please do not hesitate to raise it through the programme officers. In terms of responding to the small number of clarifications sought in this letter a reply no later than 6 August 2019 would be helpful in our deliberations.

Yours sincerely

David Spencer           Bryn Bowker
Inspectors.