Gladman Developments Ltd

Matter 1 Hearing Statement

Chesterfield Local Plan

Examination

Legal Compliance and General Plan Making

September 2019
Issue 2: Duty to Co-operate

1.6. Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the plan’s preparation, as required by the Duty to Co-operate?

1. The Council and its neighbouring authorities are best placed to identify the full extent of engagement which has occurred regarding strategic cross-boundary matters relevant to the preparation of the Chesterfield Local Plan (CLP). Notwithstanding this, whilst there is no definitive list of actions that constitute effective cooperation under the Duty to Cooperate (DtC), cooperation should lead to the production of positively prepared and effective policies which relate to cross boundary matters.

2. The Council must be able to demonstrate that it has worked constructively with neighbouring authorities to address any cross boundary strategic needs and that this work has produced effective outcomes. In responding to the Council’s pre-submission Local Plan in February 2019, Gladman highlighted concerns that there was insufficient evidence available at that time to confirm that the DtC had been fulfilled. It is now noted that the Council has prepared a Duty to Cooperate Statement (June 2019), which sets out the range of issues that have been explored through the Local Plan preparation process and the nature of engagement with relevant stakeholders which has taken place. Appendix 4 of this document details the mechanisms and arrangements for ongoing cooperation. Whilst this indicates that meetings have occurred at Local Plan Liaison Meetings and the Sheffield City Region Planning Policy Officers Group on a regular basis the details, dates and outcomes of these discussions are notably absent. Furthermore, it is apparent that no further discussions relating to housing need has occurred since the Housing Market Area Statement of Common Ground (HMA SOCG)¹ was signed in May 2018. With regards to housing needs, it states that the Joint Strategic Housing Market Area Assessment Objectively Assessed Needs Update 2017 is a common agreed evidence base and each authority has agreed to seek to meet the identified OAN for their authority. However, the signed HMA SOCG predates the changes brought about by the revised National Policy Framework published on 24th July 2018 and updated 19th February 2019. The Revised Framework has introduced significant changes to national policy, notably the Standard Method for calculating housing need, which the DtC makes no reference to. Gladman have concerns relating to strategic cross boundary issues, notably unmet housing need, and what

¹ Duty to Cooperate Statement – Appendix 5
arrangements are in place to ensure housing needs are met in full. This will be discussed in further detail below.

1.7 What mechanisms have been established between authorities on cross-boundary strategic matters? Are the outcomes reflected in signed statements of common ground that demonstrate effective and on-going joint working, as per NPPF paragraph 27 and PPG paragraphs 61-009-20190316 to 61-017-20190315?

3. In order to demonstrate effective and ongoing joint working, paragraph 27 of the Framework is clear that authorities should prepare and maintain one or more SOCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. Whilst the Inspector specifically refers to paragraphs 009-017 of the PPG, Gladman note paragraph 020 of the PPG which makes clear that authorities should have a SOCG available on their website by the time they publish the draft Plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated. It further states that once published, authorities will need to ensure that it reflects the most up-to-date position in terms of joint working across the area. As stated above, it is apparent that this key piece of evidence was not available during the Regulation 19 consultation. Furthermore, it does not appear that the HMA SOCG has been updated since May 2018.

1.9 Are there any unmet housing needs from other authorities within the North Derbyshire and Bassetlaw Housing Market Area (HMA)? Has there been any need to update to the May 2018 HMA Statement of Common Ground (as per paragraph 4.2 of this statement of common ground)?

4. Further to the comments made above, it does not appear that the statement has been updated since May 2018. Accordingly, the question of whether unmet housing needs exist within the North Derbyshire and Bassetlaw HMAs remains unclear.

5. Notwithstanding this, the introduction of the Standard Method may result in local planning authorities within the HMA taking the decision to undertake Local Plan Reviews to take account of the Standard Method.

6. Section 4 of the Council’s DtC statement notes that two authorities outside of the HMA (Derbyshire Dales District Council and Sheffield City Council) have requested help with meeting

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2 Reference ID: 61-020-20190315
their housing needs over the course of preparing the Plan. Derbyshire Dales previously requested assistance but have subsequently adopted a Local Plan that meets all of the district’s OAN. However, it is important to note that whilst the current Derbyshire Dales Local Plan seeks to meet its own housing needs in full, the examining Inspector required the Plan to be modified to take account of housing provision across the sub-region. Paragraph 58 of the Inspector’s Report stated:

“As explained under my assessment of the DtC the Plan meets the OAN for the District but is not required to meet needs from elsewhere (paragraph 20 refers). However, as submitted the Plan does not make the approach to HMAs and housing provision across the Sub-Region clear so a modification MM11 is necessary to explain this and indicate that future local plan reviews would need to consider the potential for a wider HMA and joint working on plan preparation across district boundaries.”

7. Indeed, it is considered that a similar review mechanism should be included within the CLP to ensure ongoing and effective cooperation and a strong policy framework if it becomes apparent that housing is not being delivered to meet identified needs.

1.10 Are there any duty to cooperate issues regarding unmet housing needs within potential wider housing market areas – notably Derbyshire Dales and Sheffield City? Does Appendix 6 to the Duty to Cooperate Statement and representations at the Regulation 19 stage confirm that there has not yet been any formal request to Chesterfield to assist in meeting unmet needs?

8. Paragraph 4.7 of the DtC statement suggests that Sheffield City Council has indicated that they do not require assistance in meeting their housing needs arising from correspondence contained in Appendix 6. This email details the most recently published position set out in the Sheffield Plan – Citywide Options for Growth to 2034 (November 2015). Using the Standard Methodology (adjusted to take account of the latest affordability ratio, April 2018) requires a baseline need of 2,098dpa. It is important to note that this is only the minimum demographic requirement and does not take account of market signals or the ambitions of the LEP. Whilst the City Council is still continuing to explore all options available it clearly stated:

“Until public consultation on the site options has been completed, we cannot say categorically whether Sheffield is in a position to meet its fully locally assessed need

3 As of January 2019.
within the district. However, that remains our aspiration as we believe that is likely to be the most sustainable approach. We note also that all the local authorities in the City Region have confirmed in writing that they are unable to meet any of the city’s housing needs. We remain committed to continuing dialogue with the other local authorities in the Sheffield City Region about the scale and distribution of housing growth. To that end, we hope to jointly complete a Statement of Common Ground covering that and other cross-boundary issues during 2019.” (emphasis added)

9. The City Council is still yet to consult on its emerging Local Plan so it is unclear at this time whether or not Sheffield will require neighbouring authorities to assist in meeting any potential unmet housing needs. What is clear however is that all other authorities have confirmed they are unable to meet any of the city’s housing needs. Accordingly, it is important that provision is made within the CLP to ensure an effective means of assisting Sheffield in meeting its housing need if it is needed.

1.12 Is there evidence of engagement and agreement on strategic cross-boundary planning matters within the wider Sheffield City Region (SCR) as intimated at paragraph 3.8 of the Duty to Cooperate Statement? In particular, the LEPs Strategic Economic Plan ambition to deliver 70,000 net additional jobs (2014-2024) and the development of a SCR Integrated Infrastructure Plan (SCRIIP)?

10. It is unclear whether a signed SOCG covering the strategic planning issues surrounding the entire SCR area has been prepared. Gladman reserve the right to comment on this issue if further information is provided by the Council at the forthcoming hearing session.
Issue 4: Sustainability Appraisal (including Strategic Environmental Assessment)

1.18 Does the Sustainability Appraisal (SA) (Documents SD3-5) adequately and accurately assess the likely effects of the policies and proposals of the Plan on the SA ‘themes’ and test them against reasonable alternatives?

and

1.19 Does SA adequately record unreasonable options and indicate (Briefly) why any such options have been discounted?

and

1.20 What concerns have been raised about the SA methodology and outputs and what is the Council’s response to these? Have the requirements for Strategic Environmental Assessment been met?

11. The following responds to the questions raised above. Further to the comments submitted in response to the Regulation 19 consultation, Gladman are of the view that the Sustainability Appraisal (SA) is not adequate in its current form. Gladman’s specific concerns relate to the following matters:

Housing Target Options

12. The SA fails to adequately consider the relative sustainability credentials associated with planning for greater levels of growth. The SA considers three options as follows:

- Option 1 – SHMA OAN at 244dpa plus allowance for historic under delivery equating to an annual requirement of 270dpa

- Option 2 – LEP aspirational growth 345dpa

- Option 3 – As per option 1 plus reserve sites (up to 1,260 dwellings).

13. Whilst these three options have been tested, Gladman consider the reasoning behind Option 2 being rejected is insufficient. Paragraph 5.3.30 of the SA states:

“Option 2 was rejected because it would require additional greenfield releases and is not considered by the Council to be realistic or deliverable...”
14. The decision to dismiss Option 2 is not considered justified as it fails to consider and acknowledge the benefits of delivering development in keeping with the aspirations of the LEP. Indeed, the Council’s preferred approach with regards to its Employment Growth Options is based on delivering 83ha of employment land in line with the LEP aspirational growth Scenario A. As such, this represents a potential mismatch between housing and employment growth as the Local Plan does not seek to provide sufficient land consistent with the aspirations of the LEP.

15. Furthermore, the broad conclusions reached in terms of additional greenfield land and that such an approach is not considered realistic or deliverable is not supported by evidence and effectively pre-determines the consideration of the level of growth expected to be achieved over the plan period. The fact some greenfield sites were considered as potential allocations earlier in the plan making process indicates that further sites that were realistic and deliverable do exist.

16. The spatial strategy is reliant upon sites located on Greenfield land. As such, there is a stark contrast between spatial scenarios considered through the SA process and the selection of the strategy as proposed.

Unmet Housing Needs

17. The Plan and SA has failed to consider mechanisms to provide for the unmet needs of neighbouring authorities. This matter could however be addressed via modification to the spatial strategy and the inclusion of a new policy linked to monitoring which would require the need to consider additional development opportunities to assist in delivering unmet needs of neighbouring authorities over the course of the plan period.

Site Allocations

18. The Plan and SA has failed to provide sound and justified reasons for the rejection of proposals submitted to the Council at land south of Bamford Road, Inkersall Green despite previously identifying the site as a preferred option for growth. This matter will be discussed in greater detail in response to Issue 5.
Issue 5: Site Selection Process – General

1.21 Are the outputs for the Land Availability Assessment in documents KSD17-19 broadly consistent with the jointly agreed methodology?

and

1.22 Is there consistency between the outputs of the Land Availability Assessment and Sustainability Appraisal, particularly in sieving sites and considering the potential to mitigate any likely harm?

19. Gladman do not consider that consistency has been applied between the outputs of the Land Availability Assessment (LAA) and the SA, particularly in sieving out sites and the consideration towards potential mitigation methods. These issues are largely set out in our response to the Regulation 19 consultation in sections 3 and 6. However, Gladman note that a further addendum to the SA has been prepared as of June 2019 in response to comments received and provides amendments to the SA report relating to the reasons for rejecting and selecting some of the strategic sites.

20. Gladman’s concerns relate to the inconsistency which has been applied in consideration of Gladman’s land interests in Inkersall Green at land off Bamford Road. This site was previously identified by the Council as one of its preferred allocations in the draft Local Plan (2017) for an estimated 217 dwellings. However, the Council has since removed the allocation and instead increased the size of proposed allocation H36 to deliver 400 dwellings over the plan period.

21. The SA addendum (2019) states that the reason for rejecting the site is as follows:

“Only access from a residential estate road. Potential severe impact on highway network during the construction phase and following completion. Insufficient information to demonstrate that a safe and adequate access would be feasible and that impact on the highway network would be mitigated.

Development of this site would extend existing settlement in the countryside and have significant negative landscape impacts.

Likely significant negative effect on Ancient Woodland.

The site is not within 800m walking distance of a centre.”

22. This text has now been removed and replaced with the suggested changes contained in table 5.6 which states:
“273 – Large greenfield site on the edge of the urban area, not within walking distance of a centre and not within a designated Regeneration Priority Area. Combined with sites 274 and 402 there would be potential scale to support some local convenience provision. There are concerns over impact on landscape character and biodiversity. There are significant concerns over impact on the amenity of residents from additional traffic on Bamford Road during construction and operation of the site and there is no reasonable alternative for access. The site would not accord with the Spatial Strategy of ‘Concentration and Regeneration’ and should not be allocated for development.”

23. Further to the comments raised in response to the Regulation 19 consultation it appears that the only reason for removing the site is due to ‘significant highways constraints’ and effects on residential amenity. These assertions are unfounded as no objections have been raised by the Highways Authority based on information provided through the planning application which confirms that there would be no fundamental constraints to achieve safe access. Furthermore, decisions have not been applied in a consistent manner in respect of residential amenity and development in the countryside, Indeed, the Council’s response concerning allocation H36 states that:

“The site is greenfield land, the majority of which is within walking distance of Inkersall Local Centre and local schools. With the borough having insufficient previously developed land to meet the full OAN, the site has the potential to be developed to meet the spatial strategy of concentration in combination with LAA site 30. The site should be allocated for residential developments...”

24. Whilst the two sites are both identified as extending out into the countryside, site H36 is identified as having a negative effect while land off Bamford Road has a significant negative effect. This later assessment is unfounded. The Site Allocation Conclusion Summaries document also states that development of the site would not accord with the spatial strategy of ‘concentration and regeneration.’ It is not considered appropriate to reject the site on the basis that the Local Plan strategy avoids allocating development in the countryside when it is reliant on the delivery of greenfield sites to meet identified housing needs and that consistency has not been applied between the two greenfield sites.