**Introduction**

1. This statement has been prepared by Peter Brett Associates, now part of Stantec (PBA), on behalf of MLPL, in respect of the soundness of the emerging Chesterfield Borough Council (CBC) Local Plan.
2. MLPL has control of available development land to the east of Chesterfield town centre which could deliver residential development in the short term.
3. MLPL is supportive of a plan-led system, especially one which recognises the importance of managing sustainable and well-planned development to meet local needs arising from a changing population and employment base.
4. CBC should be encouraged to positively respond to social and economic needs that arise within its HMA through a strategy that facilities the delivery of sustainable, well located development over the course of the plan period.
5. MLPL encourages the production of a sound Local Plan, but in doing so has identified some aspects that should be revisited to achieve a sound plan.
6. In this context and in response to the Inspectors’ questions, the following observations are made:
   - The failure to define the “built up area” in Policy LP4 means that the policy is ambiguous and cannot be properly applied; it is therefore not effective.
   - The last paragraph of Policy LP4 is overly restrictive and could prevent the delivery of sustainable development; it is therefore not consistent with national policy.

**Issue 1: Whether the proposed housing allocations will deliver sustainable development to meet identified needs. [Policy LP4 and SS Policies]**

**b) Soundness of Policy LP4**

**Question 5.2:** With reference to Policy LP4 criterion a), to ensure the policy is effective and clear, should the ‘built up area’ be defined?

7. There is no definition of what constitutes the “built up area” either within Policy LP4 itself or on the Pre-submission Policies Map. It is therefore unclear where development may be permissible and, consequently, the objectives of Policy LP4 cannot be delivered. The policy is therefore not effective and unsound in this regard. This is discussed at paragraphs 2.1.10-2.1.12 of PBA’s Reg.19 Representations.

8. NPPF para 16 d) states that plans should “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.” As there is ambiguity regarding suitable locations for development, Policy LP4 is not consistent with this paragraph and is therefore unsound.

9. It is suggested that the reference to the “built up area” is removed as to be policy compliant in terms of location, new development just needs to accord with the strategy of “concentration and regeneration”. The approach of not applying settlement boundaries is an enlightened one as it is more likely to delivery sustainable development than a more restrictive approach that defines settlement boundaries.

**Question 5.3:** The last paragraph of Policy LP4 sets out what would be required of proposed residential development should the Council be unable to demonstrate a five-year housing land supply. Would this approach ensure the policy is effective and consistent with paragraph 11 of the NPPF?

10. The housing requirement should be seen as a minimum and never a maximum. Where a five year housing land supply can be demonstrated, Policy LP4 seeks to restrict development that has not been
allocated or does not accord with the strategy of ‘Concentration and Regeneration,’ whether or not it would be considered sustainable. This is not consistent with national policy as the NPPF seeks to encourage sustainable development rather than limit it.

11. Paragraph 11 of the NPPF outlines the process for engaging the tilted balance in favour of sustainable development in situations where a five year housing supply cannot be demonstrated. The last paragraph of Policy LP4 tries to define part of this tilted balance process and in doing so is restricting how the tilted balance might be applied. The balancing of adverse impacts of a development against the benefits should be carried out on a site by site basis and local policy should not restrict the application of national policy. Consequently, the last paragraph is inconsistent with national policy and should be removed.