ACSCHERFIELD LOCAL PLAN EXAMINATION
MATTER 7 – DEVELOPMENT MANAGEMENT POLICIES

Inspector's issues and questions in bold type.

This Hearing Statement is made for and on behalf of the HBF which should be read in conjunction with our representations to the pre submission Local Plan consultation dated 22nd February 2019. This representation answers specific questions as set out in the Inspector’s Matters, Issues & Questions document dated 9th August 2019.

Issue 1: Protect and enhancing the natural and historic environments [Policies LP14, LP15, LP17, LP19, LP20, LP22 and LP23]. The cited individual policies should be clear, justified and consistent with national policy and effective. The following questions are guided by these principles.

7.4 Policy LP14 requires development to meet the optional Building Regulation water standard of 110 litres per occupier per day. What evidence does the Council have to support this requirement? Would this requirement be based on clear local need and consideration of viability in accordance with guidance on water efficiency standards set out in the PPG?

The Council has not provided evidence to support the requirement for the optional water standard of 110 litres per person per day as set out in Policy LP14. All new dwellings achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations which is higher than standards achieved by much of the existing housing stock. The WMS dated 25th March 2015 confirmed that “the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”. The Council has not justified the requirement for the optional water efficiency standard using criteria set out in the NPPG (ID 56-013-20150327 to 56-017-20150327). The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The Council has provided no evidence in a Water Cycle Study that Chesterfield is a water stress area. The requirement for the higher water efficiency standard should be deleted because it is unjustified and inconsistent with national policy.

7.21 Are Policy LP23 and Appendix C justified, considerate of viability and consistent with national policy in its requirement that all residential proposals with off street parking provision dedicated to individual properties should include provision for charging electrical vehicles on each property? Is this aspect of the policy as written clear in what type
of proposals it would apply to? For example, would it apply to an extension to an existing residential property?

Under Policy LP23 dwellings with dedicated off street parking provision within the dwelling curtilage should provide 1 electric vehicle charging point (EVCP) per dwelling and dwellings with shared dedicated off-street parking should provide 1 EVCP for every 10 parking spaces. Appropriate cable provision should be provided as agreed by the Council. Residential EVCPs should be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP.

This requirement should be supported by evidence demonstrating technical feasibility and financial viability. Any requirement should be fully justified by the Council including confirmation of engagement with the main energy suppliers to determine network capacity to accommodate any adverse impacts if all or a proportion of dwellings have EVCPs. If re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary. There may also be practical difficulties associated with provision to apartment developments or housing developments with communal shared parking rather than houses with individual on plot parking. As set out in the 2019 NPPF any policy requirement for EVCPs should be clearly written and unambiguous (para 16) specifying the quantum and type of provision sought either AC Level 1 (a slow or trickle plug connected to a standard outlet) or AC Level 2 (delivering more power to charge the vehicle faster in only a few hours) EVCP or other alternatives. The Council’s requirement includes a built-in upgrade from Level 1 to Level 2. The implications of these requirements have not been viability tested.

The HBF support a national standardised approach to encouraging the use of electric and hybrid vehicles which should be implemented through the Building Regulations rather than planning policy. This requirement should be deleted because it has not been proven to be technically feasible nor robustly viability tested.

**Issue 2: Whether the Plan will provide appropriate measures to enhance design and construction quality, including open space provision [Policies LP18 and LP21].** Are the above cited policies clear, justified and consistent with national policy and will they be effective? In particular:

7.34 Would the Percent for Art requirement within Policy LP21 be justified and consistent with national policy, in particular paragraph 56 of the NPPF? Is the reference to ‘value’ in this section clear? For example this could comprise cost, sale or land value. Is the threshold of £1 million and proportion of 1% justified and reasonable?

Under Policy LP21 the Council proposes to negotiate up to 1% of total development costs for public artwork to be secured by a legal agreement and / or conditions. As set out in the 2019 NPPF an otherwise unacceptable
development can be made acceptable by the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (para 54). Planning conditions should only be imposed where they are necessary and relevant (para 55). The 2019 NPPF also sets out three tests to be met when a planning obligation is sought (para 56). It is unlikely that a contribution of 1% of total development costs for public artwork passes all three tests. This requirement should be deleted because it is unsound.