Gladman Developments Ltd

Matter 7 Hearing Statement

Chesterfield Local Plan

Examination

Development Management Policies

September 2019
Issue 1: Protect and enhancing the natural and historic environment

[Policies LP14, LP15, LP17, LP19, LP20, LP22 and LP23]

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?

1. Further to the comments raised in Gladman’s representations to the Regulation 19 consultation, no evidence has been provided by the Council to demonstrate that they are a water stressed authority in order to implement the optional building regulation water standard of 110l per occupier per day. Unless this evidence is provided it is not appropriate to implement this standard.

7.10 Would Policy LP15 criterion a) relating to soil and agricultural land quality be consistent with Policy LP2 criterion b)? Is Policy LP15 criterion c) justified and in accordance with NPPF footnote 53?

2. Policy LP15 outlines the Council’s approach to dealing with development proposals on best and most versatile land in accordance with the requirements of national policy. As currently worded Policy LP2 criterion (b) is inconsistent with this approach as it seeks to prevent any form of development being delivered on BMV land.

3. Criterion (c) states development will only be allowed where it can be demonstrated that there are no suitable alternative sites on previously developed or lower quality land. This goes beyond the requirements of the Framework at Footnote 53 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. As such, national policy does not require developers to demonstrate alternative sites on PDL or lower quality land are available as these may not be suitable for development due to issues on site e.g. contamination. As such, this element of the policy should take a flexible approach to development of BMV land and the preference of poorer quality land should be preferred before using higher quality land. It is considered that this issue can be dealt with through appropriate revisions via main modifications.

7.17 Would Policy LP22 be effective and consistent with national policy? In particular and with reference to paragraphs 193-196 of the NPPF, should Policy
LP22 set out that great weight is afforded to the conservation of assets, and detail the assessment required when substantial or less than substantial harm to the significance of designate heritage asset occurs? Is the approach of Policy LP22 to non-designated heritage assets (including the requirement set for any justified replacement development) justified and consistent with national policy?

4. In its current form LP22 is not consistent with the requirements of national policy as it fails to differentiate between designated and non-designated assets and goes beyond the requirements of national policy which only requires consideration of an application on the significance of a non-designated heritage asset and does not rule out the possibility of the development having an adverse impact on the significance of a non-designated heritage asset. It is considered that this issue can be addressed via main modifications.