CHESTERFIELD BOROUGH LOCAL PLAN EXAMINATION

MATTER 7: DEVELOPMENT MANAGEMENT POLICIES

STATEMENT ON BEHALF OF WILLIAM DAVIS LTD

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Issue 2

Whether the Plan will provide appropriate measures to enhance design and construction quality, including open space provision [Policies LP18 and LP21]

Paragraph 7.34

1. 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?

1.1 To be found sound, planning obligations must only be sought where they meet all of the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the National Planning Policy Framework. The Planning Practice Guidance provides further advice and stipulates that “Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122.” (Paragraph: 004 Reference ID: 23b-004-20190901)

1.2 It is not clear within the evidence supporting the Local Plan where the threshold of £1 million or proportion of 1% are derived from and therefore this part of Policy LP21 is not justified. Although the “Whole Plan Viability Assessment (WPVA) for the Borough of Chesterfield” (December 2018) has taken into consideration the existing Local Plan Core Strategy Policy CS18 requirement relating to Percent for Art this does not justify the planning obligation in respect of the statutory tests.

1.3 The principle of the ‘Percent for Art’ pre-dates the statutory tests set out in the CIL Regulations and the guidance now stipulated within paragraph 56 of the NPPF. Although the aspirations of the Borough Council to achieve good quality design are acknowledged, the requirement for public artwork via a planning obligation is not necessary to make a development acceptable in planning terms, and it is not clear whether the standardised proportion of 1% of the ‘value’ (whatever the value maybe based on) is fairly and reasonably related in scale and
kind to all developments in excess of £1million. Accordingly, this part of Policy LP21 is not consistent with national policy and should be removed in order for the plan to be found sound.