Chesterfield Local Plan Examination

Chesterfield Borough Council Response to
Inspectors’ Matters, Issues and Questions

16th September 2019

Matter 3- Meeting housing need and the Plan’s Housing Requirement including the accommodation needs of travelling communities
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Issue 1: Whether the plan identifies a sound assessment of housing need and over what period

3.1 Is it justified and consistent with national policy to establish the housing need that the Plan should accommodate through the methodology of Objectively Assessed Need (OAN) as identified through the Strategic Housing Market Assessment (SHMA) for the wider North Derbyshire & Bassetlaw HMA rather than the standardised methodology for local housing need (LHN)?

The NPPF (paragraph 60) does allow for the assessment of housing need using an alternative approach in exceptional circumstances. The PPG provides further guidance on the circumstances under which such an approach may be justified and sound (see response to 3.2, below.

3.2 Does PPG paragraph 2a-015-20190220 provide a basis for finding the submitted plan’s housing need sound because the OAN is marginally higher than the latest LHN figure?

Yes - the text of this paragraph makes it clear that where the alertanive approach results in a higher need this can be considered sound, and the SHMA OAN of 265 is higher than the LHN minimum starting point of 241.

3.3 If applying the OAN, is the methodology used for defining Chesterfield’s OAN appropriate and does it provide a robust basis for establishing the scale of housing need? In particular, does the SHMA make justified adjustments to the demographic starting point in respect of migration and a part return to household formation rates?

Yes, the SHMA (EV26) is a robust basis. It makes adjustments in respect of migration and part return to household formation rates. The SHMA took 2014-based Household Projections as a starting point. It then made an upward adjustment to migration through using 10 year migration trends, uplifting population growth from 5.3% to 6.6% (Table 8 of the SHMA). It then made an upward adjustment to assumptions on household formation for those aged 25-34 and 35-44 upwards, returning then to a position which sits half way between that shown in the 2008-based and 2014-based Household Projections by 2035. This increased the need by a further 31 dpa to 265 dpa (Table 19 of the SHMA).

3.4 Is the OAN justified in not making an uplift for economic/jobs growth in light of the aspirations of the LEPs and the potential of HS2 for the area? Does the draft Sheffield City Region (SCR) Statement of Common Ground confirm that the SCR LEPs economic ambitions are likely to be met across the city region?
It should be noted that the employment aspirations of the LEPs, as set out in their Strategic Economic Plans, were aspirational and not based on any assessment of evidence. Nonetheless the draft SCR Statement of Common Ground does confirm (page 7 of SCG7) that “the combined Local Plan housing requirements of 6,659 homes per year is also within the range of new housing calculated to meet the growth in jobs expected from the SEP, as defined by Edge Analytics in 2015.”

3.5 Will either the OAN or LHN provide/support a sufficient labour supply to meet the ambitious but realistic employment forecasts for the Borough? For example, the 2017 SHMA at Table 31 indicates that an OAN to sustain an economic growth scenario of 4,200 net additional jobs would require an adjusted housing need of 330 dwellings per annum. Paragraph 3.59 of the SHMA advises to use baseline economic forecasts as a minimum but points to Council’s carrying out further testing of the higher growth scenario figures. Has there been any further consideration or assessment of the higher growth scenario?

A higher “growth scenario” was modelled as one of the SHMA scenarios, which appraised the implications of more positive performance in respect of jobs growth across a number of sectors. For Chesterfield these were logistics/distribution, accommodation and food; and financial and insurance services. However this scenario would see employment growth of 0.4% per annum, which is essentially double the rate of jobs growth seen historically in the Borough (0.2% pa). The SHMA set out that whilst this highlighted the sensitivity of housing need to economic performance, it did not provide a clear basis for drawing conclusions on minimum OAN figures.

Nonetheless, the Local Plan does provide a sufficient buffer in housing allocations that it would be possible to meet the additional housing requirements should this level of employment growth be achieved through unexpectedly high growth.

The council consulted on a draft plan that included a range of housing need figures, including the higher jobs growth figure.

A draft report prepared by Iceni Projects Ltd considered the implications of a higher need figure. It considered that whilst planning for higher levels of growth would be positive, setting a lower housing target whilst ensuring sufficient land is provided to support the economic aspirations would also be valid. It concludes that “Given the inherent uncertainties associated with long-term economic performance and HS2 investment, this [latter approach] might be prudent.”

3.6 Is there any compelling evidence to consider an uplift for market signals under OAN or LHN?
The SHMA found that market signals pointed to relative low house prices and land values, and that taking account of the adjustments made in drawing the conclusions on the demographic need, no further adjustments for market signals were warranted by the evidence (Para 9.16 of the SHMA).

A further comparison of the SHMA and LHN has been commissioned from Iceni Projects Ltd. This looks further at this issue and again concludes that there is no evidence that land supply has been constrained in recent years.

There is therefore no compelling evidence to consider an uplift on market signals. It should be noted that the plan allows for a significant buffer in its land supply (which would increase under an LHN based need figure) that would allow for increased growth should the market pick up significantly in the borough.

3.7 If the Plan were to be modified to the lower LHN figure as a starting point for establishing housing need in the Borough would that give rise to any strategic planning issues in either the HMA or the wider Sheffield City Region? Has a lower LHN informed housing need figure been subject to sustainability appraisal as a reasonable alternative?

A lower LHN based figure is not expected to give rise to any strategic planning issues in the HMA or wider SCR. The HMA and (draft) SCR Statements of Common Ground (SCG1 and SCG7 respectively) identify that the constituent LPAs are seeking to meet their own needs and there is no unmet need. Under an LHN based need, the Local Plan would still be meeting its own need. This issue was discussed the North Derbyshire and Bassetlaw HMA Local Plan Liaison Meeting on 20th August and no concerns were raised providing the borough would still be meeting its own need.

The council commissioned Iceni Projects Ltd to undertake an assessment of the implications of using the LHN as a starting point for housing need, in comparison to the SHMA. It concludes that the using the LHN derived figure would not be inappropriate and would not cause significant issues in comparison to the SHMA based figure: “whilst planning for a level of housing provision above the LHN figure of 240 dpa in Chesterfield is not necessarily unsound and could be considered positive planning; the evidential basis for doing so at the current time is not particularly strong.”

Sustainability Appraisal

The Council identified three options relating to the amount of new housing to be delivered in the Borough over the plan period:
• Option 1 – Strategic Housing Market Assessment (SHMA) Objectively Assessed Need (OAN) 244 homes per annum plus an allowance for historic under delivery which equates to a total requirement of 270 homes per annum;

• Option 2 - LEP aspirational growth 345 homes per annum;

• Option 3 - As per option 1 plus Reserve Sites (up to c1,260 dwellings) in order to provide additional flexibility to bring forward sites should growth be faster/greater than expected.

Section 5.3 of the Sustainability Appraisal of the Consultation Draft Local Plan, January 2017 (PS4)) presents these options and the results of the SA. It also provided the reasons for the selection of the preferred option and the reasons for rejection.

The January 2019 SA Report (SD3) acknowledged that the Ministry of Housing and Local Government (MHCLG) had implemented a new standard method for calculating local housing need. Since then MHCLG has produced updated figures. The 2019 LHN figure for the Borough (240 dwellings per annum) would be similar to Option 1 (244 homes per annum). The Plan has therefore been informed by SA with a housing requirement based on a figure very similar to that in the lower LHN, with an allowance for under delivery.

3.8 The NPPF at paragraph 22 advises that “strategic policies should look ahead over a minimum 15 year period from adoption” (Inspector emphasis). Are there particular circumstances in Chesterfield to justify a slightly shorter plan period? Can the identified housing need be suitably extrapolated to 2035 against the submitted evidence base for the plan (for example infrastructure, future jobs forecasts etc.)?

There are no specific circumstances in Chesterfield to justify a shorter plan period. A modification that extends the plan period to 2035 will be prepared for consideration.

The SHMA (EV26) provided housing need projections up to 2035. As set out in the Housing Topic Paper (TP1), housing need could be extended to 2035 without the need for additional allocations. Infrastructure needs beyond 2033 resulting from additional housing are unlikely to be significant. Major infrastructure projects (such as the CSRR) are already related and assessed on the basis of sites that are likely to extend to at least this date in terms of implementation.

There is no reason that employment forecasts could not be extended on a pro-rata basis, which would result in a revised employment land forecast of 49.9ha, still within the identified supply.

3.9 What is the start of the plan period? Is it 2014 or for housing need has it been recalibrated to start from 2018?
Yes, the housing need has been recalibrated to take account of completions since 2014 and reset to start at 2018 to give a clearer indication of future housing need. Retail need goes to 2036.

Issue 2: Does the Plan set an appropriate housing requirement? [Policy LP1]

3.10 Is Policy LP1 clear that the housing requirement is the same as the OAN at 4,374 homes over the period 2018-2033? If so, would the housing requirement be justified, effective, positively prepared and consistent with national policy?

Policy LP1 is clear that plan is making provision for an OAN of 4,374 homes as a minimum, as required by paragraph 11b (“Strategic policies should, as a minimum, provide for objectively assessed needs for housing”) of the NPPF and is therefore justified, effective and consistent with national policy.

3.11 Any there any circumstances that indicate the District’s housing requirement should be other than the submitted evidence of the Objectively Assessed Need or the latest LHN figure?

No, there are no circumstances that would indicate otherwise.

3.12 References have been made to unmet housing need arising in Derbyshire Dales and Sheffield. Neither authority has made representations on the Plan requesting or identifying unmet needs that should be accommodated in the Borough. If the Plan is found sound on the basis of the SHMAs OAN, is the Housing Market Area (North Derbyshire and Bassetlaw) appropriately defined in the terms set out at PPG paragraph 61-018-20190315?

The HMA is appropriately defined. It is noted that, despite previous discussions over unmet need with Derbyshire Dales and Sheffield, such discussions are not limited to Housing Market Areas and in neither case was the LPA arguing that the HMA was not appropriate.

Issue 3: Delivering an appropriate mix of housing including affordable forms of housing [Policy LP5]

3.13 Paragraph 3.19 of the Local Plan sets out that those interested in custom and self-build are not facing significant difficulties accessing sites for development. However, paragraph 3.9 states that opportunities for self-build schemes will be encouraged. How does the plan seek to deliver this?

The plan does not contain specific policies relating to Custom and Self-Build, however (subject to modifications set out elsewhere) policy LP4 allows for small sites within, and in some cases outside, the built up area to be brought forwards. The council has also
appointed a Housing Delivery Manager who will be responsible, as part of their role, for supporting Custom and Self Build through improving information on the availability of sites and providing guidance on matters such as the planning process and CIL exemptions.

3.14 Does Policy LP5 provide an appropriate basis for assessing the housing mix of proposed developments?

Yes. The supporting text (paragraph 3.10 and 3.14 in particular) provide detail on housing mix based on current evidence. LP5 refers to the most up to date assessment of needs in order that the Policy does not become out of date when new evidence is published.

3.15 With reference to footnote 46 of the NPPF and the PPG sections regarding housing for older and disabled people and housing optional technical standards, would the requirement for accessible, adaptable and wheel chair user dwellings in Policy LP5 be justified, viable and accord with national policy? Would Policy LP5 contain sufficient flexibility in its requirement for accessible, adaptable and wheel chair user dwellings in the context of PPG Paragraph: 008 Reference ID: 56-008-20160519, Paragraph: 009 Reference ID: 56-009-20150327 and Paragraph: 010 Reference ID: 56-010-20150327?

The council considers that footnote 46 of the NPPF is clear in stating that LPAs should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need. The requirements in LP5 for accessible, adaptable and wheel chair user dwellings are justified by the evidence set out in the Housing Topic Paper TP1 paragraphs 7.12 to 7.31. This evidence includes information from the Census on the number of people with a long-term limiting illness and from DWP on the numbers of Personal Independence Payment (replacing Disability Living Allowance) / Attendance Allowance benefit claimants in line with national planning guidance (Paragraph: 005 Reference ID: 63-005-20190626). The evidence in the Housing Topic Paper fully reflects the guidance in the optional technical standards and makes use of the data sheet (Paragraph: 007 Reference ID: 56-007-20150327). The requirements in LP5 for accessible, adaptable and wheel chair user dwellings are viable as set out in paragraphs 7.28 to 7.30 of the Housing Topic Paper TP1. On this basis, the requirements in LP5 for accessible, adaptable and wheel chair user dwellings fully accord with national policy. The requirement for accessible, adaptable and wheelchair user dwellings in LP5 is ‘subject to site suitability’ and therefore provides a degree of flexibility. This is in recognition that some sites may not be suitable for this type of housing due to the site specific factors such as vulnerability to flooding, site topography, and fully in accordance with national guidance (Paragraph: 008 Reference ID: 56-008-20160519). It is acknowledged that the PPG specifically states that ‘Where step-free
access is not viable, neither of the Optional Requirements in Part M should be applied’ (Paragraph: 008 Reference ID: 56-008-20160519 and Paragraph: 010 Reference ID: 56-010-20150327) and that ‘Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.’ (Paragraph: 009 Reference ID: 56-009-20150327). The council would be prepared to put forward a main modification to provide further clarity and inclusion of text from national guidance should this be considered necessary by the Inspectors.

3.16 Is the reference ‘subject to site suitability’ within Policy LP5 clear and would it ensure that the policy is effective?

The reference to site suitability is intended to provide a degree of flexibility with regard to the requirement for accessible, adaptable and wheelchair user dwellings, recognising that some sites may not be suitable for this specific type of housing due to topography for example. This reflects national guidance (Paragraph: 009 Reference ID: 63-009-20190626 and Paragraph: 008 Reference ID: 56-008-20160519). The council would be prepared to put forward a main modification to provide further clarity and inclusion of text from national guidance should this be considered necessary by the Inspectors.

3.17 Does the evidence of need and viability submitted justify the affordable housing requirements set out in Policy LP5? Would the policy be clear and more effective by including the affordable housing requirements for each CIL zone within the policy?

Yes, the affordable housing requirements are justified. The council acknowledges that the policy LP5 could be clearer in relation to the CIL zones and will propose a main modification. It is however not considered appropriate to include the CIL zones within the policy itself, as these zones may change if and when the CIL is reviewed which would render the policy out of date.

3.18 Does Policy LP5 intend that all affordable housing it secures to be in the form of shared ownership? If so, in its current form, would the policy as written achieve this? Would such a requirement be justified and effective within the context of the wider forms of affordable housing as defined in the NPPF?

The policy does not intend that all affordable housing contributions should be in the form of shared ownership on sites where the affordable housing contribution exceeds 10%. The Revised NPPF notes that as part of the overall affordable housing contribution from a site, the first 10% of affordable housing on major residential development schemes should be in the form of affordable home ownership. The 2017 SHMA update recommended that if Councils are required by national planning policy to provide 10% of
affordable housing as affordable home ownership, shared ownership is the most appropriate option. The policy should be amended to clarify that for major applications where the affordable housing contribution exceeds 10%, the first 10% of the affordable housing should be in the form of affordable home ownership. Where a contribution of only 10% of affordable housing is required (as informed by the CIL charging zones), all of this contribution should be in the form of rented properties (as the requirement for ownership would exceed the level of affordable housing required in the area).

3.19 Based on the Council’s evidence regarding an aging population and notwithstanding the support for new registered care facilities offered by Policy LP5, how would the plan make adequate provision for specialist housing for older people?

The SHMA (2014) estimated the need for specialist housing for older people at 50 dwellings per annum, and did not disaggregate this need into property size, location or tenure. The council considers that the requirements for accessible and adaptable accommodation will meet the needs of older people who ‘may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs’ (PPG Paragraph: 012 Reference ID: 63-012-20190626). Specialist housing (as listed in Paragraph: 010 Reference ID: 63-010-20190626) is delivered by the private and public sector. Derbyshire County Council has recently published (July 2019) the ‘Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035’. This document provides additional evidence to support the requirements for adaptable and accessible dwellings, but also provides evidence regarding the needs for specialist housing for older people. Due to the publication date of this report, it was not possible to reflect this evidence within the Local Plan. The council would be happy to consider whether any main modifications can be made to policy LP5 regarding provision for specialist housing for older people in the borough.

Issue 4 – Whether the Plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople [Policy LP6]

3.20 Paragraph 3.24 of the Plan refers to the Designing Gypsy and Traveller Sites Good Practice Guide 2008. This document has been cancelled. As such, is requiring development to consider it justified?

The Council will put forward a modification to withdraw the paragraph referring to the design guide.

3.21 Paragraph 10.1 of The Housing Topic Paper indicates that the need for gypsy and traveller site allocations has been met. As such, does the preceding text to Policy LP6 require revisions? Is the Hady Lane site (reference T1 in Table 8) an allocation to be
shown on the Policies Map or does the site now benefit from planning permission / implementation?

Yes, the preceding text to LP6 does require revisions to reflect the granting of planning permission for a gypsy and traveller site. A modification will be proposed to this effect. The permitted site is the Hady lane site referenced in table 8. As this site has full permission and is being implemented it is not necessary to include it on the Policies map. A modification will be proposed to remove Table 8 accordingly.

3.22 Should the plan make any provision for travelling show people accommodation and set out what requirements would be applicable for proposals for travelling showpeople accommodation?

No need for a specific provision within the Plan as none has been identified in the GTAA.

3.23 Does criterion a) of Policy LP6 accord with the Planning Policy for Traveller Sites?

Criteria ‘a’ is in accordance with national policy with regard to Green Belt. The council wishes to propose a modification to remove the reference to adopted Local Green Spaces as there are none within the borough.

3.24 Would a reference to highway safety ensure that Policy LP6 is effective?

The criterion g) in Policy LP21 and Policy LP23 cover the matter of Highway Safety adequately and a further reference within Policy LP6 would be unnecessary.

3.25 Does criterion i) of Policy LP6 serve a clear purpose and avoid duplication?

The Council will put forward a modification to withdraw criterion i) of Policy LP6 as on reflection it is unnecessary, as the Plan would be read and applied as a whole.

3.26 Are there any more details on when the Gypsy and Traveller Accommodation Assessment will be reviewed, possibly as part of a wider assessment of caravan and houseboat needs in accordance with Section 124 of the Housing & Planning Act 2016? What steps would be taken should any review indicate that sites would be required to meet the needs of gypsies and travellers and travelling showpeople?

DCC has indicated that the consultants proposed timescales for commencement of the GTAA reviews is 23rd September 2019. The work is proposed to be completed by April 2020. It will include assessment of caravan and house boat needs. If the GTAA review indicates that sites would be required to meet the needs of gypsies and travellers and
travelling showpeople, the council would follow the actions as set out in the table (page 15) in the HMA SoCG (SCG1). If calls for sites, work with public sector landowners and requests to other LPAs yields suitable sites the Council would either identify the sites in a review of the Local Plan (which would be the preferred approach) or through a separate Gypsy and Traveller sites document.

3.27 The Statement of Common Ground between Chesterfield Borough Council and the Derbyshire Gypsy Liaison Group sets out that across the wider housing market area, the emerging Local Plans do not identify sufficient specific sites to meet the need for pitches. What actions and progress are being taken to address this matter? [also see Q1.11 under Matter 1]

The HMA SoCG (SCG1) sets out the actions that will be taken to address the shortfall across the GT HMA (see table on page 15). The three authorities in the Northern Gypsy and Traveller Market Area have carried out a number of actions including calls for sites, contacting Derbyshire County Council to review its landholdings and reviewing their own Council’s landholdings. In November 2017, BDC wrote to each of its 7 neighbours (including those outside the HMA) to ask if they could help Bolsover DC to meet its needs for Gypsies and Travellers. Bolsover DC received a reply from all authorities other than Bassetlaw DC. No authority was able to assist Bolsover DC with this request. BDC has an agreed approach to the provision on Gypsy and Traveller Accommodation as set out in a Statement of Common Ground between Bolsover DC and the National Federation (signed December 2018). The Inspector on the NEDDC Local Plan acknowledged that arrangements are in hand to progress an update to the GTAA and considered that a criteria based policy would provide a more positive approach to assessing proposals. She concluded that further work on assessing needs and identifying sites as part of a plan review or as a separate document on traveller provision is a matter for the Council to decide in due course. In January 2018 NEDDC made a formal request under the Duty to Co-operate to all neighbouring authorities (Bolsover DC, Chesterfield BC, Derbyshire Dales DC, Peak District NPA, Sheffield CC, Rotherham BC, Amber Valley BC) as to whether they are able to help accommodate the identified need. However, none of the other neighbouring authorities have indicated that they are currently in a position to assist NEDDC in meeting its unmet land requirements for Gypsy and Traveller pitches. As Chesterfield shares the same neighbouring LPAs with NEDDC the same response would apply to a request from CBC. It is however, acknowledged that 18 months has passed since the NEDDC request, and that if a request were to be made now, the response may be different. Considering the imminent review of the GTAA (scheduled to start in September 2019 and complete by April 2020), the council considers that as current needs for the borough are being met, it is reasonable to wait for the results of the GTAA review before taking further action.
3.28 Has the Equality Impact Assessment of the Plan (document KSD3) considered the effect of the plan on those who by reason of race and ethnicity identify as gypsies and travellers?

Yes. Chesterfield Borough Council uses the Equality Impact Assessment (EIA) process to look at current and new policies, projects, services, functions and strategies in depth to see what impact they may have on different equality groups. The impact of Gypsies and travellers are considered under the protected group of ‘ethnicity’ within our EIA process. The EIA for the local plan has been revisited a number of times as the local plan has developed. The approach to allocating sites for gypsies and travellers was originally assessed in 2012 (as part of the core strategy CS10) and updated in 2016 for the Draft Local Plan. The EIA was again refreshed in 2018 when the local plan was updated (the pre-submission Local Plan) to assess any impact that the changes may have on protected groups.