Chesterfield Local Plan Habitats Regulations Assessment

Post-Examination Modifications and HRA Conclusions

1. Introduction

1.1 The Chesterfield Local Plan and Requirement for HRA

Chesterfield Borough Council (the Council) has been preparing a new Local Plan since 2016. This will set out the vision, objectives, planning policies and site allocations that will guide development in the Borough to 2035.

Local Plans are subject to Regulation 105 of the *Conservation of Habitats and Species Regulations 2017* (the 'Habitats Regulations'). This states that if a land-use plan is "*(a) is likely to have a significant effect on a European site*[1] *or a European offshore marine site*[2] *(either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site*" then the plan-making authority must "*…make an appropriate assessment of the implications for the site in view of that site's conservation objectives*" before the plan is given effect.

The process by which Regulation 105 is met is known as Habitats Regulations Assessment (HRA)[3]. An HRA determines whether there will be any 'likely significant effects' (LSE) on any European site as a result of a plan's implementation (either on its own or 'in combination' with other plans or projects) and, if so, whether these effects will result in any adverse effects on the site's integrity. The Council has a statutory duty to prepare the Local Plan and is therefore the Competent Authority for an HRA.

Regulation 105 essentially provides a test that the final plan must pass; there is no statutory requirement for HRA to be undertaken on draft plans or similar developmental stages (e.g. issues and options; preferred options). However, as with Sustainability Appraisal (SA), it is accepted best-practice for the HRA of strategic planning documents to be run as an iterative process alongside plan development; this is undertaken in consultation with Natural England (NE) and other appropriate consultees. Wood has therefore been assisting the Council with the HRA of its Local Plan throughout its development.

The Council submitted the *Chesterfield Borough Local Plan: Submission Version*[4] (the draft Local Plan) to the Secretary of State for Housing, Communities and Local Government on 28 June 2019, in accordance with

[1] Strictly, 'European sites' are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy (NPPF para. 176) when considering development proposals that may affect them. "European site" is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

[2] 'European offshore marine sites' are defined by Regulation 15 of *The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

[3] The term 'Appropriate Assessment' has been historically used to describe the process of assessment; however, the process is now more accurately termed 'Habitats Regulations Assessment' (HRA), with the term 'Appropriate Assessment' limited to the specific stage within the process.

[4] Chesterfield Borough Council (2018) *Chesterfield Borough Local Plan: Submission Version.* Available from https://www.chesterfield.gov.uk/media/930192/sd1-pre-submission-local-plan-2018-2033.pdf [Accessed Jan 2020].

Regulation 22 of the *Town and Country Planning (Local Planning) (England) Regulations 2012*[5]. This submission was accompanied by an HRA report[6] setting out the relevant evidence and proposed conclusions for the HRA process.

The government appointed two planning inspectors to conduct an independent examination (known as an 'Examination in Public or EiP) into the Local Plan. The EiP hearing sessions subsequently took place between 15 October and 6 November 2019. During the hearings, a number of Main Modifications (MMs) to the Local Plan were proposed. At the conclusion of the hearings, the Inspectors requested that the Council confirm the proposed changes in a Schedule of MMs. The Inspectors have reviewed the Schedule of MMs, provided additional comments to assist the Council and confirmed that the Council can publish the schedule for consultation.

1.2 Proposed Main Modifications

Under Section 20(7) of the Planning and Compulsory Purchase Act (2004), as revised by Section 112 of the Localism Act (2011), post-Examination modifications are either classified as "main" or "additional" modifications:

- "Main Modifications" are required to resolve issues in order to make the Local Plan sound or to ensure its legal compliance. They involve changes or insertions to policies and text that are essential to enable the plan to be adopted. Main Modifications are therefore changes that have an impact on the implementation of a policy.
- "Additional Modifications" are of a more minor nature and do not materially affect the policies set out in the draft Local Plan. Additional modifications mainly relate to points where a need has been identified to clarify the text, include updated facts, or make typographical or grammatical revisions which improve the readability of the Local Plan.

The MMs proposed by the Inspectors will be the subject of further consultation. The Inspectors will take into account the responses to the consultation before finally concluding whether or not a change along the lines of the MMs is required to make the Local Plan sound. Additional (minor) Modifications will not be considered by the Inspectors as they do not relate to the soundness of the plan.

1.3 Purpose of this Addendum

The Council must be satisfied that the conclusions contained in the 2019 HRA Report will remain robust if the MMs are adopted, in order to address its responsibilities under the Habitat Regulations. This Technical Note summarises Wood's review of the MMs and sets out the proposed conclusions of the HRA process. It does not repeat the baseline or assessments set out in the main HRA report[7], and should therefore be read in conjunction with this earlier report.

[5] *SI 2012 No. 767 The Town and Country Planning (Local Planning) (England) Regulations 2012*.

[6] Wood (2019) *Local Plan for Chesterfield Borough Pre-Submission Draft: Habitats Regulations Assessment*. Report for Chesterfield Borough Council, ref. L38746rr010i2. Wood Environment and Infrastructure Solutions UK Ltd, Shrewsbury. Available at: https://www.chesterfield.gov.uk/media/930139/ksd4-habitat-regulations-assessment-january-2019.pdf [Accessed Jan 2020].

[7] *Ibid*. footnote 6

2. Approach

The review of the proposed MMs follows the assessment approach outlined in Sections 2.3 and 4.2 of the main HRA document. In summary, the MMs have been reviewed to determine whether they would:

- Lead to any new effects on any European sites (alone or in combination) that have not been considered by the HRA to date; or
- Alter the magnitude (etc.) of any effects previously considered through the HRA, such that the proposed conclusions of the HRA (see Section 7 of the main report) are no longer valid.

The review also considers any new evidence that has become available since the EiP hearings took place.

3. Summary of Assessment

3.1 Draft Local Plan HRA Summary

The HRA of the draft Local Plan demonstrated that the vast majority of the Local Plan policies and proposed site allocations will have 'no effect' (either alone or in combination) on any European sites, typically because either they are policy types that do not make provision for changes or they are sites at considerable distance from the European sites (with no known pollutant or effect pathway).

The HRA screening process determined the following:

- There are no European sites in or in close proximity (<3 km) to Chesterfield Borough.
- Five European sites and one "prospective potential" European site are within 15km of the Borough boundary.
- The growth supported by the Local Plan has the potential to contribute to 'in combination' air quality effects on sensitive sites.
- All of the European sites within the study area are beyond the distance that significant effects 'alone' due to visitor/recreational pressure would be expected, although the Local Plan may make a contribution to 'in combination' visitor/recreational pressure effects at the sites.
- Other potential mechanisms for sites to be affected, notably through changes in water resource permissions, or water quality changes, will not occur due to the absence of reasonable impact pathways.

The potential effects from air quality and visitor/recreational pressure were subject to more detailed 'appropriate assessments' in relation to each European site, taking into account policy-based measures incorporated into the plan. In summary:

- **Air Quality**: The analysis determined that the draft Local Plan would:
  - have no significant effects, alone or in combination, on the Bilhaugh and Birklands SAC due to air quality changes (the 'appropriate assessment' analyses were undertaken to resolve a residual uncertainty, although this has clearly demonstrated that 'significant effects' will not occur due to the negligible scale of any increases in traffic flows along the road closest to the SAC);

- have no adverse effects on the integrity of Gang Mine SAC, Peak District Dales SAC, Peak District Moors (South Pennine Moors Phase 1) SPA or South Pennine Moors SAC, alone or in combination due to air quality changes (air quality modelling suggests that thresholds for 'significant' effects will be exceeded, but additional analyses demonstrate that these effects will be too localised and small scale to adversely affect the integrity of the sites);
- have no adverse effects on the integrity of the Sherwood Forest ppSPA (based on distance and existing data, although this cannot be confirmed until the site is designated, and the boundaries are established).

- **Visitor/Recreational Pressures**: Existing studies strongly suggest that the contribution of new development to visitor pressure decreases substantially with distance, and will in most instances be considered 'not significant' at distances over 8km. The Chesterfield Borough Local Plan includes measures that will help minimise its contribution to visitor pressure, including policies relating to the protection and enhancement of the green infrastructure locally (although NE has stated that it "*…would not however require GI as mitigation for public access/disturbance effects on the European sites*". The analysis determined that the draft Local Plan will:
  - have no adverse effects, alone or in combination, on the Bilhaugh and Birklands SAC, Gang Mine SAC, Peak District Dales SAC, or Sherwood Forest ppSPA (these sites are over the typically accepted distance thresholds for significant effects to be possible, or not vulnerable to visitor pressure effects due to site characteristics and access restrictions);
  - have no adverse effects, alone or in combination, on the integrity of the Peak District Moors (South Pennine Moors Phase 1) SPA or South Pennine Moors SAC (due to the relatively small scale of growth in the Borough supported by the Local Plan; and the limited exposure of the interest features due to the physical characteristics of the European sites and the management measures employed to reduce or control that exposure).

Overall, the HRA of the draft Local Plan concluded it will have no adverse effects on the integrity of any European sites, alone or in combination.

3.2 Review of Modifications

The review of the MM is set out in **Appendix A** of this technical note. This identifies the proposed MM, the reasons for this, and whether the change has any implications for the conclusions of the HRA such that additional assessment would be required for a robust HRA conclusion. The MMs generally relate to the following principal changes to the Local Plan.

- Plan Period: The Plan Period is proposed to be amended to cover the period 2018 to 2035, previously it was 2033.
- Strategic Objectives: The Main Modifications include amendments to strategic objectives S2 and S6, reflecting the change to the plan period, minimum number of homes to be built over the plan period (4,080, reduced from 4,374) and the amount of employment land to be provided over the revised plan period (50 ha., increased from 44 ha. to reflect the extension of the plan period).
- Options for Housing sites: Removal of four small sites, minor changes to the names of a number of sites and / or changes to the anticipated capacity of sites (MM18).

- Development management policies:
  - Various policy clarifications relating to sustainable transport, housing mix, the role of centres and neighbourhoods, renewable energy, managing demand for travel and other changes made for consistency with the National Planning Policy Framework (NPPF) and Planning Practice Guidance;
  - Deletion of Policy LP3 'Presumption in favour of sustainable development;'
  - Enhancement or clarification of protective policies relating to the countryside, flood risk, agricultural land, open space, green infrastructure, protected sites and species, river corridors, and the historic environment.

In summary, none of the proposed MMs will lead to any new effects on any European sites (alone or in combination) that have not been previously considered by the HRA to date; nor do they alter the magnitude (etc.) of any effects previously considered through the HRA. The provisional conclusions of the HRA set out in Section 7 of the main HRA report therefore remain valid.

4. Conclusions

The proposed modifications to the draft Local Plan do not affect the HRA conclusions outlined in the main HRA report, i.e.

- most aspects of the Local Plan will have no significant effects on any European sites, alone or in combination due to the absence of effect pathways; and
- where effect pathways are present or where there are uncertainties over the scale of the effects (in combination air quality and visitor pressure effects), 'appropriate assessments' have demonstrated that the Local Plan will have no adverse effect on site integrity.

Therefore, additional assessment of the modified plan (i.e. with the Main Modifications incorporated) against the Habitats Regulations is not required. It will remain necessary to review any further changes that are made to the Local Plan prior to adoption in order to ensure that the HRA conclusions remain robust, and a formal assessment conclusion against the requirements of Regulation 105 will be made on adoption; however, **the current conclusion of the HRA process is that the Local Plan will have no adverse effects on the integrity of any European sites as a result of its implementation**.

CBC HRA Statement

The following text may be used in any formal statement that CBC wishes to publish on adoption of the plan (assuming that no further substantive amendments are required):

> *Chesterfield Borough Council, as the Competent Authority, has assessed the Chesterfield Borough Local Plan against the provisions of Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). The supporting information for this assessment is provided in the document "Local Plan for Chesterfield Borough Pre-Submission Draft: Habitats Regulations Assessment", which is available at* https://www.chesterfield.gov.uk/media/930139/ksd4-habitat-regulations-assessment-january-2019.pdf*, and in the subsequent review of the Main Modifications which is available at* **[to be inserted]**.
>
> *The assessment determined that significant effects on five European sites (or sites treated as such as a matter of Government policy) could not be excluded: Birklands and Bilhaugh SAC; South Pennine Moors SAC; Peak District (South Pennine Moors Phase 1) SPA; Peak District Dales SAC; and Gang Mine SAC. The assessment also, as a precaution, explored the potential for effects on the 'Sherwood Forest prospective potential SPA (ppSPA) in accordance with recommendations from Natural England. Consequently, an*

'appropriate assessment' was completed in accordance with the Regulations to determine the implications of the plan for the qualifying features of those sites with reference to their Conservation Objectives.

Through this assessment, and taking into account mitigation measures specified within the plan, the Council has concluded that the Local Plan will have no adverse effects on the integrity of any European sites, alone or in combination with other plans or projects. This conclusion has been accepted by Natural England following formal consultation and Examination in Public and the Council is adopting the Local Plan on this basis.

Issued by	Approved by
pp Mike Frost	Peter Davis

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Appendix A – Review of Main Modifications

This schedule sets out the Main Modifications proposed by the Council; the paragraph and policy numbers refer to the submitted Local Plan. New text is shown as **underlined**. Deleted text is shown as ~~strikethrough~~. Actions are shown in *italic*.

Table A1 Review of Main Modifications

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM1	Contents Page	Insert revised contents page. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	To identify Strategic Policies as required by the NPPF	None
MM2	Pages 14-15	Insert Key Diagram between pages 14 and 15. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.		None
MM3	Paragraph 1.3 (page 9)	1.3 There will be 44 **50** ha of land provided between 2018 and 2033 **2035** for new high quality employment development so that together with existing employment areas, a range of jobs and training opportunities are easily accessible to those who need them. All this new development will be in areas with an established industrial character or areas of regeneration specifically designated for mixed use. Economic activity and employment opportunities are focussed where the regeneration benefits can be maximised, particularly in the Staveley and Rother Valley Corridor and along the A61 Corridor where there is significant need for work and training. High employment density uses such as offices are located in the most accessible locations near to town and district centres.	To align the employment land requirement figure with the plan period of 2018-2035.	None; the increase in area is marginal, reflects the change in the plan period and will not alter the HRA conclusions.
MM4	Paragraph 1.20 (page 12)	1.20 Sites are made available for at least ~~4374~~ **4080** homes between 2018 and ~~2033~~ **2035** to meet the Objectively Assessed Need (OAN), the majority of which are located within easy walking and cycling reach of the existing district and town centres. Some new housing development will be directed to areas suffering from deprivation to aid the regeneration of these communities. Some of this housing will need to be in well-designed, sensitive urban extensions on greenfield sites. Local centres and community facilities there will need to be improved. In addition, some housing is also concentrated around 'Local Service Centres'.	To align the housing requirement with the LHN methodology set out in the NPPF and NPPG and the extended plan period of 2018-2035.	None
MM5	Objective 2 (page 14)	S2 Provide sites for at least ~~4374~~ **4080** homes to be built between 2018 and ~~2033~~ **2035** to meet the housing requirement for Chesterfield borough	To align the housing requirement with the LHN methodology set out in the	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
			NPPF and NPPG and the extended plan period of 2018-2035.	
MM6	Objective S6 (page 14)	S6: Provide 44 **at least** **50** ha of new employment land between 2018 and ~~2033~~ **2035**.	To align the employment land requirement figure with the plan period of 2018-2035.	None
MM7	Paragraphs 2.2 to 2.6 and table 1	2.2. ~~The Strategic Housing Market Assessment Update 2017 indicates an Objectively Assessed Need (OAN) of **265** net new dwellings per annum is required to meet the borough's housing needs.~~ **The Local Housing Need (LHN) methodology set out in the NPPF indicates a minimum housing need of 240 new dwellings per annum. No further adjustments to this figure are required to account for unmet need in neighbouring areas or other demographic or economic factors.** 2.3. Between 2014-~~2033~~ 2035, this equates to **a minimum housing requirement of ~~5035~~ 4,080 new** dwellings **(240 dwellings per year)**. 2.4. ~~661 net new dwellings were completed between 2014 and 2018.~~ ~~2.5. Because there has been an under-delivery of homes since 2014 (the base date for the SHMA update projections), a shortfall of **399** dwellings is added which will be spread over the plan period.~~ ~~2.6. This gives a housing target of 292 net new dwellings per annum.~~ ~~**Table 1**~~ ~~Objectively Assessed Need (OAN) — 265 pa~~ ~~OAN over plan period 2014 to 2033 (19 x 265) — **5035** net new dwellings~~ ~~Net completions 2014 to 2018 — 661 dwellings~~ ~~Outstanding need — **4374** net new dwellings~~ ~~Shortfall of dwellings from 2014 to 2018 — 399 dwellings~~ ~~Revised OAN including shortfall — **292net new dwellings pa**~~	To align the housing requirement with the LHN methodology set out in the NPPF and NPPG and the extended plan period of 2018-2035.	None
MM8	Paragraph 2.8 (page 16)	2.8. This work concludes that 44 hectares of employment land are required between 2018-2033, split into B1 5.2 ha, B2 – 21 ha and B8 – 17.6 ha. **This equates to a minimum of 50ha across the Local Plan period of 2018 to 2035**. Chesterfield needs to be able to offer an appropriate range of employment sites, in terms of quantity, size and location. The quality of site provision is key, and the best employment sites must be protected.	To align the employment land requirement figure with the plan period of 2018-2035.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM9	Table 2 (page 16)	See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	To align the employment land requirement figure with the plan period of 2018-2035.	None
MM10	Policy LP1	LP1 Spatial Strategy The overall approach to growth will be to concentrate new development within walking distance **of a range of Key Services as set out in policy LP2** ~~centres~~, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas. Regeneration Priority Areas The council will maximise regeneration benefits to existing communities offered by development opportunities in the following areas: • Eastern Villages– Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook, • Holme Hall • **Staveley and Rother Valley Corridor** Housing Growth The council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of **240 new dwellings per year, (4,080**~~4374~~ dwellings over the period 2018 to ~~2033~~**2035**). New housing development will be in line with the strategy of 'Concentration and Regeneration'. Economic Growth To maintain economic growth and quality of provision, the council will make provision for ~~44~~ 50 hectares of new employment land (B1, B2 and B8 uses) over the period 2018 to ~~2033~~ 2035. The key areas for employment land are at the already committed Markham Vale development, and at Staveley and Rother Valley Corridor. Policy LP7 **and the policies map** sets~~-~~ out broad locations for employment uses. Green Belt	To align with the approach set out in the NPPF Additional modification for clarity in response to Chatsworth Settlement Trustees representation. To use the Local Housing Need figure to be consistent with the NPPF and NPPG. To align the employment land requirement figure with the plan period of 2018-2035.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		The existing Green Belt will be maintained and enhanced. Strategic Gaps and Green Wedges Strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging into one another, and maintain open space. Green Wedges provide access to the countryside from urban areas. The open character of Strategic Gaps will be protected from development between: • Brimington and Tapton (SG1) • Ringwood and Hollingwood (SG2) • Lowgates / Netherthorpe and Woodthorpe / Mastin Moor (SG3) • Woodthorpe and Markham Vale (SG4) • Old Whittington and New Whittington (SG5) • Brimington North (SG6) Green Wedges provide access to the countryside from urban areas. Green Wedges will be protected from development at: • Walton River Hipper Corridor (GW1) • Holme Hall and Newbold Green (GW2) • Dunston and Sheepbridge (GW3) The boundaries of Strategic Gaps and Green Wedges are identified on the Policies Map.		
MM11	Paragraph 2.15 and 2.17 [2.16 unchanged]	2.15. The Local Plan's spatial strategy aims to **support and** encourage walking**,** ~~and~~ cycling **and the use of public transport** by locating new development within reasonable walking distance of **a range of key** services ~~in centres~~. **The Local Plan's spatial strategy also recognises the importance of convenient access on foot to key services for those on low incomes, including the health benefits of walkable neighbourhoods. The concept of a walkable neighbourhood is set out in the Council's supplementary planning document: 'Successful Places'.** 2.16 [Paragraph remains unmodified]	To clarify the approach taken to sustainable transport.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		2.17 **What constitutes a reasonable walking distance is set out in various relevant guidance[8] including the Council's adopted residential design guide supplementary planning document: 'Successful Places'. When seeking to apply the spatial strategy and principles for the location of development the Council will have regard to the concept of a walkable neighbourhood and the walking distances described in its SPD: Successful Places. Regard will also be had to** ~~However, a "reasonable" walking distance is likely to be affected by~~ **the likely effect of factors such as** location, topography, weather, pedestrian facilities, trip purpose and cultural factors. There are also qualitative considerations **which will be taken into account**, including (but not exclusively): - topography - lighting - quality of surface - provision of off road pathways - safety, including isolated pathways, extent of overlooking, lighting, traffic, pedestrian crossings - accessibility, including dropped curbs [additional footnote] **[1] Table 3.2 on page 49 Guidelines for Journeys on Foot (Institution of Highways and Transportation) and Paragraph 3.30 on page 48 of Guidelines for Journeys on Foot (Institution of Highways and Transportation)**		
MM12	Policy LP2	LP2 Principles for Location of Development ~~In allocating new development, or assessing~~ **P**~~p~~lanning applications for developments that are not allocated in ~~a DPD~~**the Local Plan**, ~~sites~~ will be ~~assessed~~ supported **according to**~~by~~ the extent to which the proposals meet the following requirements **which are set out in order of priority:** a) deliver the council's Spatial Strategy (policy LP1); b) are on previously developed land that is not of high environmental value; ~~c) are not on the best and most versatile agricultural land;~~ ~~d~~**c**) deliver wider regeneration and sustainability benefits to the area;	To clarify the approach to sustainable transport and how planning applications for development on unallocated sites will be assessed.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		~~e) utilise existing capacity in social infrastructure (policy LP11) or are of sufficient scale to provide additional capacity, either on site or through contributions towards off-site improvements;~~ ~~f~~**d**) maximise opportunities **through their location** for walking ~~and cycling and the use of public transport (policy LP23)~~**access to a range of key services[1] via safe, lit, convenient walking routes**; **e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;** **f) utilise existing capacity in social infrastructure (policy LP11) or are of sufficient scale to provide additional capacity, either on site or through contributions towards off-site improvements;** g) Ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map **h) are not on the best and most versatile agricultural land;** ~~h) meet sequential test requirements set out by other national or local policies~~. Exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use: i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or ii. be addressed or to support existing community facilities that otherwise would be at risk of closure. ~~New residential development will be expected to be within walking distance (800m) of an existing or proposed Local, District or Town Centre, via a safe, lit, convenient walking route, or demonstrate the ability to deliver appropriate provision on site.~~. **[1] DfT Accessibility Indicators:** • **Employment centres** • **Primary schools** • **Secondary schools** • **Further Education institutions** • **GPs** • **Hospitals** • **Food stores**		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		• **Town Centres**		
MM13	Policy LP3	Delete all of paragraph 2.18 and Policy LP3 and the associated heading.	Paragraph 11 of the revised NPPF contains a presumption in favour of sustainable development similar to that in Policy LP3, which applies to decision-taking on development proposals and in effect removes the need for policy LP3.	None
MM14	Paragraph 3.1	3.1 To meet the housing needs of a growing population and a growing economy, a total of at least ~~4374~~ **4,080** net new dwellings must be built in Chesterfield Borough between 2018 and ~~2033~~ **2035.** This is derived from the ~~objectively assessed need figure~~ **Local Housing Need methodology derived housing requirement of** ~~265~~ **240** dwellings per annum ~~plus the net level of completions since 2014. This requires the completion of, on average, 292 dwellings each year over the remaining 15 year period~~. This strategic housing requirement is not a ceiling, and may be exceeded provided that it is sustainable, it can be supported by existing or new infrastructure and it meets the objectives and policies in the Local Plan.	To use the Local Housing Need figure to be consistent with the NPPF and NPPG.	None
MM15	Table 3	Replace table 3 and add supporting text as additional paragraph. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification. **The Local Plan must demonstrate a deliverable supply of housing sites sufficient for five years with a minimum buffer of 5% (20% in the case of evidence of persistent under-delivery via the Housing Delivery Test). As of 1st April 2019, there was an existing shortfall of 28 dwellings, to be resolved within the first five years. Monitoring indicates that the borough is currently on target to resolve the entirety of this shortfall by 1st April 2020. The council has therefore applied a 20% buffer for under-delivery to the five years from 1st April 2019 (the first four years of the plan based on an adoption date on April 2020). A 10% lapse rate has been applied to commitments.**	To meet the requirement in the NPPF to demonstrate that the assessed needs for housing will be met across a minimum of 15 years from adoption and that the plan can demonstrate a five year supply of deliverable housing sites from the date of adoption.	None

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<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><th><u>Year</u></th><th><u>LHN</u></th><th><u>Actual Completions</u></th><th><u>LHN + Buffer</u></th><th><u>Trajectory Forecast</u></th></tr>
<tr><td><u>2018/19</u></td><td><u>240</u></td><td><u>212</u></td><td><u>240</u></td><td><u>212</u></td></tr>
<tr><td><u>2019/20</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>294</u></td><td><u>315</u></td></tr>
<tr><td><u>2020/21</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>294</u></td><td><u>516</u></td></tr>
<tr><td><u>2021/22</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>294</u></td><td><u>515</u></td></tr>
<tr><td><u>2022/23</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>294</u></td><td><u>659</u></td></tr>
<tr><td><u>2023/24</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>295</u></td><td><u>466</u></td></tr>
<tr><td><u>2024/25</u></td><td><u>240</u></td><td><u>N/A</u></td><td><u>240</u></td><td><u>338</u></td></tr>
</table>
<u>From 1st April 2020 the council therefore expects to demonstrate a supply of 2493 new dwellings against a target of 1417 dwellings.</u>
<u>Over the whole plan period the council can demonstrate a supply of 6247 dwellings against a minimum housing requirement of 4080 between 2018 and 2035.</u>
<u>Delivery, including lapse and windfall rates, will continue to be monitored across the plan period and taken into account in future reviews.</u>
</td><td></td><td></td></tr>
<tr><td>MM16</td><td></td><td>Housing Trajectory graph added
See Associated Figures, Tables and Diagrams (Proposed Modifications) for the proposed modification.</td><td></td><td>None</td></tr>
<tr><td>MM17</td><td>Policy LP4</td><td>LP4 Flexibility in Delivery of Housing

Planning permission will be granted for residential development on the sites allocated on the policies map and as set out in table 4, provided they accord with other relevant policies of the Local Plan.

<s>Planning permission for residential development proposals on unallocated sites will only be permitted where it accords with the strategy of 'Concentration and Regeneration' as set out in policies LP1 and LP2 and other relevant policies of the Plan, and:</s></td><td></td><td>None</td></tr>
</table>

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		<u>Outside of the built-up area (as set out on the policies map), and subject to other relevant policies of the Local Plan, new residential development on sites not allocated in table 4 will only be permitted where:</u> <u>a)</u> ~~It is within the built up area: or~~ **a)** The development can demonstrate that it would have reasonable access to a range of Key Services as set out in policy LP2; and b) It re-uses redundant or disused buildings and enhances their immediate setting; or c) It is for the sub-division of an existing residential dwelling; or d) It is for the redevelopment of previously developed land in a manner that would not harm the intrinsic positive character of the countryside; or e) It represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage asset; or f) It meets a specific demonstrable housing need **<u>for a rural worker</u>** ~~that can only be met in that particular location~~; or g) It is of exceptional quality of design quality, in that it: i) is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. ~~Where the council cannot, at the time, demonstrate a five year supply of deliverable sites for housing, planning permission for new residential development outside the built up area will be permitted in exception to the above criteria where it can demonstrate that it accords with the strategy of 'Concentration and Regeneration' as set out in policies LP1 and LP2 and other relevant policies of the Plan.~~	To link the policy to a modification to the policies map to define the extent of the 'built up area'. To differentiate between the built-up area and beyond it in terms of acceptable levels of accessibility to services for new housing and impact on the intrinsic value of the countryside. **See corresponding modification to the proposals map.** To have greater consistency with paragraph 79(a) of the NPPF. To remove an unnecessary element of the policy given the operation of paragraph 11(d) of the NPPF in situations where the Council cannot demonstrate a five year supply or housing completions fall below the thresholds set out in the NPPF.	
MM18	Table 4	See Associated Figures, Tables and Diagrams (Proposed Modifications) for the proposed modification.		None

<table>
<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td>MM19</td><td>Paragraph 3.10</td><td>3.10. The Strategic Housing Market Assessment (SHMA) 2017 estimated what type and amount of housing is required in the borough. This includes the need for affordable housing.

~~Recommended Size Mix of Homes~~
<table><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>~~**Market**~~</td><td>~~0-5%~~</td><td>~~30%~~</td><td>~~50%~~</td><td>~~15-20%~~</td></tr><tr><td>~~**Low-cost home ownership**~~</td><td>~~10-15%~~</td><td>~~40-45%~~</td><td>~~35-40%~~</td><td>~~5-10%~~</td></tr><tr><td>~~**Affordable housing (rented)**~~</td><td>~~25-30%~~</td><td>~~45%~~</td><td>~~20%~~</td><td>~~5-10%~~</td></tr></table>
~~3.11. This takes account of both local need and the potential for delivery of larger aspirational housing which helps to diversify the housing mix in the Borough and to support economic regeneration and reduce in-commuting of higher earners. If the Council wishes to focus more specifically on meeting local needs the mix of market housing needed would be focused slightly more towards two and three bedroom homes than that shown, with lower expected delivery of homes with four or more bedrooms.~~</td><td>To remove reference to the mix of homes recommended in the SHMA, as it relates to the whole HMA area and is evidence that will be updated.</td><td>None</td></tr>
<tr><td>MM20</td><td>Table 7 and Additional paragraphs follow paragraph 3.17</td><td><u>Housing for Older People</u>

3.X <u>As well as providing a stock of adaptable and accessible properties, there is an identified need for housing for older people.</u>
<u>3.X Derbyshire County Council[2] identified a number of key statistics for Chesterfield in relation to housing for older people:</u>
• <u>3,358 people provide 50 hours of more informal care per week</u>
• <u>There are 2,028 current service users aged 65 and over in receipt of Adult Care Services</u>
• <u>1,494 people over the age of 65 are living with Dementia and this is set to increase to 2,437 by 2035, an increase of 63.1%.</u>
• <u>13.5% of total households are single persons aged 65 and over living alone, this is 6,318 households.</u>
• <u>468 care home with nursing beds and 498 care beds are currently available in 29 settings.</u>

<u>3.X Specialist housing for older people comprises four accommodation types[3]</u></td><td>To include new evidence (Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035 (DCC 2019) as part of the reasoned justification for policy LP5.</td><td>None</td></tr>
</table>

<table>
<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td></td><td></td><td>

- **Housing for older people: social sector sheltered and age-exclusive housing and private sector leasehold retirement housing. This will include schemes, for rent and for sale, with on-site staff support, those with locality-based support services and schemes with no associated support services. (This includes 'Age Restricted general market housing' and 'Retirement living or sheltered housing' as defined in national planning guidance2:)**
- **Housing with care: includes extra care schemes, often called 'assisted living' in the private sector, with 24/7 care available on-site and housing schemes that offer bespoke care services, even if these are not full on-site 24/7 care, across both the social and private sector. (This is as defined in national planning guidance 'Extra care housing or housing-with-care')**
- **Residential care: residential accommodation together with personal care, i.e. a care home (as defined in national planning guidance as 'Residential care homes').**
- **Nursing care: residential accommodation together with nursing care i.e. a care home with nursing (as defined in national planning guidance as 'Nursing homes').**

3.X **The 2014 SHMA provided an indication of annual need for Housing for Older People and Housing with Care as 50 dwellings per annum.**

Move Table 6 to here

3.X More recently, Derbyshire County Council[9] have estimated the net additional need for older peoples housing up to 2035:

Estimated net additional need for older people's housing 2019 to 2035

<table>
<tr><th>Local Authority</th><th colspan="4">Housing for older people (units)</th><th colspan="4">Housing with Care (units)</th></tr>
<tr><td></td><td>Current provision</td><td>Net additional need (rent) 2035</td><td>Net additional need (sale) 2035</td><td>Total net additional need 2035</td><td>Current provision</td><td>Net additional need (rent) 2035</td><td>Net additional need (sale) 2035</td><td>Total net additional need 2035</td></tr>
</table>

</td><td></td><td></td></tr>
</table>

<table>
<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><td>Chesterfield</td><td>2,798</td><td>0</td><td>281</td><td>281</td><td>55</td><td>277</td><td>59</td><td>336</td></tr>
</table>
3.X <u>The DCC estimation of need for older peoples housing over the period 2019 to 2035 averages at 39 dwellings per annum, with a suggested tenure split of 85% rent 15% sale.</u>
3.17. As well as the need for older peoples housing, the SHMA looked at the needs for registered care <u>(Residential Care and Nursing Care)</u> and identified potential need of 21 bed spaces per annum for the borough.
3.X <u>The SHMA figure is in line with the 2019 DCC estimation (Table 9 Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035 (DCC 2019)) which averages at 21 bed spaces per annum for Nursing Care but does identify a small surplus of Residential Care bed spaces.</u>
<u>Estimated net additional need for Residential and Nursing Care beds to 2035</u>
<table>
<tr><th><u>Local Authority</u></th><th colspan="2"><u>Residential care (beds)</u></th><th colspan="2"><u>Nursing care (beds)</u></th></tr>
<tr><td><u>Current provision</u></td><td><u>Current provision</u></td><td><u>Net additional need 2035</u></td><td><u>Current provision</u></td><td><u>Net additional need 2035</u></td></tr>
<tr><td><u>Chesterfield</u></td><td><u>455</u></td><td><u>-65</u></td><td><u>437</u></td><td><u>343</u></td></tr>
</table>
[Additional Footnotes]
<u>[2] Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035 (DCC 2019)</u>
<u>[3] Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035 (DCC 2019)</u>
<u>[4] Paragraph: 010 Reference ID: 63-010-20190626</u>
<u>[5] Housing and accommodation for an ageing population: a strategic vision for Derbyshire to 2035 (DCC 2019) Table 11</u>
</td><td></td><td></td></tr>
<tr><td>MM21</td><td></td><td>3.18. National planning guidance emphasises the need for policy to be ~~and~~ viable. Developments should not be subject to such a scale of obligations and policy burdens that their ability to be</td><td>To provide clarity within the pre-amble regarding viability and the</td><td>None</td></tr>
</table>

<table>
<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td></td><td></td><td>developed viably is threatened. The 2018 Viability Study concluded that <u>25% adaptable and accessible housing and</u> up to 20% affordable housing could be delivered in the borough. The proportion of affordable housing the council will seek to negotiate ~~will vary up to a maximum of 20%, and will be informed by~~ <u>is based on</u> the Viability Study evidence and the CIL zones. The zones will be reviewed alongside CIL rates when updated viability evidence is available.</td><td>relationship between policy LP5 and CIL requirements.</td><td></td></tr>
<tr><td>MM22</td><td>Policy LP5</td><td>LP5 Range of Housing

In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will ~~require~~ <u>seek</u> a range of dwelling types and sizes based on the council's <u>most up to date evidence</u> ~~assessment~~ of ~~local~~ housing needs and <u>the location and</u> characteristics of the ~~site~~ <u>area</u>.

<u>Affordable Housing</u>

On sites totalling 10 or more dwellings (including phases of those sites) ~~up to 20% of~~ affordable housing ~~and 25% of adaptable and accessible housing7,~~ will be ~~sought~~ ~~by negotiation informed by~~ <u>required in line with</u> the charging zones set in the council's <u>most recently adopted</u> CIL <u>Charging Schedule</u>[1].

<table>
<tr><th><u>CIL Zone</u></th><th><u>% Affordable Housing Required</u></th><th><u>Type of affordable housing</u>[2]</th></tr>
<tr><td><u>Zero</u></td><td><u>0</u></td><td><u>n/a</u></td></tr>
<tr><td><u>Low</u></td><td><u>5</u></td><td rowspan="3"><u>10% Affordable Home Ownership</u>

<u>90% Affordable Rent</u></td></tr>
<tr><td><u>Medium</u></td><td><u>10</u></td></tr>
<tr><td><u>High</u></td><td><u>20</u></td></tr>
</table>

<u>Where a development seeks a lower proportion or different mix of types/tenures, this will only be done through a viability assessment that demonstrates that particular circumstances exist including (but not limited to):</u></td><td>To make the policy clearer and more effective, and to ensure consistency with the definition of affordable housing as set out in the NPPF.

To provide flexibility and ensure consistency with national planning guidance.</td><td>None</td></tr>
</table>

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		• **development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan;** • **where further information on infrastructure or site costs is required;** • **where particular types of development are proposed which may significantly vary from standard models of development for sale;** • **significant economic changes have occurred since the plan was adopted.** ~~Subject to site suitability, all affordable dwellings should be built to be adaptable and accessible homes, and within this 10% of the affordable dwellings should be built as wheelchair user homes.~~ ~~Any affordable home ownership delivered as part of an affordable housing contribution should be in the form of shared ownership.~~ Where it is not possible or appropriate to deliver affordable housing on site, a financial contribution will be sought for provision off-site (including for adaptations). ~~Where the provision of affordable housing would adversely impact on the viability of development, the developer will be required to submit evidence demonstrating this and justifying a lower contribution or alternative tenure mix.~~ Adaptable and Accessible Housing **The following requirements for adaptable and accessible housing will apply subject to consideration of site suitability, taking account of site specific factors such as vulnerability to flooding and site topography.** • **On sites totalling 10 or more dwellings (including phases of those sites)** • **25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures)** • **Where the council has identified evidence of a specific need for a wheelchair accessible standard M4(3) property (for which the council is responsible for allocating or nominating a person to live in that dwelling) that is relevant to a site, this will be negotiated with the developer and secured by planning obligation, subject to consideration of viability and suitability.**		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		Where evidence is submitted to demonstrate that step-free access is not viable, there will be no requirement for adaptable and accessible housing (building regulations M4(2) or M4(3)). Housing for Older People Proposals for ~~new registered care facilities for~~ **housing for** older people will be ~~supported~~ **permitted on the housing sites on Table 4 where they:** • **contribute to meeting needs identified in the councils most up to date evidence[10]; and** • **have good access to public transport, and** • **have good access to health services and facilities.** **Registered care facilities will not be expected to provide affordable housing on site or as an off-site contribution.** [Additional Footnotes] **[1] https://www.chesterfield.gov.uk/planning-and-building-control/planning-permission-and-development-management/community-infrastructure-levy.aspx** **[2] NPPF2019 Definition**		
MM23	Paragraphs 3.20, to 3.24 and table 8	3.20. The Derbyshire Gypsy and Traveller Accommodation Assessment 2014 (GTAA) concluded that Chesterfield Borough has a pitch requirement of 4 over the period 2014 to 2019, with no requirement for the remainder of the plan period. ~~Half~~ **All** of this need has been met through planning permissions, **resulting in a surplus of one pitch.** 3.21. The latest government published updated guidance on Planning Policy for Travellers in 2015. This policy takes 'travellers' to mean gypsies and travellers and travelling showpeople. This guidance requires local planning authorities to make a robust assessment of need for sites for travellers and to identify and update annually a supply of sites to meet pitch targets set to meet the need identified. ~~Sites to address a five year supply are allocated in the Local Plan.~~ 3.22 The council undertook an exercise to identify potential sites for Gypsy and Traveller sites in late 2017 and early 2018. This considered 46 sites and included public consultation on six. At the end of this process it was concluded that none of the sites met the criteria of being available and suitable.	To update the reasoned justification in terms of committed authorised traveller sites. To remove reference to cancelled (albeit not replaced) guidance	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		~~Table 8~~ ~~There is an outstanding need for 2 pitches within the plan period. Based on historic delivery, it is anticipated that this will be delivered via a windfall.~~ 3.23. In the ~~absence of suitable sites, and in the~~ event of an unanticipated need for a site arising, the Local Plan sets out a criteria-based approach by which planning applications for Gypsy and Traveller sites can be assessed. When considering proposals, the council will take account of the most recent **national planning policy for traveller sites** including: ~~Government guidance within 'Planning Policy for Traveller Sites'~~ The existing level of local provision and need for sites. The availability (or lack of) alternative accommodation for the applicants. Other personal circumstances of the applicant. ~~3.24 The Designing Gypsy and Traveller Sites Good Practice Guide 2008 should also be considered in relation to detailed design.~~		
MM24	Policy LP6	LP6 Sites for Travellers Planning permission will be permitted for Traveller pitches ~~on the sites allocated on the Policies Map and as set out in table 8, and also on unallocated land~~ where: the site is not located in the Green Belt~~;~~or ~~adopted Local Green Spaces~~; there is no unacceptable impact on the function and purpose of Strategic Gaps, Green Wedges or on wildlife sites or other protected green spaces; the site is reasonably accessible to community services and facilities; the site provides adequate levels of amenity for users; the site can be adequately serviced with drinking water and sewerage disposal facilities; the site is of sufficient size to accommodate the proposed number of caravans, vehicles and ancillary work areas as appropriate; there is satisfactory boundary treatment to ensure privacy and to maintain visual amenities. ~~the site is located outside of Flood Zone 3~~ ~~i) It meets other relevant policies of the Local Plan~~	To ensure consistency with the national Planning Policy for Traveller Sites. Deletion of reference to flood risk as this would unnecessarily duplicate other policies in the Plan and national planning policy which will be applied in any case. Deletion of reference to Local Green Spaces as none are allocated in the Local Plan	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM25	paragraphs 4.8, page 31	4.8. The 2018 Employment Land study recommended that Chesterfield Borough should provide approximately 44 ha of new land for Business and Industrial use between 2018 and 2033 in order to provide sufficient jobs for the borough's population and wider catchment. **This requirement figure has been extended to align with the plan period end date of 2035, which results in a total employment land requirement of 50 ha between 2018 and 2035.**	To update the employment land requirement in line with the plan period end date of 2035.	None
MM28	Table 9 (page 32)	See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	To update the Table of employment land supply in line with recent monitoring data.	None
MM29	Both Tables labelled 12, pages 40-41	Replace both tables. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	Replacement of Table 12. Changes made to enhance the clarity and understanding of the borough's Comparison Retail Supply.	None
MM30	Table 10 & Policy LP9	[Table 10] Local centres – **Sheffield Road** LP9 Vitality and Viability of Centres Role of centres The council will support the role of the town, district, local service centres and local centres in providing shops and local services in safe, accessible and sustainable locations. New ~~retail~~ development within centres shown on the proposals map should make a positive contribution to the centre's viability and vitality, **and** be of an appropriate scale To ensure the vibrancy, inclusiveness and economic activity of the borough's centres, main town centre uses including health, leisure, entertainment, community facilities, sports, offices, art, food and drink, cultural and tourism facilities will be ~~encouraged~~ **supported.** Within centres and Chesterfield Town Centre Primary Shopping Area (PSA) planning permission will normally be granted for A1 retail uses. **For main** ~~Main~~ town centre uses other than A1 retail,	To ensure that the policy is clear and reasonable, and is consistent with the NPPF.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		consideration will be given to the extent to which proposals accord with criteria a) to f) below: ~~will normally be permitted where they will:~~ a) ~~not overwhelm the retail function of the centre, street or frontage where it is located by having~~ **have** a ~~detrimental~~ **positive** impact on vitality and/or viability; b) provide active ground floor uses; ~~c) contribute to an active, well-used and safe environment in the evening with acceptable impacts on residential amenities;~~ ~~d~~**c**) cater for a wide public through diversity of leisure and cultural attractions and events; ~~e~~**d**) contribute to an appropriate mix of licensed premises; and ~~f~~**e**) contribute to efforts to tackle vacant, under-used and derelict buildings within centres, particularly in historic buildings. Within Secondary shopping areas of Chesterfield Town Centre planning permission will normally be granted for any main town centre uses. ~~Residential uses (C3) will normally only be permitted at first floor level and above (with the exception of suitable provision for access)~~ The Council will support the temporary occupation of empty buildings and cleared sites by creative industries and cultural and community organisations where they contribute to regeneration and enhance the character of the area'. Proposals for comprehensive redevelopment of a centre or part of a centre will be considered where the proposals can demonstrate the community benefits of redevelopment and justify any loss of retail facilities. The provision of new local centres may be considered where a need arises.		
MM31	LP10	LP10 Retail Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy. ~~Retail~~ Impact assessments will be required to accompany planning applications for new retail **and leisure** proposals ~~within~~ **that fall outside of** Chesterfield Town Centre, Staveley Town Centre ~~and~~	Changes made to ensure the policy accords with the NPPF. The wording has changed to remove the necessity for proposals within centres to submit an impact assessment (inconsistent with NPPF). Instead all retail and leisure proposals	None

<table>
<tr><th>Ref. No.</th><th>Para. / Policy</th><th>Main Modification</th><th>Reasons for change</th><th>Implications for HRA</th></tr>
<tr><td></td><td></td><td>
District Centres~~,~~ <u>Local</u> and <u>Local Service Centres</u>, in accordance ~~with the NPPF:~~ <u>with the locally set thresholds below:</u>

~~Within 500m of Chesterfield Town Centre, for all retail proposals with a floorspace of more than 500 sqm (gross internal floorspace)~~
~~Within 500m of Staveley Town Centre and District Centres, for all retail proposals with a floorspace of more than 280 sqm (gross internal floorspace)~~
~~Within 500m of Local and Local Service Centres, for all retail proposals with a floorspace of more than 200 sqm (gross internal floorspace)~~

<table>
<tr><th><u>Uses</u></th><th><u>Location</u></th><th><u>Threshold</u></th></tr>
<tr><td rowspan="4"><u>Retail and Leisure</u></td><td><u>Within 500m of Chesterfield Town Centre</u></td><td><u>500 sq. m or above (gross internal floorspace)</u></td></tr>
<tr><td><u>Within 500m of Staveley Town Centre and District Centres</u></td><td><u>280 sq. m or above (gross internal floorspace)</u></td></tr>
<tr><td><u>Within 500m of Local and Local Service Centres</u></td><td><u>200 sq. m or above (gross internal floorspace)</u></td></tr>
<tr><td><u>All other locations (not within Town, District or Local Centres)</u></td><td><u>500 sq. m or above (gross internal floorspace)</u></td></tr>
</table>
Specific forms of retail use outside Use Class A1 that require large premises such as showrooms, trade counters and wholesale premises, will normally be permitted in the identified retail Parks and may be permitted in other edge or out of centre locations if, due to reasons such as scale and servicing, the use would be unsuitable within a centre. In such cases, conditions will be applied where appropriate to define permissible changes of use and the range and type of goods or services sold.

Individual small shops designed to serve local day to day needs will normally be permitted outside defined centres (as shown on the proposals map) subject to consideration of the impact test thresholds set out above.

Applications for development that would result in the loss of isolated local shops will be considered under LP11 Social Infrastructure.
</td><td>outside of a centre will require an impact assessment. Changes made to enhance the clarity of when an Impact Assessment is needed. Reference is now also made to ‘all other locations’ to enhance clarity.</td><td></td></tr>
</table>

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM32	Policy LP11	LP11 Social Infrastructure Location of new development Social infrastructure facilities will be permitted in and on the edge of the town, district and local service centres where they are accessible by public transport, walking and cycling, unless they are meeting a specific local need. Opportunities to deliver new or enhanced provision as part of new developments will be maximised, depending on the capacity and suitability of existing services. Co-location of facilities The co-location and multi-use of facilities will be encouraged. Where proposals involve the provision of new or expanded social infrastructure facilities, they should be well related to existing centres and settlements and public transport infrastructure, and should provide high standards of accessibility for all sectors of the community. Improvement of existing facilities The quality, functionality and accessibility of existing social infrastructure facilities will be improved at sites including Chesterfield Royal Hospital, Walton Hospital and Chesterfield College, so as to allow for their future expansion. Masterplans will be required to accompany proposals to ensure the sustainable and co-ordinated development of the hospital and college sites. The amalgamation and loss of facilities Development will not be acceptable where it includes the change of use, amalgamation of uses or redevelopment of existing local community or recreational facilities, if it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities throughout the borough unless:	To accord with national guidance Paragraph: 001 Reference ID: 66-001-20190722.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		a) There is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and b) It can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a **continuous 12** month period **that includes advertisement for let or sale at a realistic price.**		
MM33	Paragraph 5.2	5.2 The appropriate mechanism for delivering infrastructure will vary between developments, but on-site infrastructure that primarily meets the need of the occupants of new development (e.g. landscaping, amenity open space, road access) will normally be dealt with via planning conditions or a Section 106 agreement. Other more strategic infrastructure requirements ~~which are included on the Regulation 123 Infrastructure List~~ will be met via the Community Infrastructure Levy (CIL). The Council's Infrastructure Study & Delivery Plan sets out the Borough's strategic infrastructure requirements over the Local Plan period. The ~~updated~~ Delivery Plan is shown in Appendix A. The CIL charging schedule took effect in Chesterfield on 1st April 2016. It sets out the types of eligible development and the rates which will be applied in each charging zone[11].	To reflect CIL Regulations amendments 2019	None
MM34	Paragraph 5.4	5.4 As Infrastructure requirements are likely to change over time, the Infrastructure Study & Delivery Plan will be updated and reviewed regularly. It provide~~d~~s the starting point for Council to identify its priorities for the Community Infrastructure Levy ~~(known as the CIL Regulation123 list)~~. Whilst over time the Community Infrastructure Levy may provide significant contributions to infrastructure delivery, the Levy is intended to fill the funding gaps that remain once existing sources of funding have been taken into account. Core public funding will continue to bear the main burden of infrastructure funding. ~~The Levy is intended to fill the funding gaps that remain once existing sources of funding have been taken into account.~~ To ensure efficient and effective negotiation, applicants are advised to engage with the Council and its partners in pre-application discussions to ~~ensure~~ provide clarity over assessments of infrastructure requirements in advance of applications being submitted	To reflect CIL Regulations amendments 2019; And to remove duplication	None

[11] Whilst the Community Infrastructure Levy Regulations 2010 (as amended) do not allow CIL Charging Authorities to exert discretion on whether payments should be made, the council has made provision for 'exceptional circumstances relief' and 'payment in kind' under specific circumstances allowed for in the Regulations.

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM35	LP12	LP12 Infrastructure Delivery Developer contributions will be used to mitigate the impact of new development and ensure that appropriate infrastructure is in place to support growth. The Borough Council will normally require that on-site infrastructure requirements are met via planning conditions or a Section 106 agreement. Developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development, and where appropriate arrangements are in place for its subsequent maintenance. Where the provision of infrastructure is considered to be a strategic need ~~and is included in the Council's CIL Regulation 123 list~~ then development, if liable, will be required to contribute via the Community Infrastructure Levy (CIL). ~~Section 106 contributions will not be sought for infrastructure projects that are included in the Council's CIL Regulation 123 list.~~ All infrastructure requirements will be co-ordinated and delivered in partnership with other authorities and agencies. Where new development would result in the loss of existing essential infrastructure, appropriate replacement provision should be provided as part of the new development proposals.	To reflect CIL Regulations amendments 2019	None
MM36	LP13	LP13 Renewable Energy The Council will support proposals for renewable energy generation particularly where they have wider social, economic and environmental benefits, provided that the direct and cumulative adverse impacts of the proposals on the following assets are acceptable, or can be made so: a) the historic environment including heritage assets and their setting; b) natural landscape and townscape character; c) nature conservation; d) amenity – in particular through noise, dust, odour, and traffic generation. Proposals will be expected to	To accord with national guidance (Paragraph: 005 Reference ID: 5-005-20150618)	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		reduce impact ~~in~~ **on** the **character and appearance of the** open countryside by locating distribution lines below ground where possible include provision to reinstate the site if the equipment is no longer in use or has been decommissioned incorporate measures to enhance biodiversity Wind Energy Proposals for wind energy development, and in particular community-led schemes, will be supported where they: 1) ~~can be demonstrated to be community led or set out~~ **are** within an area defined as being suitable for wind energy development within an adopted Neighbourhood Plan; and 2) **are outside areas identified in neighbourhood plans and are community-led; and** ~~2~~**3**) are able to demonstrate, following public consultation, that all material planning impacts identified by affected local communities have been adequately addressed; and ~~3~~**4**) meet criteria a) to d) above. In addition to meeting criteria 1. to 3. above, **where** wind energy development located within the Green Belt ~~will~~ **would** constitute inappropriate development**,** ~~and~~ planning permission will **not** ~~only~~ be granted ~~where~~ **unless** very special circumstances (as set out in the NPPF) can be demonstrated. Renewable Heat New developments will connect to or be designed for future connection to community heating networks where appropriate. Where no district heating scheme exists or is proposed in the proximity of a major new development, the potential for developing a new scheme on the site should be explored and pursued where feasible. Priority sites for district heating include Staveley and Rother Valley Corridor, Town Centre Northern Gateway, and South of Chatsworth Road. Hydro Power Developments along the river and canal corridors (watercourses) will be expected to investigate the feasibility of using small scale hydro power. Preapplication advice from the Environment Agency is advised.		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM37	Policy LP14	LP14 Managing the Water Cycle Flood Risk The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development~~,~~ **so that developments are made safe for their lifetime without increasing flood risk elsewhere**. Development proposals and site allocations will: a) be directed to locations with the lowest probability of flooding ~~or water resources~~ as required by the flood risk sequential test'; b) **be directed to locations with the lowest impact on water resources;** c) be assessed for their contribution to **reducing** overall flood risk, taking into account climate change. Within areas of functional floodplain, development is expected to preserve or enhance the contribution of the area to water management / reducing flood risk. Outside flood zone 1, the redevelopment of previously developed land for uses not allocated in this Local Plan land will be permitted where proposals can demonstrate that: i. the development will deliver the economic, social and environmental regeneration of the borough that outweighs the risk of flooding and reduces flood risk overall; ii. the safety of the development and users from flooding can be achieved and, as a minimum, there will be no increase in on- or off-site flood risk demonstrated through a site-specific flood risk assessment; iii. the proposed uses are compatible with the level of flood risk, and; iv. a sequential approach to the location of uses has been taken within the site itself, including matching the vulnerability of uses to the risk of flooding. Improving the drainage network The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development.	To bring the policy into line with NPPF and PPG guidance To bring into line with Environment Agency Advice.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		Sustainable Drainage Systems (SuDS) and clear arrangements for their on-going maintenance over the lifetime of the development should be incorporated into all ~~relevant~~ **major** development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. Protecting the Water Environment Development proposals will ~~be expected to~~ **be encouraged to** ~~demonstrate that water is available to support the development proposed. and that they will~~ meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day~~.~~	To clarify the application of the policy to determining planning applications. In response to Inspectors questions around justification for applying the higher standard (see further evidence on this issue).	
MM38	Paragraph 7.3	**7.4 When sites containing 'best and most versatile" agricultural land are developed, current accepted best practice should be followed to better protect the soil resource. The Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA 2009) currently provides best practice guidance.**	After paragraph 7.3 add a new paragraph 7.4, as an additional modification to improve the clarity of the Plan.	None
MM39	Policy LP15	LP15 A Healthy Environment The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users ~~or~~ **and** adjoining occupiers, taking into account noise and ~~tranquillity~~ **disturbance**, dust, odour, air quality, traffic, ~~appearance~~ **outlook**, overlooking, shading (daylight and sunlight) and glare and other environmental impacts. Air Quality Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality. Development that would make **the air quality in** a declared Air Quality Management Area (AQMA) materially worse **either in isolation or cumulatively when considered in combination with other planned development,** will not ~~normally~~ be permitted.	To make the policy clearer and more effective in respect of the considerations of impact on amenity. To ensure a clear and effective policy and consistency with paragraph 181 of the NPPF.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		New development will have regard to the measures set out in any Air Quality Action Plan. Water Contamination Development proposals will be expected to contribute positively to the water environment and its ecology, and should not adversely affect surface or ground water quality, in line with the requirements of the Water Framework Directive Where any such risk exists, developments must include measures to reduce or avoid water contamination and safeguard groundwater supply. Soil and Agricultural Land Quality Development of "best and most versatile" agricultural land will ~~only~~ be ~~permitted~~ **supported** where it can be demonstrated that: a) The need for the development clearly outweighs the need to protect such land in the long term; **and** ~~or~~, **b) Other sustainability considerations suggest that the use of the higher quality agricultural land is preferable to the use of poorer quality agricultural land; or** c) In the case of temporary/potentially reversible development (for example, minerals), that the land would be reinstated to its pre-working quality**.** ~~; and,~~ ~~d) There are no suitable alternative sites on previously developed or lower quality land~~ The Council will require all applications for **major** development on such land to include realistic proposals to demonstrate that soil resources ~~were~~ **will be** protected and used sustainably, in line with accepted best practice. Unstable and Contaminated Land Proposals for development on land that is, or is suspected ~~as~~ **of** being, contaminated or unstable will only be permitted if ~~the~~ **mitigation and/or remediation are feasible** to make the land ~~is capable of remediation and~~ fit for the proposed use and shall include:	To make the policy clearer and more effective and also to ensure that the policy is consistent with paragraph 170 and footnote 53 of the NPPF. To clarify and improve the effectiveness of the policy by explicitly requiring all aspects of a phase I report (including site reconnaissance and a conceptual	

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		a) a **phase I land contamination report, including where necessary a land stability risk assessment** ~~desk top survey~~ with the planning application**; and** b) a phase II ~~study and strategy~~ ~~for~~ **land contamination report where the phase I report (a) indicates it is necessary, and** **c)** ~~and~~ **a** strategy for **any necessary mitigation and/or** remediation and final validation ~~where the desk top survey (a) indicates remediation may be necessary. , on any full or reserved matters planning applications~~ A programme of **mitigation,** remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.	model)'. Explicitly requiring land stability risk assessment to cover the requirement for Coal Mining Risk Assessments. Also, seeking a mitigation and/or remediation strategy where necessary, as for some sites mitigation might be appropriate and remediation not required. The reference to full or reserved matters has been removed as some outline schemes will require the depth of a phase II assessment to demonstrate that the land is capable of development for the use proposed.	
MM40	Policy LP16	LP16 Green Infrastructure Chesterfield borough's green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. Development proposals should, where ~~appropriate~~ **relevant**: **a) Not conflict with the aim and purposes of the Green Belt (as set out in the NPPF); and** **b) Not harm the character and function of the Green Wedges and Strategic Gaps; and** ~~a) not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces shown on the adopted Proposals Map~~ **c)** ~~b)~~ ~~**e**~~ **Enhance** connectivity between, and public access to, green infrastructure**; and** **d)** ~~c)~~ **(i) Protect and enhance access to the multi-user trails network as shown on the Policies Map; and (ii)** ~~Protect~~ ~~and~~ increase the opportunities for cycling, walking and horse riding; **and**	To ensure consistency and cross referencing with the NPPF in terms of Green Belt. There are no existing or proposed Local Green Spaces and so the reference to them in the policy is removed.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		e) ~~)~~ **E**nhance the multi-functionality of the Borough's formal and informal parks and open spaces**; and** **f)** ~~e)~~ Protect or enhance Landscape Character**; and** **g)** ~~f)~~ **i I**ncrease tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality**; and** **h)** ~~g)~~ Where new green infrastructure is proposed, there must be clear funding and delivery mechanisms in place for its long term management and maintenance, prior to the development commencing**.** **Where necessary and appropriate** ~~D~~ **d**evelopment will be expected to make a contribution through planning obligations or CIL towards the establishment, enhancement and on-going management of green infrastructure by contributing to the development of a strategic green infrastructure network within Chesterfield Borough**.** ~~The council will require with planning applications the submission of ecological surveys and assessments of the biodiversity and geological value of sites proportionate to the nature and scale of the development.~~	To clarify that multi-user trails including strategic cross-boundary ones are protected by the policy. To clarify a proportionate and reasonable approach will be taken to planning obligations and CIL. The requirement in the last paragraph of Policy LP16 duplicates a requirement in Policy LP18 and is not necessary.	
MM41	Policy LP17	LP17 Biodiversity, Geodiversity and the Ecological Network The Council will expect development proposals to: - • protect, enhance and contribute to the management of the borough's ecological network of habitats, **protected and priority** species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and • avoid ~~and/~~or minimise adverse impacts on biodiversity and geodiversity; and • provide a net measurable gain in biodiversity. This should be secured using planning conditions and obligations by: i. The provision of new, restored and enhanced habitats and links between habitats that make a positive contribution to the coherence of ecological networks; and	To ensure clarity on the nature of the protection afforded to sites and species. To ensure consistency with the current NPPF and National Planning Practice Guidance Paragraph: 018 Reference ID: 8-018-20190721.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		ii. promoting the recovery of protected species and species identified as a priority in the Local Biodiversity Action Plan (or subsequent equivalent evidence).~~;~~ **and** iii. **the retention of existing features of ecological value**. If significant harm to biodiversity resulting from a development cannot be avoided, or through conditions or planning contributions adequately mitigated, or, as a last resort, compensated for (including off-setting), then planning permission will be refused. Sites of International and National Importance Where a site of designated international importance would be adversely affected (either individually or cumulatively) by a development within the Borough, permission will be refused unless it has been demonstrated that there are no other alternatives~~;~~ **.** or there are imperative reasons of overriding public interest~~;~~ **.** and that compensatory measures will be provided to ensure the overall coherence of the network of sites is protected**.** Where the impact of a development (either individually or cumulatively) within the Borough, on a site of designated national importance (such as SSSIs) would be adverse**.** permission will be refused unless the benefits of the development would demonstrably outweigh both the impacts that it is likely to have on the features of the site that make it of national importance and any broader impacts~~;~~ **.** and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations. Sites of Local Importance Development proposals resulting in the loss or deterioration (including fragmentation) of~~,~~ sites of local importance (such as Local Wildlife Sites and priority habitats) will not normally be permitted, unless the need for, and benefits of, the development in that location demonstrably outweigh the loss or harm and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations Irreplaceable Habitats Development proposals resulting in the loss or deterioration (including fragmentation) of~~,~~ irreplaceable habitats (such as ancient woodland and ancient or veteran trees)~~,~~ will be refused, unless there are wholly exceptional reasons and the need for, and benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/offsetting strategy has been secured with planning conditions or obligations.		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		~~The council will require the submission with planning applications of ecological surveys and assessments of the biodiversity and geological value of sites as set out in a list of local requirements.~~ **The Council will require the submission with planning applications of ecological surveys and assessments of the biodiversity, ecological and geological value of sites, where this is clearly justified, including as set out in a local list of validation requirements. This includes where development could have a significant impact on biodiversity, geodiversity and the ecological network. The surveys and assessments should be proportionate to the nature and scale of proposed development and its likely impact on biodiversity, geodiversity and the ecological network.**		
MM42	Paragraph 7.16	7.16 Open space, play provision and sports facilities are important elements of both green infrastructure and social infrastructure, enabling healthy lifestyles and positive community relationships. **Open Space for the purposes of the Plan is taken to mean all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.**	To clarify what is meant by 'open space' whilst maintaining consistency with the current NPPF.	None
MM43	Policy LP18	LP18 Open Space, Play Provision, Sports Facilities and Allotments Where **proposed development would result in a need for new open space and outdoor sports facilities and/or exacerbate existing deficiencies in provision** ~~a need is identified~~, development must contribute to public open space, sports facilities and play provision in accordance with the Council's adopted standards **as set out in Appendix B of the Local Plan and in line with the following requirements**: a) On-site in a suitable location taking account of accessibility wherever possible; or b) Where on site provision is not feasible or suitable, as a financial contribution to the creation of a new facility off-site or the upgrading and improvement of an existing facility, secured by planning obligation or CIL; ~~and~~ **or**	To clarify the policy in terms of it not seeking contributions from new development towards existing deficits of open space provision. A modification to clarify that criterion c) is relevant to public open space and not to private or indoor sports facilities. To ensure consistency with paragraph 97 of the NPPF.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		c) **Where new public open space is to be provided on site,** ~~A~~ **a**s multifunctional, fit for purpose space that supports local communities health and wellbeing and activity levels and the ecological network~~.; and~~ Contributions to off-site provision will be secured through CIL and /or S106 agreement**s** as appropriate. On site provision will be incorporated into development proposals with suitable management and maintenance arrangements secured through S106 agreements. Planning permission will not be granted for development which would have a negative impact on, or result in the loss of, open space, play provision and sports facilities unless: i. The site is clearly surplus to requirements and the land is not needed or is not suitable to meet a deficiency in a different type of open space provision; or ii. Equivalent or better alternative open space provision in terms of quantity, quality and accessibility ~~can~~ **will** be provided on a replacement site; or ~~iii. Iii The loss of the open space will enable the enhancement of the existing open space network serving the locality affected, in a manner that will result in material planning benefits in terms of increased public health and well-being or other ecosystem services that demonstrably outweigh the loss of open space;~~ ~~iv. Iv The site is unallocated and its loss or development would not detract from visual amenity and local character, and it is not a community facility~~ **v. the development is for alternative sports and/or recreational provision, the benefits of which clearly outweigh the loss of the current or former use.**		
MM44	Policy LP19	LP19 Chesterfield Canal The council will safeguard the route of Chesterfield Canal as shown on the policies map. Development which prejudices the existing character of and/or the future potential for the improvement and enhancement of the Chesterfield Canal, including public access, environment and recreation, will not be permitted. Proposals for development associated with the recreation and leisure potential of the canal will be	To provide clear cross reference to housing allocations and the site's contribution to housing supply.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		permitted close to its route provided that they do not have an adverse impact on habitats, the environment or public health and accord with other relevant policies of the plan. Where new development, including infrastructure, is proposed adjacent to the canal, it will be required to conserve and enhance the route of the canal, including restoring the canal along its original route wherever possible. New developments should include provision for safe and convenient walking and cycling access to the canal**.** On land at Staveley Basin, as shown on the policies map, and subject to an approved masterplan for the whole site, **the council will support** planning ~~permission will be granted~~ **applications that assist in the delivery of** ~~for development that delivers~~: • An events area adjacent to the canal; and • Moorings and facilities for visiting boats; and • A mix of uses including residential (C3) (**as set out in policy LP4, site H21**), food and drink uses (A3 and A5), and/or business and light industrial use (B1(a) and B1(b))		
MM45	Policy LP20	**LP20 River Corridors** Development which prejudices the existing **biodiversity, ecological value and** character of and/or the future potential for the improvement and enhancement of the environment **and character** of **the** river**s corridors** as shown on the policies map, including **biodiversity, habitat connectivity,** public access and recreation ~~as shown on the proposals map~~**, will not be permitted.** **New development proposals on or adjacent to a river corridor should investigate the creation, and management, of ecological buffer strips and corridors to preserve and enhance the biodiversity of the area.** New development proposals on or adjacent to a river corridor should **also** include provision for safe and convenient walking and cycling access wherever possible. ~~Planning applications~~~~permission will be granted~~ ~~supported~~ ~~for proposals that result~~ **Proposals for** ~~in~~ the removal or enhancement of existing weirs to allow for improved fish passage, and for	To recognise the importance of the existing river corridors to wildlife and the ecological network and their potential for enhancements and provide appropriate safeguarding, consistent with paragraph 174 of the NPPF.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		hydroelectric power scheme**s** **will be supported** subject to the provisions above and other relevant policies of the plan.		
MM46	Policy LP21	LP21 Design All development should identify **and** ~~,~~ respond **positively** to ~~and integrate with~~ the character of the site and surroundings and respect the local distinctiveness of its context. **The Council will support outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, provided that they complement the character and appearance of their surroundings.** All development will be expected to: a) promote ~~innovative forms and~~ **good** ~~building~~ design~~s~~ that positively contribute**s** to the distinctive character of the borough, enrich**es** the quality of existing places and enhance**s** the quality of new places; b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials; c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to **designated local, district and town** centres; d) contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing; e) ensure that the interface between **building plots and streets and also the boundaries of development sites** ~~development boundaries~~ and their surroundings are attractive and take account of the relationship between public and private spaces; f) provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings; g) provide adequate and safe vehicle access and parking; h) provide safe, convenient and attractive environment for pedestrians and cyclists; i) preserve or enhance the landscape character and biodiversity assets of the borough; j) be designed to be adaptable and accessible for all; k) have an acceptable impact on the amenity of users and neighbours; l) be designed to be safe and secure and to create environments which reduce the potential for crime;	To ensure consistency with paragraph 131 of the NPPF and also more generally to seek good quality building design in the borough. To avoid restricting diversity in building and site design e.g. static caravans, where such diversity would not detract from visual amenity or local character. To increase both clarity and flexibility in terms of the requirements for proposed major development to demonstrate climate change mitigation and adaptation measures.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		m) minimise the impact of light pollution n) **be able to withstand any long-term impacts of climate change** Reducing Emissions All **Major** development should, as far as **is feasible and financially viable** ~~possible~~, ~~contribute towards the reduction of~~ **minimise CO2 emissions during construction and occupation**, and **also maximise both the use of and the** generation of renewable energy. Planning applications for **major** new development should be accompanied by a statement **(as part of or in addition to a design and access statement)** which sets out how the development **would do this in terms of**: **i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies:** **ii. optimising the efficient use of natural resources;** **iii. reducing emissions through orientation and design.** ~~i. makes effective use of resources and materials through sustainable design and construction~~ ~~ii. minimises water use and provide for waste reduction and recycling~~ ~~iii. uses an energy hierarchy that seeks to use less energy, source energy efficiently, and make use of renewable energy~~ ~~iv. is sited and designed to withstand the long-term impacts of climate change~~ **When considering the feasibility and viability of reducing emissions and also use of renewable energy in any major development, the Council will take into account matters such as the development's scale and nature, its operational requirements, any site-specific constraints and also the need to meet other planning policy requirements.** ~~The Council will consider the extent to which sustainability has informed the design of proposals, taking account of:~~ ~~• Impact on viability~~ ~~• Scale and nature of development~~ ~~• Operational requirements of the proposed use~~		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		~~• Site specific constraints~~ ~~• The need to meet other planning policy requirements~~ Percent for Art **On major developments, the council will encourage developers to incorporate public art on site into structures and public spaces where reasonable.**		
MM47	Policy LP22, p. 71	**LP22 Historic Environment** The council will **give great weight to the conservation of designated heritage assets and their setting** ~~protect the historic environment and heritage assets~~ throughout the borough and seek to enhance them wherever possible. In order to ensure that ~~All~~ new development ~~must~~ conserve**s** or enhance**s designated and non-designated heritage assets and their settings** ~~the local character and distinctiveness of the area in which it would be situated~~**, the council will:** ~~The council will do this through:~~ a) **Apply** a presumption against development that would unacceptably detract from views of St Mary's Church (The Crooked Spire) by virtue of its height, location, bulk or design; b) ~~the~~ protect~~ion of~~ Designated Heritage Assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens; c) ~~the~~ use ~~of~~ Conservation Area Appraisals and associated Management Plans to ensure the conservation or enhancement of the individual character of each of the borough's conservation areas; d) ~~the identification~~ **identify** and, where appropriate, protect~~ion of~~ important archaeological sites and historic environment features; e) ~~the identification~~ **identify** and, where appropriate, protect~~ion of~~ non-designated heritage assets of local significance, set out in and referred to as The Local List; f) ~~E~~**e**~~nhancing~~ **enhance** the character and setting of Queens Park, Chesterfield Market Place, the Hipper River Valley, Chesterfield Canal and locally important Historic Parks and Gardens. **g)** ~~Requiring development proposals within the Town Centre Historic Core to be accompanied by appropriate levels of archaeological assessment~~ **within the Town Centre**	To ensure Criterion g) of Policy LP22 can be applied proportionately depending on the significance of the asset and the extent of the anticipated harm.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		Core and other areas of archaeological significance, require relevant development proposals to demonstrate careful consideration of archaeological impact. **Where a development is likely to result in harm to, or a degree of loss of the significance of designated heritage assets and/or their setting, planning applications should be accompanied by ~~an assessment~~ evidence that sets out:** **1. a description of the significance of the affected assets and their setting and an assessment of the nature and degree of impact on this;** **2. an evaluation of how harm or loss would be avoided, minimised or mitigated; and** **3. a clear and convincing justification for the development and the resulting harm or loss.** **Development that would result in substantial harm to or total loss of significance to a designated heritage asset will not be permitted unless:** **Either:** **i. it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss;** **or all of the following apply:** **ii. the nature of the heritage asset prevents all reasonable uses of the site; and** **iii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and** **iv. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and** **v. the harm or loss is outweighed by the benefit of bringing the site back into use.** The council will consider the use of measures including Article 4 directions and Local Development Orders where they are appropriate to ensure the conservation and enhancement of heritage assets.	To ensure that policy LP22 is effective and consistent with national policy. Reference to the need for a balanced judgement is consistent with the NPPF's treatment of non-designated assets. To ensure that the last paragraph within Policy LP22 regarding the justified loss of heritage assets is consistent with national policy.	

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		The council has a presumption in favour of retaining **non- designated** heritage assets on The Local List. Development that involves substantial harm or loss of a non-designated heritage asset will ~~not be acceptable unless it can be demonstrated that~~ **be assessed as part of a balanced judgment which considers ~~whether~~**: i **Whether or not** the asset is structurally unsound and poses a safety risk; ii ~~it is unviable to repair~~ **the viability of repairing** or maintain**ing** the asset; iii **whether or not** alternative uses have been fully explored; i v **whether or not the proposal** ~~it~~ would have wider social, economic or environmental benefits as part of a masterplanned regeneration scheme Where a proposal that involves unavoidable harm or loss of a **non-designated** heritage asset on The Local List meets the criteria above, the council will seek a replacement development **which is of an equivalent standard of design to the non-designated heritage asset** ~~of a similar quality,~~ **and** where possible ~~retaining~~ **retains** the features of the **non-designated** heritage asset. **In the exceptional circumstances where harm, loss or partial loss of designated or non-designated heritage asset** ~~Where the council is satisfied that the loss of heritage assets (both designated and non-designated)~~ is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional ~~prior to the development commencing, and the records made publically available.~~ **in advance of any alterations, demolition or groundwork. The surveying and recording will be required to be carried out in a manner proportionate to the importance of the asset and the impact of the development. A report detailing the investigation should be made publicly available and deposited through Derbyshire's Historic Environment Record.**		
MM48	LP23	LP23 Influencing the Demand for Travel To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices.	To clarify application of the policy when determining planning applications	None

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		To secure this aim, the council will expect development proposals to demonstrate the following ~~(in order or priority)~~ **in order of priority**: a) site specific and area wide travel demand management (measures to reduce travel by private car and incentives to use walking, cycling and public transport for appropriate journeys~~,~~ including ~~intensive~~ travel ~~b)~~ planning); ~~c)~~ **b)** improvements to walking and cycling facilities and public transport services that are provided early in the build out period of new developments and that are sufficient to encourage sustainable modes of transport; ~~d)~~ **c)** optimisation of the existing highway network to prioritise walking, cycling and public transport ~~that are provided early in the build out period of new developments, such as measures to prioritise the needs of pedestrians above the car and improved or new cycle and bus lanes~~ **such as measures to prioritise the needs of pedestrians above the car and improved or new cycle and bus lanes, provided early in the build out period of new developments**; and **d** ~~e))~~ **mitigation including** highway capacity enhancements ~~to deal with residual car demand~~ where the initiatives required under points (a) to (c) above are insufficient to avoid significant **impacts from the development on the transport network in terms of capacity and congestion** ~~additional car journeys."~~**; and** **e** ~~f)~~ **[OPTION 1]** ~~Provision of opportunities for charging electric vehicles where appropriate.~~ **[OPTION 2]** Provision of opportunities for charging electric vehicles where appropriate ~~The impacts of any remaining traffic growth expected, shall be mitigated through physical improvements to the highways network where necessary, to ensure that development has an acceptable impact on the functioning and safety of the highway network.~~ **Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.** The level of **vehicle and cycle** parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular: The size of ~~the~~ **any** dwellings proposed. The type, mix and use of the development. The proximity of facilities such as schools, shops or employment. The availability of and capacity for safe on-street and public car parking in the area. Proximity to and availability of public transport and other sustainable transport options.	Options presented in response to Inspectors' requests for additional evidence on need and viability.	

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		The likelihood that any existing on-street parking problems **in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity** will be made worse. Local car ownership levels **Cycle parking, where provided as part of new development, should be located to ensure safe, secure and convenient access, with weather protection where possible. The council will prepare an SPD to provide further practical guidance on planning for walking and cycling within new development.** All ~~residential proposals~~ **new dwellings** with off-street parking provision dedicated to individual properties should include provision for charging electric vehicles on each property. Residential and commercial proposals with shared provision **for ten or more parking spaces** should include spaces with charging provision where **feasible** ~~practical~~. **Provision should be made in accordance with the Electric Vehicle Charging Standards standard's in Appendix C.** ~~All residential proposals with off-street parking provision dedicated to individual properties should include provision for charging electric vehicles on each property. Residential and commercial proposals with shared provision should include spaces with charging provision where practical.~~ Any necessary mitigation measures should be set out in development proposals, including within Transport Statements, Transport Assessments and Travel Plans where these are required, and secured through conditions and/or legal agreements. Priority areas for combinations of sustainable transport measures and highways improvements will be: • The A61 Corridor • The A619 Chatsworth Road • The A619 corridor through Brimington and Staveley • Chesterfield Town Centre • Access to Chesterfield Railway Station For masterplanned or phased developments, provision for the monitoring of traffic impact and mitigation of identified problems will be made through the use of legal agreements.	Options presented in response to Inspectors' requests for additional evidence on need and viability.	

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
MM49	Policy	RP1 Regeneration Priority Areas Within the RPA boundary as shown on the Policies Map, **for major developments** the Council will expect a masterplanned approach to deliver sustainable high-quality residential development, ~~enhanced community facilities~~, respecting the constraints of the area and sensitive to the adjoining open countryside and existing residential communities. Masterplans are expected to investigate the potential to, and support projects that, improve the quality of the area and the existing housing stock through refurbishment and/or redevelopment. Within the RPA boundaries as shown on the policies map, the Council will grant planning permission for development which supports regeneration and where it would: a) Extend the type, tenure and quality of housing; **and** b) Deliver environmental and biodiversity benefits; **and** c) ~~Provide additional community facilities~~ **Support or enhance existing services and community facilities; and** d) Provide **recruitment,** training and **procurement to benefit the local economy (via a Local Labour Agreement in line with PolicyLP7), with the priority being to maximise training and** employment opportunities ~~to~~ **for** existing residents **of the RPA within which the development is located**, ~~by entering into a Local Labour Agreement~~; **and** e) Increase trees and tree groups to enhance landscape character; **and** **(f) Have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.** ~~The level of housing growth for each RPA may be exceeded if the landscape, infrastructure and highways impacts (including cross-boundary impacts) are acceptable and if the additional growth is needed to secure regeneration benefits as demonstrated through a viability appraisal.~~ Within the Barrow Hill Regeneration Priority Area, development is expected to: i. Deliver ~~approximately~~ **a minimum of 35** ~~50~~ new homes **on site H20; and** ii. ~~Conserve or enhance the character or setting of heritage assets~~ **Promote design that positively contributes to the surrounding area and conserves or enhances heritage assets including Barrow Hill Conservation Area**; and iii. Support the activities of Barrow Hill Roundhouse as a visitor attraction and centre for employment; **and**	To ensure that the policy is clearly written, justified and appropriate.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		iv. Provide safe and convenient walking and cycling connections to New Whittington, heritage assets at Chesterfield Canal, and the Staveley and Rother Valley Corridor. Within the Duckmanton Regeneration Priority Area, development is expected to: i. Deliver **a minimum of** ~~approximately~~ **310** ~~400~~ new homes **on sites H26 and H34; and** ii. Provide safe and convenient walking and cycling access to job opportunities at Markham Vale; **and** iii. Provide safe and convenient walking and cycling connections to Poolsbrook and Poolsbrook Country Park; **and** iv. Promote ~~building~~ design that positively contributes to the surrounding area and **conserves or enhances** heritage assets including **Poplar Farmhouse**, Duckmanton Model Village and Long Duckmanton; **and** v. Deliver highway and pedestrian improvements at Tom Lane and Duckmanton Road; Within the Holme Hall Regeneration Priority Area, development is expected to: ~~i.~~ Deliver **a minimum of** ~~approximately~~ 300 new homes ~~(as allocated on site XX in table XX)~~ **on site H33 in line with the adopted masterplan; and** ~~ii. Deliver a sustainable high quality residential development~~ ~~iii. Support the existing services and community facilities on offer in and around the local service centre~~ iv. Provide safe and convenient walking and cycling connections to Linacre Road, Wardgate Way (Local Service Centre) and the Holmebrook Valley Park and Trail; **and** v. Provide an appropriate buffer and boundary treatment to minimise and mitigate any adverse impacts upon the Ashgate Plantation Local Wildlife Site. Within the Mastin Moor Regeneration Priority Area, development is expected to: ~~I. Deliver 400 new homes~~ **i.** Deliver **up to 670 new homes on sites H1, H6 and H35; and** ii. Provide safe and convenient walking and cycling access to job opportunities at Markham Vale, the community garden and Norbriggs **and Woodthorpe** Primary Schools; **and** iii. Provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities; **and** iv. Provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to The Cuckoo Way and Chesterfield Canal; **and** v. Promote design that positively contributes to the surrounding area, ~~responding to~~ and ~~reflecting local~~ **conserves or enhances** heritage assets ~~in the design and location of new buildings where relevant,~~ including the ~~historic~~ **former** pumping engine and tramway; **and**		

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		vi. Deliver a new and/or improved pedestrian and cycle crossing over the A619; **and** vii. Protect and enhance the setting of and access to the community garden; **and** viii. Minimise visual impact on the ridgelines along Worksop Road and Woodthorpe Road; **and** ix. Provide a defined edge of development and a clear break to prevent continued coalescence and extension of ribbon development along Worksop Road; **and** x. Maintain~~ing~~ the distinct identities and settings of Mastin Moor and Woodthorpe through the use of landscaping and open space. Within the Poolsbrook Regeneration Priority Area, development is expected to: i. Deliver ~~100~~ **a minimum of** ~~approximately~~ **175** new homes **on site H31; and** ii. Provide safe and convenient walking and cycling access to job opportunities at Markham Vale; **and** iii. Provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to Duckmanton and Poolsbrook Country Park; **and** iv. ~~Conserve or enhance the heritage assets~~ **Promote design that positively contribute to the surrounding area and conserves or enhances heritage assets including** the surviving buildings of the Model Village ~~and their setting~~.		
MM50	Paragraph 11.4	11.4. In 2015, the borough council approved an updated Town Centre Masterplan for Chesterfield. **Whilst not having formal status as a Development Plan Document or SPD, the masterplan** ~~The masterplan~~ sets out a long-term vision for Chesterfield Town Centre **and is a material consideration in determining planning applications within the town centre. The masterplans vision is for the town centre** to be:	To clarify the status of the Town Centre Masterplan	None
MM50	Following paragraph 11.6	Insert plan showing location of Town Centre Masterplan Character Areas including Spire Neighbourhood. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	To clarify the location of the Spire Neighbourhood	None
MM51	Paragraph 11.7 & 11.8	11.7 As a result of changes to the retail market generally and the large foodstore sector in particular, the council has chosen not to progress **the retail led scheme previously proposed by Wilson Bowden within the Northern Gateway area**~~the development of the previously proposed Northern Gateway scheme (which was to have been a foodstore and retail led, mixed use extension of~~	To clarify the status of the Northern Gateway Scheme	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		~~Chesterfield Town Centre) at this time~~. ~~However~~ **The Northern Gateway has instead been progressed through** ~~the council has invested in~~ replacing the aging Saltergate Multi Storey Car Park ~~(currently under construction)~~ and ~~is committed to~~ building a new enterprise centre at Holywell Cross **(construction of which is expected to start in early 2020**. The site still presents the key opportunity for any further physical expansion of the retail offer of Chesterfield Town Centre. 11.8. In bringing these sites forwards for development the council will use a combination of masterplans, site-specific planning briefs, SPD's and Outline Planning Applications, with reference to other relevant policies of the Plan including ~~CS15~~**LP9**, ~~CS16~~**LP2** and ~~CS19~~**LP22**.		
MM52	Policy SS1	**SS1 Chesterfield Town Centre** Subject to ~~policy LP9~~ **other relevant policies of the plan, the council will support planning applications that** ~~**planning permission will be granted for development that**~~ contribute~~s~~ towards: a) Protecting and enhancing the centre's sub-regional and local role in providing **housing,** employment, services, leisure, cultural venues and retail b) Supporting the objectives of Chesterfield town centre masterplan c) Economic development and community safety by providing a diverse range of uses including retail, office, community facilities, leisure and food and drink uses d) Conserving and enhancing the historic character of the centre and the role of the Historic Market and Market Hall e) Improving accessibility between the centre and surrounding areas, including Chesterfield Railway Station, Waterside, Queen's Park, Chesterfield College and Ravenside Retail park f) Enhancing walking, cycling and public transport provision g) Maintaining the overall level of provision of public car parking; new off street car parking will usually only be permitted when justified through a transport assessment or travel plan h) Reducing through traffic i) Enhancing the range and quality of residential uses within Chesterfield town centre **j) Undertaking appropriate assessment, evaluation and, if necessary, recording of archaeological remains within the Town Centre Historic Core (as set out on the policies map).**	To align wording with other policies in regard to applying to planning applications. To clarify the approach to archaeological investigation within the Town Centre Archaeological alert area. To bring into line with the wording of the NPPF relating to primary and secondary frontages. To clarify the location of the Spire Neighbourhood. To clarify the approach to assessing the loss of car parking within the Spire Neighbourhood.	None

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		Outside of the Town Centre **Primary and Secondary Shopping Areas**, ~~**District and Local Centre areas**~~ as shown on the policies map and set out in policy LP9, planning permission will not normally be granted for new retail uses (A1) other than small shops as set out in policy LP10. Planning permission will normally be granted for other main town centre uses, **including** B1(a) offices, health and education uses subject to the other policies of this plan. Northern Gateway Land between Newbold Road/Holywell Street and Saltergate, as shown on the policies map, will be safeguarded for the future expansion of Chesterfield Town Centre. Within this area, planning permission will only be granted for proposals that enhance and support the centre's sub regional role in providing **housing,** employment, services, leisure and retail and where they can demonstrate that they would not prejudice the future development of the site Spire Neighbourhood ~~Planning permission will be granted~~ **Proposals will be supported** for new residential development **on land to the east of** ~~between~~ St Mary's Gate and **to** the **west of the** A61 **and to the north of Holywell Street and south of Brewery Street, subject to other relevant policies of the plan. Where development within this area results in the loss of public car parking, the effect of this on the viability of Chesterfield Town Centre should be assessed, and if necessary compensatory parking provided** elsewhere within or closely related to Chesterfield Town Centre.		
MM53	Policy SS2	**SS2 CHATSWORTH ROAD CORRIDOR** **Development proposals will be supported where they** ~~Planning permission will only be granted for development that~~ contribute~~s~~ towards: a) The vitality and viability of Chatsworth Road district centre b) Improving the West Bars gateway to Chesterfield town centre. c) Strengthening the links between the land south of Chatsworth Road with the Chatsworth Road district centre and surrounding communities. d) Providing a new variety of uses that will create a mixed, sustainable community. e) The improvement of identified transport and highway issues. f) The enhancement of walking, cycling and public transport provision	To align wording with other policies in regard to applying to planning applications. Cross reference to policy LP7 added.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		Within the defined district centre, proposals for development will be considered in accordance with policy LP9. Outside the district centre development will be focussed on new housing and compatible uses. Within the regeneration area south of Chatsworth Road a comprehensive scheme providing a mix of uses will be ~~permitted~~ **supported** in accordance with the adopted masterplan, including: employment generating uses **on land at the former Boythorpe Works (in accordance with policy LP7)**, open space and housing. The sites of Walton Works (including the re-use of the Grade II* listed building) ~~and Griffin Mill/Wheatbridge Mill~~ shall be for housing-led mixed use development (**in accordance with policy LP4, Site H30)**. Development proposals for the Griffin Mill and Wheatbridge Mills area should include the re-use of the Grade II listed Cannon Mill. To ensure that development within the regeneration area south of Chatsworth Road provides a mixed, integrated, sustainable community within the Chatsworth Road Corridor, developments must demonstrate that they have: i. Taken a comprehensive approach to flood risk management; ii. Incorporated the Hipper Valley walking and cycle route and improved north-south walking and cycling links; iii. Integrated the site into a network of green spaces, such as Walton Dam, Somersall Park and the Walton river corridor green wedge, connected by the River Hipper and footpaths and cycleways iv. Considered the impact upon heritage assets and their setting and identified any means of mitigation and/or enhancement through submission of a Heritage Impact Assessment. ~~Proposals for development should demonstrate how they accord with the adopted masterplan through site-specific masterplans and/or development briefs.~~		
MM54	Policy SS3	SS3 Chesterfield Waterside and the Potteries Within the Chesterfield Waterside area as set out on the policies map, **the council will support development proposals** ~~planning permission will only be granted for development~~ that contributes towards: a) Creating jobs in office, industry, retail, tourism and education b) Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus	To enhance the accuracy of the policy to refer to the amount of development and also uses permitted on the site under section c) of policy SS3 as requested in representation 63 (1-5 SLP).	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		c) Achieving a mix of uses including residential **(up to 1550 new homes),** office **(up to 30,000 sqm),** employment**.** ~~and~~ leisure**, health and fitness, hotels, creche, doctor's surgery and nursing home** d) Improving access to the site including enhancing the footpath and cycle network through the site and making links to the wider Trans Pennine Trail and Chesterfield Railway Station e) A high quality urban environment including eco-park and green infrastructure corridor f) Managing flood risk Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing canal basin. Planning applications submitted for development outside of the existing outline planning permission, but which otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement.		
MM55	Policy SS5	SS5 Staveley and Rother Valley Corridor The Borough Council will support the comprehensive redevelopment of the Staveley and Rother Valley Corridor to create a sustainable urban extension in a landscape setting through a masterplanned approach. The overall objectives of the masterplan will be to: a) Deliver approximately 1500 new dwellings through a range of new housing opportunities focussed on the centre and western end of the corridor b) Create employment opportunities focussed on the Hall Lane end of the corridor and around Works Road c) Deliver the section of the Chesterfield to Staveley Regeneration Route between Bilby Lane and Hall lane, connected to the route safeguarded under policy LP24 and the existing Staveley Northern Loop Road Phase 1 d) Accommodate an Infrastructure Maintenance Dept to serve the eastern leg of HS2 e) Provide a new local centre to serve both the development itself and adjacent communities of Barrow Hill and Hollingwood f) Make provision for a new primary school to serve the development	To clarify the approach to assessing traffic impact in determining planning applications and to clarify the criteria are not exhaustive.	None

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		g) Develop a sustainable community including on-site energy generation where possible and practicable h) Enhance the quality of and access to the landscape and green infrastructure, particularly the Chesterfield Canal and River Rother waterways i) Deliver access and transport improvements, emphasising sustainable transport j) Improve water management on site, including new wetland habitat associated with the River Rother k) Provide for the remediation and re-use of contaminated and unstable land where possible and practicable l) Conserve and enhance the quality of the historic environment, taking account of designated and non-designated heritage assets and their setting, within and closely related to the site m) Secure a structured approach to delivery of infrastructure to ensure it is delivered in a timely fashion to support new residential and employment communities and limit the need to travel off-site to access services n) Establish a network of open mosaic grassland habitats through the site to maintain and enhance brownfield biodiversity Development proposals for individual land parcels/phases must be brought forward as part of a comprehensive masterplan for the area and must demonstrate how they will deliver these objectives where appropriate. Planning applications for development within this area will be expected to demonstrate how they have addressed these objectives. Planning applications submitted for specific character areas and/or phases of development will be expected to contribute appropriately towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement. Planning applications specifically for the Works Road and Lagoon Character Areas will be expected to include information demonstrating: i. A joint masterplan as part of a Design and Access Statement and evidence of how the application addresses this masterplan and the delivery of critical infrastructure**; and** ii. A Transport Assessment based on modelling of the overall impact of development and a Travel Plan setting out how the impact of ~~the specific planning application~~ traffic **associated with the proposed development** will be managed**; and**		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		iii. A phasing plan setting out the approach to delivery of critical infrastructure, including transport and community infrastructure WORKS ROAD CHARACTER AREA Planning permission will be granted for a mixed use development ~~incorporating~~ **including**: • A new Local Centre on Works Road (use classes A1 to A5 and other Main Town Centre uses, to include a single foodstore of no more than 1000 sqm), • Residential (C3) • Up to 10 ha of employment space (B1, including B1(a) offices) • Canal-related commercial activity including food and drink uses (A3 and A4) and employment (B1), including provision for moorings, in the location of the former canal wharf to the east of Hollingwood Lock • Retention of the Clocktower building • A site for a new Primary School • Flood mitigation measures for the River Rother/Works Road bridge THE LAGOON CHARACTER AREA Planning permission will be granted for a residential led development ~~incorporating~~ **including**: • Residential (C3) • Retail (A1) to serve day to day needs, with no single unit to exceed 280 sqm net sales area • Extension of the Bluebank Pools Local Nature Reserve (to the west of Bilby Lane within the land allocated on the Policies Map) • Restoration of the former settling pond as public open space • An enhanced landscape buffer between the site and Chesterfield Canal HALL LANE CHARACTER AREA – KEY OBJECTIVES Planning permission will be granted for an employment led development incorporating **including**: • Proposals for the HS2 IMD • Development of Approximately 30ha of Employment generating development within use classes B1, B2 and B8 or, subject to HS2 finalising the extent of the proposed IMD **(this**		

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		development is expected to extend beyond the plan period, following implementation of the HS2 IMD). • Housing (C3) led development for western end of the Character Area and ancillary uses where it is well-related to the existing settlement of Barrow Hill and Works Road • The improvement of walking and cycling connections between Barrow Hill and Staveley Town Centre • New wetland habitat in the south of the character area associated with the River Rother		
MM56		**Most up to date plan awaited from Chatsworth Settlement Trustees**		None
MM57	Policy SS6	SS6 Land at Dunston Planning permission will be granted for residential development for approximately ~~800~~ **500** dwellings on land north of Dunston and south east of Dunston Road as allocated on the policies map and as set out in table 4 **(Site reference SS6)**. Development should be carried out in accordance with a masterplan to be agreed with the Local Planning Authority prior to development that demonstrates: i. **Acceptable** Aaccess arrangements from Dunston Road and Dunston Lane ii. **Appropriate provision** ~~Proposals~~ for walking and cycling ~~provision~~ within the site **iii. Appropriate transport mitigation to ensure an acceptable impact on the highway network for all users** iv. **Appropriate mitigation to minimise any adverse impacts on nearby heritage assets and their settings** v. Provision of a new local centre to serve development vi. **Provision of** a site reserved for a new one form entry primary school (to be retained until such time as required or evidence can be provided of a lack of need) vii. A scheme of green infrastructure including landscaping, open space, play and sports provision including re-instatement of the former cricket pitch, and early implementation of a landscaping and planting scheme along Dunston Road viii. A phasing plan for development phases and the provision of infrastructure	To ensure that the policy is effective and clear. For clarity, reflecting the phase that is under construction, and to be in line with table 4.	None

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MM58	Paragraphs 11.32 and 1.36-11.37	11.32. Chesterfield Railway Station is the first point of arrival or last point of departure for approximately 1.78 million passengers16., with usage growing by 3 - 5% per year. Over a million people live within a half hours drive time of the Station **(**AECOM research 2017**)**. Currently three Train Operating Companies (East Midlands Trains, Northern Trains and the Cross Country franchise**)** call at the Station and it is the 6th busiest station in the East Midlands, with direct services available to London, Birmingham, Liverpool, the West Country and the North East and Scotland. The announcement in July 2017 that HS2 services to Sheffield will stop at the station when they commence in 2033 **(subsequently revised as from 2035)** creates the potential for further growth in services and investment. 11.36. SCR has provided funding for further research and development of the Master Plan and its refinement, currently being prepared by Cushman & Wakefield, Arup and Whittham Cox Architects ~~This strategy should be in place by early 2019~~. **Consultation on the masterplan for the railway station area is expected to be undertaken in early 2020. This is likely to take the form of an overall concept masterplan and a more focused planning framework identifying appropriate uses, amounts of development and infrastructure requirements.** Funding for the Hollis Lane Link Road ~~is to be~~ **has been** set aside as part of the wider LGF funded A61 Corridor Project **and a planning application for the first phase of the road has been submitted**. 11.37. Key assets in the Station Master Plan area require Safeguarding. A new road alignment joining Crow Lane and Hollis Lane will improve access to the station from the south (and reduce traffic through Chesterfield Town Centre, see ~~policy~~ **policies** SS1 **and LP24**). There is also a need to ensure adequate land is safeguarded to allow for the development of an improved pedestrian bridge over the A61 to Corporation Street. The bridge would ideally be a statement piece of architecture and has been termed "Platform 4": arrival to the Town Centre. Land has been also identified for and improved station forecourt, Multi-story car parks (to release development land), bus, taxi and cycling use, limited leisure and retail use, connected to station users and an area of public realm.	To account for the revised HS2 timetable and provide clarity on the status and preparation of the Station Masterplan. To provide cross reference to other Local Plan policies safeguarding key infrastructure.	None
MM59	Policy SS7	SS7 Chesterfield Railway Station Within land between Hollis Lane and Crow Lane, as shown on the policies map, the council will prepare an approved masterplan/development framework to maximise the regeneration benefits of future HS2 services and conventional	To improve clarity and effectiveness of the policy. To clarify the approach to archaeological investigation.	None

Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
		rail services utilising the station. Within this area, and in accordance with the approved masterplan, **the council will support** development **based on the extent to which it** ~~that~~ **delivers** ~~for~~: a) Improved access to Chesterfield Railway Station by all modes of transport including improved forecourt arrangements; b) Modernisation of Station facilities and electrification of the Midland Main Line though it; c) A new link road between Hollis Lane and Crow Lane and related road alignments; d) Improvements to the A61 Corporation Street footbridge, including its replacement with a new bridge; e) mixed use development to include residential dwellings (C3), commercial office space (B1), car parking; f) limited retail and leisure uses (A1 to A5 and D1 and D2) in association with the Station; g) Pedestrian and cycle links to Chesterfield Waterside, Chesterfield Town Centre and the; h) Essential infrastructure required to deliver the improvements set out in the approved masterplan. **i) Appropriate assessment, evaluation and, if necessary, recording of archaeological remains** j) **Improved inclusive accessibility to Chesterfield Railway Station and within the masterplan/development framework area.** Planning Permission will not be granted for development that would prevent the delivery of the above improvements.	To add reference to inclusive access to the station.	
MM60	Policy SS8	SS8 Neighbourhood Plans Where the views of a community are expressed in a Neighbourhood Plan they will be taken into account in the planning system provided that the plan: has been ~~endorsed~~ **adopted** by Chesterfield Borough Council; **and** **i**s in conformity with the **strategic policies of the** Local Plan; and can be regularly updated if necessary	To improve clarity and effectiveness of the policy.	None
MM62	Master Plan Diagram, p. 98	Deletion of master plan diagram on page 98 Chesterfield Waterside Illustrative Masterplan and replace with most recent illustrative master plan. See **Associated Figures, Tables and Diagrams (Proposed Modifications)** for the proposed modification.	It would be appropriate to replace the Illustrative Masterplan on page 98 of the Plan with the most recent	None

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Ref. No.	Para. / Policy	Main Modification	Reasons for change	Implications for HRA
			masterplan (CWD-BBA-Z0-ZZ-DR-A-01005-P02) which has been updated following the approval of CHE/18/00626/REM1 which sought to vary conditions to omit the canal arm. This will ensure that the plan contains the most accurate and up to date Illustrative Masterplan possible.	
MM64	Appendix 'X'' Superseded development plan policies	See **Appendices (Proposed Modifications)** for the proposed modification.	To make the Plan clear on which policies would be superseded.	None
MM65	Appendix B – Open Space Standards, Quantitative Standards	See **Appendices (Proposed Modifications)** for the proposed modification.	To bring the Local Plan up to date with current evidence published after the Plan was submitted for examination and also to improve clarity.	None
MM66	Monitoring framework	See **Appendices (Proposed Modifications)** for the proposed modification.		None
MM67	Monitoring framework	Housing Trajectory See **Appendices (Proposed Modifications)** for the proposed modification.		None
MM68	Monitoring framework	Employment Trajectory See **Appendices (Proposed Modifications)** for the proposed modification.		None

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