



Land Availability Assessment

(Stage 2b)

Site Assessment Criteria

2018 Methodology

Disclaimer

The site assessment criteria in this document will not allocate sites. Inclusion of a site in the Land Availability Assessment does not guarantee that the site will be allocated for development in any local plan or that planning permission will be granted. It also does not preclude the development of an identified site for an alternatively acceptable land use. Equally, the exclusion of a site does not preclude the submission of a planning application for the development of a site, the granting of permission or its allocation in the Local Plan.

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1. INTRODUCTION

- 1.1. The Chesterfield Borough Local Plan: Core Strategy (2011-2031) or 'Chesterfield Core Strategy' was adopted on the 24th July 2013 and set out the housing and economic land use development requirements for the Borough without allocating specific new housing or employment development specific sites. The next stage of local planning is to update the Core Strategy and identify, assess and allocate sufficient land to meet the requirements set out in it. To do so requires initially a Land Availability Assessment (LAA) to identify and assess sites following which a further process of site allocation is needed.
- 1.2. A joint methodology for carrying out LAA has been agreed between the Local Planning Authorities within the North Derbyshire and Bassetlaw Housing Market Area¹. The methodology includes a requirement for the assessment of sites availability, suitability and achievability. However, the joint methodology only allows a 'coarse' level of assessment) of suitability and a further more comprehensive assessment is necessary to inform site allocations in the Local Plan.
- 1.3. The following document sets out details of how suitability, achievability and also likely completion rates will be further assessed following on from the initial assessment of land supply using the joint methodology (stage 1 and 2a of the Chesterfield Borough Council LAA), the aim being a more comprehensive 'assessment guided by national and local planning policy and guidance to help inform the process of site allocation for the Local Plan. The criteria are based on local and national planning policy and also having regard to market considerations.

2. SPATIAL STRATEGY

- 2.1 The NPPF requires LPA's to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. It also requires land use planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 2.2 The Spatial Strategy adopted in the Chesterfield Borough Local Plan: Core Strategy 2011-2031 is that of concentrating new development within walking and cycling distance of centres and also to focus development on areas that need regenerating. In the case of residential development this means the Town, District and Local Centres identified in the Local Plan and in terms of regeneration priority areas; the Staveley and Rother Valley Corridor, the settlements of Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook and Holme Hall, and the Rother electoral ward.

¹ North Derbyshire and Bassetlaw Land Availability Assessment 2015 Methodology

2.3 In the case of economic development the Local Plan Spatial Strategy requires a sequential approach to offices and main town centres uses ensuring that they are located as close as is appropriate to existing centres, whilst other economic development is to be focussed in existing employment areas, at Markham Vale and in the Staveley and Rother Valley Corridor.

Accessibility

2.4 Sites will be assessed as to whether or not they are within walking and cycling distance of existing centres. Sites that are not within walking and cycling distance of a centre and are above the minimum size for inclusion in the LAA will be deemed unsuitable on the basis that they are unlikely to accord with Core Strategy policy CS1 unless this constraint can be overcome e.g. a new local centre or accessibility improvements; or where an exception is likely to apply under policy CS2 criteria (i) and (ii). The application of a walking distance threshold should not be seen as predetermining a decision on any planning application or predetermining whether or not a site may or may not be allocated.

2.5 Existing Centres includes those Town, District and Local Centres identified on the Regulation 22 (1) (b) Submission Policies Map and also any location within the Borough identified as a meaningful centre in the Local Plan evidence base where there is a cluster of different uses that provide a range of services and facilities that are accessible and meet day to day needs e.g. convenience store, newsagents, post office, GP Surgery.

2.6 Accessibility can be measured using a variety of criteria. However, to ensure consistency and provide a robust assessment, criteria will be based on distance/time and any obvious significant physical barriers to movement. However, if accessibility quality audits are available regard will be had to these. The distance or time criteria require a policy judgment and whilst National Travel data and Accessibility Indicators contain information on average journey times by different modes of transport they do not constitute thresholds for what appropriate journey distances or equivalent times are.

2.7 A fundamental aim of the Spatial Strategy is to ensure that development is located so that the need to travel is reduced, in order to minimise air pollution, minimise the use of natural resources, promote healthier lifestyles, slow increases in traffic congestion and minimise social inequalities. The following distances have been chosen having regard to these aims in addition to evidence on existing travel statistics.

Walking Distance

- 2.8 National Travel Survey data² continues to show walking as being the second highest mode of transport after private vehicles but only for short distances (i.e. 76% of walking trips being under 1 mile/1.6km), whilst people on low incomes are more likely to depend on walking to get around³. Guidance indicates that a walking distance of 800m is appropriate for accessibility to town centres. Setting an assessment criteria distance of 800m would achieve the aims of the Spatial Strategy with walking distance taken to be at maximum of a ten minute walk or 800m distance⁴ on a safe route with no significant obvious 'barriers to walking'. This is based on an average walking speed of approximately 1.4 m/s or 3 mph⁵.
- 2.9 Sites will be assessed as being within walking distance of a centre where: -
- A public right of way exists between the site and a centre that is surfaced and lit to the Highway Authorities adoptable standard or similar with no physical barriers. The route is up to 800m in length.
 - It is considered feasible that a public right of way between the site and a centre to the Highway Authorities adoptable standard or similar could be provided. The route is up to 800m in length.
- 2.10 Physical barriers to walking other than the more obvious will include highways classified as A roads, significant gradients, canals and railways lines where no pedestrian crossing facility is present. Where evidence is available to demonstrate that it is feasible to overcome barriers then the obstruction will be discounted.
- 2.11 Given the Council's constrained resources it is not possible to carry out a detailed pedestrian accessibility audit to sites that takes account of the quality of the pedestrian environment including perceptions of safety. As noted in paragraph 2.6 regard will be had to any audits that are available.
- 2.12 In addition to identifying sites that are within 800m of centres, the Derbyshire County Council 'TRACC' GIS software will be used to rank sites that are outside of this threshold, based on lower (15 minutes walking and cycling distance) and upper (30 minutes) of centres and key facilities. This is covered in the Travel and Transport section.

Cycling Distance

² National Travel Survey: England 2014 (DfT)

³ Paragraph 16 Making the Connections: Final Report on Transport and Social Exclusion (ODPM 2003)

⁴ Table 3.2 on page 49 Guidelines for Journeys on Foot (Institution of Highways and Transportation) and paragraph 3.2.16 of the Council's adopted Supplementary Planning Document: Successful Places

⁵ Paragraph 3.30 on page 48 of Guidelines for Journeys on Foot (Institution of Highways and Transportation)

- 2.13 Nationally cycling contributes a small proportion to trips, being 2% of trips and 1% of distance travelled according to the National Travel Survey⁶ (NTS) and national and local policies promote enhancing accessibility by bicycle. The NTS currently identifies an average travel time of 23 minutes for cyclists and an average length of trip at 3.1 miles (4.98km) giving an average speed of around 12km/h, reflecting the most likely distance under which a modal shift to more active travel is likely to be effective. Based on the evidence available cycling distance is taken to be 5km.
- 2.14 It is recognised that whilst most highways are 'cycle routes' the type/size of vehicles present, vehicle speeds and volume of traffic, road geometry, surfacing, frequency and type of junctions will all affect the quality of a route and its accessibility for cyclists. However, given the Council's resources it is not possible to assess accessibility to centres by bicycle for all sites, in terms of recognised detailed core design criteria (i.e. safety, convenience, coherence, directness, attractiveness and comfort)⁷.
- 2.15 The Derbyshire County Council 'TRACC' GIS software will be used to identify sites within the threshold distance of 5km of centres (the lower threshold is 15 minutes cycling distance based on 16km per hour). However, TRACC's will not take account of bridleways that are not on a 'road' and so a further assessment is necessary to take account of local information on off-road public rights of way.
- 2.16 Sites will be assessed as being within cycling distance of a centre where: -
- A public right of way for bicycles exists between the site and a centre that is surfaced and lit to the Highway Authorities adoptable standard or similar or an alternative recognised standard with no significant physical barriers. The site is within the DCC TRACC lower threshold for cycling accessibility.
 - Evidence has been submitted to demonstrate it is feasible to provide a public right of way for bicycles between the site and a centre to the Highway Authorities adoptable standard or similar or an alternative recognised standard. The site is within the DCC TRACC lower threshold for cycling accessibility.
- 2.17 Physical barriers to cycling other than the more obvious will include the A91 and rail lines where no crossing facility exists. Where evidence is available to demonstrate that it is feasible to overcome physical barriers then the obstruction will be discounted.

Regeneration Areas

- 2.18 The Local Plan identified the need to maximise development opportunities (primarily residential development) in areas suffering from multiple deprivation and named the

⁶ National Travel Survey: England 2014 (DfT)

⁷ Paragraphs 3.2.1 to 3.2.7 of LTN 1/04 Policy, Planning and Design for Walking and Cycling (DfT 2004)

following localities: - Eastern Villages (Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook), Rother Ward and the locality of Holme Hall. The Local Plan only identified these as 'broad areas' and did not set exact boundaries. Whilst such areas may not be within walking and cycling distance of existing centres the Local Plan accepts them on the basis of their likely positive significant contribution towards regeneration and sustainable development in the Borough. The Local Plan also identified the need for the redevelopment of major brownfield sites including the former Staveley Works area.

2.19 Until more detailed boundaries are adopted in the Local Plan the LAA must err on the side of accepting sites as suitable as opposed to their exclusion where they might reasonably be determined to be in one of the broad locations identified.

2.20 Accordingly the following will be treated as being within the broad areas: -

- Sites that are within or on the edge of the settlements of Barrow Hill, Mastin Moor, Poolsbrook and Duckmanton.
- Sites that are within the electoral ward of Rother or are within the relevant Lower Super Output Areas (LSOAs) referenced E01019575 and E01019578.
- Sites within the 'Staveley Works' Strategic Site area.
- Sites that are within Holme Hall in the relevant LSOA referenced E01019561

2.21 Sites not matching the above criteria will not be excluded as unsuitable against the Local Plan Strategy without a further planning judgement being made on their contribution to the Regeneration of the identified localities and any evidence that the constraint can be overcome e.g. provision of a new local centre.

Economic Development's Location

2.22 Given existing national and local planning policy the suitability of a sites location in principle for a specific type of economic development depends to a greater degree on the nature and scale of the development proposed. Accordingly some differentiation is needed in approach when assessing whether sites are suitable for main town centres uses⁸, industrial, warehouse and other uses in terms of the Local Plan Strategy.

2.23 Development will be assessed against the accessibility criteria described earlier in this methodology. However, further assessment will be applied as follows: -

Main Town Centre Uses

⁸ Annex 2:Glossary of the NPPF for a definition of main town centres uses

- 2.24 National and Local planning policy require a sequential test and also an impact assessment⁹ to be applied to Town Centre Uses with some exceptions. Sites will not be categorised as suitable for main town centre uses in principle where such tests are necessary and there is insufficient evidence available that they can be met. The assessments will rely on the centre boundaries as defined in saved policies SHC1 and SHC2 of the Replacement Chesterfield Borough Local Plan 2006 and shown on the Core Strategy proposals map¹⁰.

Industrial Uses and Warehousing

- 2.25 Sites adjoining residential or other existing land uses that are sensitive to pollution shall be treated as unsuitable for General industrial and Warehouse uses (falling within class B of the use classes order¹¹) unless there is evidence that mitigation is feasible. Light industry will be treated as compatible with residential and other pollution sensitive land uses unless there is specific evidence to the contrary for individual sites.
- 2.26 Where industrial and Warehousing uses are not within walking or cycling distance of a centre they will be not be deemed unsuitable on grounds of inaccessibility where the site is within areas identified for such development in saved policies EMP2, EMP5, EMP7 and EMP11 of the Replacement Chesterfield Borough Local Plan 2006, Core Strategy policies PS2, PS3, PS4 and PS5 and areas shown on the Core Strategy proposals map or where they are accessible by public transport (being within the lower threshold travel time of 15 minutes used by the Derbyshire County Council GIS 'TRACC').

Other Economic Development

- 2.27 No specific criteria are thought to be necessary for other forms of economic development beyond the accessibility criteria and other criteria to be applied to the assessment of all sites.

Minerals Safeguarding

- 2.28 There are no sites in the Borough currently safeguarded for mineral extraction and no statutory Minerals Consultation Areas designated. The Minerals Authority will be consulted through the Local Plan consultation process and where available, their opinion (in respect of compatibility with the current Minerals Local Plan) will be taken into account in reaching a conclusion on sites suitability for development.

⁹ Paragraphs 86 to 90 of the NPPF

¹⁰ Regulation 22 (1) (b) Submission Policies Map

¹¹ Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3.0. INFRASTRUCTURE

- 3.1. The capacity and availability of physical and social infrastructure to a new development are critical to its suitability. National and Local planning policies¹² require adequate infrastructure to be provided for new development. The Community Infrastructure Levy provides a mechanism of securing funding for specific types of physical, social and green infrastructure but may not be sufficient for some sites and types of development and all types of infrastructure.
- 3.2. The following set out how sites will be assessed at this stage of LAA to determine if a site is suitable in broad terms of infrastructure capacity.

Physical Infrastructure

- 3.3. Physical Infrastructure is taken to include the consideration of water supply, electricity supply, foul water drainage, surface water drainage, gas supply and electronic telecommunications. The Borough Council does not have the resources or information necessary to assess all types of physical infrastructure capacity through consultation for all potential sites. Where information is available (e.g. consultation responses to planning applications, appeals or local plan consultations and examinations) it will be used to inform the assessment of suitability. However, if no information to the contrary is known, a site will normally be presumed to have no known physical infrastructure capacity constraints.

Table 1: Physical Infrastructure Capacity

		Infrastructure Capacity
Physical Infrastructure		Sufficient capacity
		Limited or Insufficient capacity but likely to be mitigable
		Limited or Insufficient capacity but unlikely to be mitigable

Social Infrastructure

- 3.4. Social infrastructure includes a wide range of services and facilities that support communities, including: education, health and social care, public houses, places of worship and recreational/sports facilities. The Borough Council does not have the resources or information necessary to assess all types of social infrastructure capacity for all potential sites in great detail. Accordingly assessment will be at a 'high level' and focused on the capacity of GP's and both primary and secondary schools to accommodate sites using estimates of development potential (e.g. number of new

¹² Policy CS4 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

homes). Information obtained from the relevant Care Commissioning Group(s) and Education Authority will be used to categorise sites as follows: -

Table 2: Education Infrastructure Capacity

		Infrastructure Capacity
Primary/ Secondary School		Sufficient capacity
		Limited or Insufficient capacity but likely to be mitigable e.g. no known significant constraints to school expansion and/or building a new school
		Limited or Insufficient capacity but unlikely to be mitigable e.g. known significant constraints to school expansion and/or building a new school

Table 3: GP Infrastructure Capacity

		Infrastructure Capacity
General Practitioner's		Sufficient capacity
		Limited or Insufficient capacity but likely to be mitigable e.g. no known significant constraints to GP expansion and/or building a new practice
		Limited or Insufficient capacity but unlikely to be mitigable e.g. known significant constraints to GP expansion and/or building a new practice

- 3.5. The above does not assess cumulative impacts and merely identifies if a site is within the catchment for schools and GP surgery where capacity exists. Where specific information is available (e.g. consultation responses to planning applications or previous local plan consultations and examinations) it will be used to inform the assessment of suitability. If a site has a former or existing use as a 'community facility' then it will be deemed unsuitable unless the tests in Core Strategy policy CS17 are demonstrated to be met.

Green Infrastructure (Public Open Spaces and Outdoor Sports Facilities)

- 3.6. Green Infrastructure refers to a variety of habitats, public and private open spaces¹³ and the NPPF and Local Plan both have restrictive policies that protect such spaces to differing degrees. Under the heading of green infrastructure the LAA will both take into account the existing capacity of public open spaces and outdoor sports facilities to meet needs and the likely impact of sites on that capacity. To do so regard will be had, to the Council's most up to date evidence and strategies on public open space and outdoor

¹³ Paragraph 5.25 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

sports facilities and the implications of the Community Infrastructure Levy. Sites will be categorised as follows: -

Table 4: Public Open Space Infrastructure Capacity

		Infrastructure Capacity
Public Open Space/Outdoor Sports		Sufficient capacity
		Limited or Insufficient capacity but likely to be mitigable
		Limited or Insufficient capacity but unlikely to be mitigable

- 3.7. The stage 2b assessment is concerned with consideration of whether or not sites if developed will meet the relevant restrictive NPPF and Local Plan policy criteria¹⁴. There will be a presumption against the suitability of sites where they are existing open spaces unless evidence is available that the relevant policy tests in the NPPF and Local Plan are likely to be met.

4. **CLIMATE CHANGE AND ENVIRONMENT**

- 4.1. The concept of sustainable development set out in the NPPF has as a core theme the role of planning in protecting and enhancing the natural, built and historic environment¹⁵. The Local Plan Core Strategy requires that development protects and enhances the natural and historic environment¹⁶. Furthermore, both national and local planning policy require the minimisation of vulnerability to climate change through avoidance and mitigation¹⁷. The NPPF requires that Local Plans should take account of factors such as flood risk, water supply, and changes to biodiversity and landscape.
- 4.2. The Borough Council does not have the resources to carry out an in depth assessment for all sites covering all possible issues and so the focus is on pollution, heritage, flooding and green infrastructure as these are considered to be fundamental to assessing sites suitability. Given that there is currently no evidence to suggest that water supply is a concern for development in the Borough, it has not been selected as a suitability criteria.

¹⁴ Paragraphs 96 to 101 of the NPPF and Policy CS9 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

¹⁵ Paragraph 8 of the NPPF

¹⁶ Policies CS9 and CS19 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

¹⁷ Chapter 14 of the NPPF

Flood Risk

- 4.3. Whilst the initial LAA assessment will filter out sites in functional flood plain, in respect of other fluvial flood zones and surface water flood risk the NPPF and Local Plan require a sequential approach to the location of development in the Borough, where development is directed away from the areas of highest risk and where development is necessary ensuring it is made safe without increasing flood risk elsewhere. The Local Plan¹⁸ differs to the NPPF in that it provides a presumption in favour of the redevelopment of previously developed land within flood zones 2 and 3a where certain criteria are met, avoiding the need for a sequential consideration of sites in zones of less risk. This approach, supported by the Environment Agency, acknowledges that within reason, there is a need for development in the Borough within the medium and high probability flood risk zones in preference to the low risk zone to achieve necessary regeneration and provides decision makers with more flexibility than is present in the NPPF.
- 4.4. The Borough Council will rely on existing information such as; Chesterfield Borough's Strategic Flood Risk Assessment, supporting Flood Risk Assessments (FRAs) on planning applications, Environment Agency evidence and evidence available from Local Plan consultations. Where comments from the Environment Agency, Lead Local Flood Authority and Borough drainage engineers are available, these will inform the assessment. Sites will be categorised as follows: -

Table 5: Flood Risk

		Flood Considerations
Flood Risk		Low risk from all sources and no mitigation necessary
		Risk from a source of flooding but mitigable and justified in policy terms
		Risk from a source of flooding but unmitigable and/or unjustified in policy terms

- 4.5. Ultimately sites likely to meet the criteria in Local Plan policy CS7 will be considered to be suitable. If a site is unlikely to be able to meet policy criteria for a particular type of development and sufficient mitigation is not evidenced then it will be considered to be unsuitable for that type of development.

¹⁸ Policy CS7 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

Biodiversity

- 4.6. The NPPF and Local Plan both have restrictive policies that protect habitats and species to differing degrees. There is also statutory protection in the form of international conventions, EU Directives and UK laws for specific species and habitats. The initial suitability sieving using the joint North Derbyshire and Bassetlaw LAA methodology will discount sites with statutory biodiversity protection.
- 4.7. The more detailed stage of LAA has regard to more local designations than the initial stage of assessment. Accordingly sites will be categorised as follows: -

Table 6: Biodiversity Considerations

		Biodiversity Considerations
Biodiversity Impact		Potential neutral or positive impact Site does not contain or adjoin the following: - <ul style="list-style-type: none"> - Statutory wildlife site - Local wildlife site - Priority habitat (local or national) - Land where protected species have been recorded
		Potential Negative Impact but evidence that constraints can be overcome Site contains or adjoins the following: - <ul style="list-style-type: none"> - Statutory wildlife site - Local wildlife site - Priority habitat (local or national) - Land where protected or priority species have been recorded
		Potential negative impact and insufficient evidence that constraints can be overcome Site contains or adjoins the following: - <ul style="list-style-type: none"> - Statutory wildlife site - Local wildlife site - Priority habitat (local or national) - Land where protected or priority species have been recorded

- 4.8. The more comprehensive stage 2b is concerned with consideration of whether or not sites if developed will meet the relevant restrictive NPPF and Local Plan policy criteria¹⁹. The Council does not have the resources to assess all sites and all issues in great detail and LAA will be limited to a presumption against the suitability of sites where they are Local Nature Reserves, Local Wildlife Sites or UK Biodiversity Priority Habitats; unless there is enough information available to make a judgement that the relevant policy tests

¹⁹ Chapter 15 of the NPPF and Policy CS9 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

in the NPPF and Local Plan are likely to be met, and that any statutory tests in EU Directives and UK Law are likely to be met.

Agricultural Land Quality

- 4.9. The presumption in the NPPF²⁰ and Local Plan against the development of the best and most versatile agricultural land will be applied to sites. Consequently land that is categorised as grade 1, 2 or 3a within the national Agricultural Land Classification should normally be considered to be unsuitable for development unless other material considerations indicate otherwise. The 'poorer' quality land (grades 3b, 4 and 5) should not be treated as a constraint. Where there is insufficient information to distinguish between grades 3a and 3b a precautionary approach will be applied whereby the land is treated as being 3a, until further information is available to the LPA.

Ancient Woodland

- 4.10. Similarly sites that contain 'Ancient Woodland' will be discounted as unsuitable for development unless there are wholly exceptional reasons for development and sufficient evidence that the need for and benefits of the development in that location clearly would outweigh the loss²¹.

Green Wedges and Strategic Gaps

- 4.11. The NPPF does not contain any specific policies relating to Strategic Gaps or Green Wedges, but it does recognise the importance of protecting the countryside and green infrastructure networks (of which, Strategic Gaps and Green Wedges play an important role), and recognising the intrinsic character and beauty of the countryside²². The NPPF also guides development towards land of lesser environmental value where consistent with other policies in the NPPF²³. The Local Plan Core Strategy set out the spatial pattern of development in the Borough which includes the broad indicative locations for Strategic Gaps and Green Wedges and notes the areas in relation to future growth at regeneration priority areas where gaps and wedges designations may become necessary. Planning Practice Guidance supports both Strategic Gaps and Green Wedges as they can assist in creating a sense of place and enhancing the local landscape of the Borough. Sites will be considered against the supporting evidence for Strategic Gaps and Wedges²⁴ and the relevant Local Plan policies CS1 and CS9 and categorised as follows: -

²⁰ Paragraph 170 of the NPPF

²¹ Paragraph 175 of the NPPF

²² Paragraph 170 of the NPPF

²³ Paragraph 171 of the NPPF

²⁴ Review of Green Wedges and Strategic Gaps within Chesterfield (ARUP 10 August 2016) and Indicative Green Wedges and Strategic Gaps Assessment (CBC 2011)

Table 7: Green Wedges and Strategic Gaps

		Considerations
Green Wedge/Strategic Gap Impact		<i>Neutral or Positive Impact e.g. Located outside gap or wedge</i>
		<i>Potential Adverse Impact but evidence that mitigation would be feasible e.g. Small site within a large designation where landscape screening would be effective</i>
		<i>Potential Adverse Impact and insufficient evidence that mitigation is feasible e.g. site is large in proportion to the gap or wedge affected</i>

Landscape Character

4.12. Previously advice relating to the assessment of landscape character impact has been provided by Derbyshire County Council’s (DCC) Conservation, Heritage and Design team having regard to the Derbyshire Landscape Character Assessment. However, at this time DCC do not have capacity to provide further assessments on landscape/landscape character impacts for the purpose of the CBC LAA. As a consequence the following limited methodology (which has been agreed with DCC Conservation, Heritage and Design Manager) will be applied to categorise sites having regard to Derbyshire County Council’s ‘Landscape Character of Derbyshire’ document and evidence in the ‘Areas of Multiple Environmental Sensitivity’ (AMES) study²⁵:

Table 8: Landscape Character

		Considerations
Landscape Character Impact		Neutral or Positive Effect <i>Sites located within an urban area e.g. infill or; in an existing settlement that is not within an AMES or; Site with an extant detailed planning permission or; Redevelopment of previously developed land with potential to enhance or restore character</i>
		Minor Adverse Effect <i>Sufficient evidence that adequate mitigation would be feasible e.g. Site located on the edge or outside existing settlements but not in an AMES or; Small inconspicuous site within a settlement washed over by an AMES or; Site outside of existing settlements and within an AMES but where character of the landscape is such that adequate mitigation could be provided and impact would be acceptable</i>

²⁵ Technical Support Document 1: Areas of Multiple Environmental Sensitivity 2013 (Derbyshire County Council 2013)

	<p>Major Adverse Effect <i>Site with insufficient evidence that mitigation would be feasible; e.g. large or visually prominent sites in AMES with little scope for mitigation or; Large site located on the edge or outside existing settlement where character of landscape provides little scope for mitigation e.g. open, unwooded landscape</i></p>
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Pollution

- 4.13. The NPPF and Local Plan require that planning prevents both new and existing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution²⁶. The Borough Council does not have the resources to assess all material environmental impacts arising from development of sites or potential impacts on new development from existing pollution in a locality. The initial stage of LAA excludes sites based on the compatibility of surrounding land uses and a limited selection of key environmental conditions on sites, whilst the more detailed stage of LAA considers land contamination and air quality specifically.
- 4.14. The NPPF²⁷ requires that ground conditions and the implications for development including hazards from pollution and harm to the environment are considered and addressed prior to sites being considered suitable for development. The NPPG²⁸ advises that to ensure a site is suitable for a new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development should be considered by the local planning authority to the extent that it is not addressed by other regimes.
- 4.15. Sites will be assessed having regard to the statutory register of contaminated land, records of landfill sites, historical maps of polluting land uses and relevant information submitted to the Council with planning applications or EIA's. The Council does not have the resources to widely consult on all LAA sites, but where the waste authority, environmental protection team and Environment Agency have provided consultation comments to planning application or Local Plan consultations these will be taken into account when categorising land as follows: -

²⁶ Paragraph 170 of the NPPF

²⁷ Paragraphs 178 to 183 of the NPPF

²⁸ National Planning Practice Guidance Paragraph: 003 Reference ID: 33-003-20140306

Table 9: Land Contamination

		Land Contamination
Land Contamination		No known potential for contamination on site or adjoining land and no landfill within 250m e.g. no records of landfill or polluting uses
		Potential for contamination on site or adjoining land or within 250m of a landfill
		Known significant contamination on land or adjoining site and mitigation is unlikely to be feasible e.g. site investigations have evidenced significant contamination and mitigation has not been demonstrated to be feasible

4.16. With regard to air quality, sites will be deemed unsuitable (a red category) where they would be in a location that is currently subject to levels of air pollution which exceed the relevant air quality regulations²⁹. Sites that are in a location that is currently (as in the most recent report to DEFRA) more than 40 microgrammes per cubic metre Annual Mean level of Nitrogen Dioxide (the Air Quality Objective level) will also be given an ‘amber’ category. The likely impact of cumulative development on air quality in the Borough is beyond the scope of the LAA and is a matter that the LPA will consider through the local plan and its accompanying sustainability appraisal. However, where potential for a material adverse air quality impact arising from a sites development is likely sites will be given an ‘amber’ category. Sites that are small scale (no more than 10 homes) and not within areas where there are known air quality problems will be categorised as ‘green’.

4.17. Other aspects of the built environment that are matters of public concern in respect of pollution include telecommunication masts in particular those with mobile telephone antennae and high voltage overhead power lines. Government policy³⁰ is clear that the planning system is not the place to determine health safeguards for mobile telephone masts, the International Commission Guidelines on Non-Ionising Radiation (ICNIRP) being adequate to control public exposure. Similarly consecutive Governments have declined to impose limits on overhead power lines in relation to a potential health risk following a Cross Party Inquiry and a Stakeholder Advisory Group³¹ recommending stand-off distances. Currently only planning guidance on design exists for overhead powerlines and development and accordingly any consideration of overhead power lines will be in terms of amenity only and not on health grounds.

²⁹ Air Quality (England) Regulations 2000 (SI 928), The Air Quality (England) (Amendment) Regulations 2002 (SI 3043)

³⁰ Paragraph 116 of the NPPF

³¹ Based on recommendations of the Cross Party Inquiry into Childhood Leukaemia and Extremely Low Frequency Electric and Magnetic Fields, July 2007 and Stakeholder Advisory Group on ELF EMF (SAGE)

Amenity

4.18. The initial LAA assessment considers amenity in a limited manner in terms of land use compatibility. Stage 2b looks more comprehensively at the issue by considering likely threats to both the amenity of future occupiers and that of existing occupiers³² .. It is not practical to set out all possible likely amenity issues in a methodology nor to assess issues in significant detail. Depending on the issues present when considering a site, relevant planning guidance and if available technical guidance will be taken into account where appropriate. Assessment will take the form of a high level consideration of land uses with potential threats to amenity including (non-exhaustive) those as follows: -

- Potentially non-compatible neighbouring land uses e.g. residential versus industrial and warehousing
- Operational railway lines
- Busy highways
- Overhead power lines³³,
- Landfill sites
- Large windturbines
- Tall buildings
- Privacy, Overshadowing, Outlook (smaller sites only)

4.19. Sites will be categorised as follows: -

Table 10: Amenity

		Amenity
Amenity		No known threat to amenity of neighbouring occupiers or future occupiers of a site
		Potential threat to the amenity of neighbouring occupiers or future occupiers of a site but likely to be mitigable
		Potential significant threat to the amenity of neighbouring occupiers or future occupiers of a site for which mitigation has not been demonstrated to be feasible

Heritage

4.20. The NPPF and Local Plan require great weight to be given to the conservation of designated heritage assets and their settings. Sites suitability will be assessed using the approach contained in the Historic England guidance on site allocations in Local

³² NPPG Paragraph: 019 Reference ID: 3-019-20140306

³³ A Sense of Place (National Grid in association with David Lock Associates) and Development Near Overhead Lines (National Grid July 2008)

Plans³⁴ with the benefit of advice from Borough's Conservation Officer and Derbyshire County Council Archaeologists where available³⁵.

- 4.21. In respect of non-designated heritage assets and their settings such as the Chesterfield Canal or other sites and buildings of local heritage significance, including below ground archaeology and Historic Landscape Characterisation, a judgement will be made on the extent to which the relevant restrictive policies in the NPPF and Local Plan³⁶ are likely to be met in terms of where the balance lies between conservation and development, with the benefit of advice from the Borough's Conservation Officer and the Derbyshire County Council Archaeologists where available³⁷. Regard will be had to nominations for any Local List of Heritage Assets.
- 4.22. To help inform an overall judgment on sites heritage implications the Council has worked with the County Council to to develop an approach for the County Archaeologist to comment on sites heritage implications having regard to available information on designated sites and settings, archaeology and historic landscape character. This approach has been agreed with Historic England and is set out below: -

Designated sites and settings

- 0 No known issues
- 1 Local listing or other undesignated setting issue
- 2 Setting of Grade II Listed Building, Conservation Area or equivalent
- 3 Setting of Grade II*/Grade I Listed Building, Scheduled Monument or equivalent

Archaeology

- 0 Site is heavily disturbed or has minimal archaeological potential
- 1 Some potential for previously undiscovered archaeology, *or* earthwork archaeology of slight or degraded preservation
- 2 Known archaeology of local or low regional significance, *or* higher potential for previously undiscovered archaeology, *or* well-preserved earthworks of local significance
- 3 Known archaeology of higher regional or national significance *or* potential for previously undiscovered archaeology of national significance *or* well-preserved earthworks of regional/higher significance

³⁴ Historic England Advice Note 3 (October 2015)

³⁵ Due to the resources required for DCC Archeology to assess all LAA sites, an approach was taken where a sample of sites that passed Stage 2b of the LAA were sent to DCC Archeology for comment. Approximately 50% of all Stage 2b sites have been subject to assessment by DCC Archeology.

³⁶ Chapter 16 of the NPPF and policy CS19 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031

³⁷ See footnote 35

Historic landscape character

- 0 No discernible character (e.g. brownfield, allotments, no surviving boundaries etc)
- 1 Field system with significant boundary loss
- 2 Well-preserved field system though with some boundary loss, *or* largely intact field system surviving only in an isolated area.
- 3 Largely intact single or multi-phase field system surviving over substantial area.

4.23. In addition to this approach, following guidance from Historic England, a Heritage Impact Assessment will be undertaken for all sites which scored 2 or 3 in the Designated Sites category, and/or were categorised as Amber by the DCC Archaeologist and/or Conservation Officer. The HIA methodology and proforma have been agreed with Historic England. Planning Officers will complete the assessments based on the advice from DCC Archeology and the Borough’s Conservation Officer where available.

4.24. The conclusions of the Heritage Impact Assessments will inform the final overall categorisation on suitability.

4.25. For the purposes of the LAA, as recommended by Historic England sites will ultimately be categorised as unsuitable where a sites development is identified as being likely to cause substantial harm or loss to a designated heritage asset and where mitigation is not feasible and the balance lies in favour of conservation. Sites potential impacts on heritage will be catergorised as follows: -

Table 11: Heritage Impact

		Heritage Impact
Heritage		Positive
		Neutral
		Adverse effect mitigable or public benefits outweigh harm
		Adverse effect not mitigable or harm outweighs public benefits

5. ECONOMIC DEVELOPMENT LAND SUPPLY

5.1. The spatial strategy consideration in stage 2b covers the consideration of a sites suitability for new economic development but does not provide a method for consideration of sites in existing economic land uses.

- 5.2. The NPPF³⁸ requires planning to support sustainable economic growth and to set criteria or identify strategic sites to match a local authorities economic vision and strategy. However, it also requires the avoidance of the long term protection of sites allocated for employment use where there is no reasonable prospect of such a use. In respect of town centre uses the NPPF³⁹ requires planning to allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, cultural, community and residential development needed in town centres without availability being a limitation. The Local Plan currently seeks a range of sites for approximately 79ha of new employment land and to protect existing employment.
- 5.3. Sites that are in an existing economic land use or have been identified by the Local Plan or its evidence base as having the potential for such uses (e.g. land uses falling within use class B of the use classes order⁴⁰ and main town centre uses) shall be considered unsuitable for non-economic land uses such as residential where the following is applicable :-
- There is up to date evidence that the site is needed to avoid a deficiency (quantitative and qualitative) in the supply of available economic development land
 - The proposed use would be incompatible with and so prejudice the operations of surrounding economic land use (e.g. residential in a 'noisy' location)
 - The site is key to achieving the strategic economic or regeneration aims for the Borough in the Local Plan or any relevant City Region Strategy.
 - There is up to date evidence that site is key to achieving the vitality and viability of centres in the Borough either by itself or as part of a wider area (e.g. Northern Gateway)
- 5.4. Changes in the evidence base for the Local Plan will heavily influence the application of the above criteria. Regard will be had to Local Plan policy CS15 and also to the feasibility of sites having mixed use development.

6. TRAVEL AND TRANSPORT

- 6.1. The NPPF⁴¹ requires LPA's to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. It also requires land use planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development

³⁸ Paragraphs 80 to 282 of the NPPF

³⁹ Paragraphs 85 of the NPPF

⁴⁰ Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

⁴¹ Paragraph 103 of the NPPF

in locations which are or can be made sustainable. Accordingly the Local Plan has a requirement for patterns of development that are accessible to key services and facilities including town, district and local centres.

Accessibility

- 6.2. The initial stages of LAA using the North Derbyshire and Bassetlaw methodology will screen out the most inaccessible sites as unsuitable and will also assess sites in terms of access to the highway network, likely impacts on highway safety and the functioning of the wider highway network.
- 6.3. However, there is a need to assess in more detail the accessibility of sites to key services and also designated town, district and local centres beyond just walking and cycling distances. This will allow a comparison of a broader range of sites and evidence for review of the existing spatial strategy should that become necessary following the application of the walking and cycling distances. The Derbyshire County Council transport analysis Geographical Information System (GIS) called TRACC will be used to produce a ranking for sites accessibility to key services and also designated centres based on a lower threshold of a travel time of 15 minutes and an upper threshold of 30 minutes by foot, bicycle and bus. The key services used in the process will be GP Surgery, Pharmacy, Post Office, Primary School, Secondary School and Supermarket/Convenience Store based on the defined 'key services' set out in the Government's accessibility indicators⁴².
- 6.4. The ranking of the sites will help inform allocation decisions on the relatively sustainability of sites and the degree to which they would contribute to meeting the Local Plan Spatial Strategy.

7. Viability and Achievability

- 7.1. Should a site be assessed as 'suitable' and also available then an assessment of achievability and deliverability is required. There is little merit in carrying out such an assessment on sites that are assessed as being unavailable and/or unsuitable. Furthermore the process of assessing suitability helps inform judgements on viability and achievability including delivery forecasting, as it allows consideration of constraints.
- 7.2. The National Planning Practice Guidance (NPPG) states that, "A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the

⁴² Department for Transport Accessibility Indicators 2009 and Department for Transport Accessibility Indicators Guidance 2014

developer to complete and let or sell the development over a certain period” (Paragraph: 021Reference ID: 3-021-20140306).

- 7.3. The Council will take into account evidence on viability and timescales for development provided by those promoting sites or in relation to consultation responses on planning application or Local Plan consultations. A dialogue will be used with those promoting sites to gain specific information. Where specific information is not available the Council will normally take a positive approach to site viability unless there are likely to be any exceptional abnormal costs or there are uncertainties over costs. Other factors such as knowledge of a developer willing to invest in a site will be taken into account.
- 7.4. In terms of timescales the Council will use a generic guide to build out rates unless more specific evidence is available. Where the generic guide is to be used an explanation of how forecasting for development has been estimated will be provided for individual sites.
- 7.5. A site will be considered achievable for development where there is a reasonable prospect that it will be developed at a particular point in time in the next 15 years. It is in essence a judgement on the economic viability of a site, including consideration of the likely capacity of a developer to let/sell a development at a competitive return while generating a land value sufficient to persuade a landowner to sell.
- 7.6. A whole plan viability assessment will be used to support any submission version of the Local Plan and more detailed work on achievability and viability will take place as a part of any local plan viability assessment.

8. HOUSING COMPLETIONS FORECASTING

- 8.1. In order to calculate the number of dwellings LAA sites are likely to provide within a five year period, the following assumptions (Table 1.0) have been used where a trajectory has not been provided by a developer.

Table 12.0

BUILD RATES				
SITE STATUS	TIMESCALES	SITE SIZE/ NO. DWELLINGS		

FULL PP/RESERVED MATTERS	LEAD IN TIME	1 YEAR	1.5 YEARS	2 YEARS
	BUILD RATE (PER ANNUM)	15	30	50
OUTLINE PLANNING PERMISSION	LEAD IN TIME	1.5	2	2.5
	BUILD RATE (PER ANNUM)	15	30	50
NO PLANNING PERMISSION (ALLOCATIONS AND LAA SITES)	LEAD IN TIME	2.5	3	3.5
	BUILD RATE (PER ANNUM)	15	30	50

- 8.2. To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, will be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register will only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.⁴³

9.0. SUSTAINABILITY APPRAISAL CRITERIA

- 9.1. The criteria used for sustainability appraisal (SA) is different to those used for LAA and SA does not set thresholds for determining suitability or otherwise. SA stands as a separate exercise and will be used alongside LAA to help inform decisions on allocating sites.

⁴³ NPPF Annex 2: Glossary