

March 2019



# **Chesterfield Borough Local Plan Submission Version**

**Green Infrastructure Topic Paper**

**March 2019**

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## **Contents**

### **1 Introduction**

### **2 National Policy Context**

### **3 Summary of Evidence**

### **4 The Chesterfield Borough Council Local Plan (Pre-submission Version)**

## **Appendices**

### **Appendix A – Green Infrastructure Plan**

## **Introduction**

This topic paper is one in a series and has been produced to help explain the approach to strategy and policy in the Local Plan. It looks at relevant national and local policies and guidance and explains how the strategy and policies in the pre-submission version of the Chesterfield Borough Local Plan have been arrived at, in addition to information, evidence and feedback that have informed the choices made in formulating the policies.

The intention of the topic papers is to provide background information; they do not contain any policies, proposals or site allocations. Topic papers have been produced to accompany the Pre-submission Local Plan to the Secretary of State for examination.

The main areas covered by this topic paper are green and blue infrastructure, including open space, biodiversity and geodiversity, soils and landscape character.

This topic paper gives an explanation of the development of a Green Infrastructure policies in the Pre-submission Local Plan.

## 1. National Policy Context

### 1.1. Green Infrastructure

1.2. The Government's 25 year Environment Plan<sup>1</sup> sets out how it intends to improve the natural environment within a generation. It aims to ensure cleaner air and water, protect threatened species and provide more diverse habitats for wildlife. It has six key areas of focus as set out below:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the environment to improve health and well being
- Increasing resource efficiency, reducing pollution and waste
- Securing clean productive and biologically diverse seas and oceans
- Protecting and improving the global environment

1.3. The National Planning Policy Framework (NPPF) sets out the Government's planning policies and guidance for both plan-making and decision-taking.

1.4. Green infrastructure is defined in the National Planning Policy Framework (published in July 2018) as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

1.5. It requires planning to contribute to the achievement of sustainable development and identifies three overarching objectives for sustainable development, which are economic, social and environmental in their scope. The NPPF requires these objectives to be pursued in mutually supportive ways. Green Infrastructure can play a significant role in achieving all three objectives at a strategic and local level.

1.6. The NPPF mentions green infrastructure on a limited number of occasions, as follows:

- The NPPF<sup>2</sup> states that strategic policies should make sufficient provision for the conservation and enhancement of the natural environment, including green infrastructure, to address climate change mitigation and adaptation.
- The NPPF<sup>3</sup> requires planning policies to aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address

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<sup>1</sup> HM Government (2018), A Green Future: Our 25 Year Plan to Improve the Environment

<sup>2</sup> NPPF Chapter 3, Section d) of Paragraph 20

<sup>3</sup> NPPF Chapter 8, Section c) of Paragraph 91

identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- The NPPF<sup>4</sup> requires that new development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure;
- The NPPF<sup>5</sup> requires that plans take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- The NPPF<sup>6</sup> requires planning policies to identify opportunities to improve air quality or mitigate impacts, such as through green infrastructure.

1.7. Whilst only a limited number of specific references are made, green infrastructure is relevant to many themes in the NPPF. The National Planning Practice Guidance (NPPG)<sup>7</sup> reflects this by emphasising that GI is not just an alternative description for open space rather it provides multiple benefits for individuals, society, the economy and the environment. As such, green infrastructure needs to be well planned, designed and maintained, and should, therefore, be a key consideration in both local plans and planning decisions. The NPPG identifies that GI can help meet a variety of NPPF requirements including: -

- Building a strong, competitive economy
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

## 1.8. Landscape

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<sup>4</sup> NPPF Chapter 14. Section a) of Paragraph 150

<sup>5</sup> NPPF Chapter 15, paragraph 171

<sup>6</sup> NPPF Chapter 15, paragraph 181

<sup>7</sup> NPPG web-based resource and was launched in March 2014 by the Department for Communities and Local Government

- 1.9. The NPPF<sup>8</sup> states that strategic policies should make sufficient provision for the conservation and enhancement of the natural environment, including landscape, to address climate change mitigation and adaptation.
- 1.10. The NPPF<sup>9</sup> also requires that local planning authorities should plan positively to enhance the beneficial use of Green Belt, such as looking for opportunities to retain and enhance landscapes.
- 1.11. The NPPF<sup>10</sup> states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes
- 1.12. The NPPF<sup>11</sup> seeks to increase the supply of energy from renewable and low carbon sources but also ensure any adverse impacts (cumulative) are addressed satisfactorily including on landscapes.
- 1.13. Planning policies are required by the NPPF<sup>12</sup> to protect and enhance valued landscapes.
- 1.14. [Biodiversity and Geodiversity](#)
- 1.15. Section 40 of the Natural Environment & Rural Communities (NERC) Act 2006 places a “Biodiversity Duty” on local authorities to have regard to conserving biodiversity when setting policy or making decisions, including in the planning system. It states that conserving biodiversity includes restoring or enhancing a species population or habitat. The UK is also a signatory of a number of international agreements and treaties that address biodiversity, notably the Convention on Biological Diversity treaty opened at the Rio earth summit in 1992, and the Bern Convention, a treaty signed by 46 European states and some states in Africa.
- 1.16. The Government’s planning policy on conserving and enhancing the natural environment is contained in Chapter 15 of the NPPF. The key plan making considerations from that chapter relating to biodiversity and geodiversity conservation are outlined below.
- 1.17. Paragraph 170 (a) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner

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<sup>8</sup> NPPF Chapter 8, Section c) of Paragraph 91

<sup>9</sup> NPPF Chapter 14, Paragraph 141

<sup>10</sup> NPPF Chapter 14, Paragraph 149

<sup>11</sup> NPPF Chapter 14, Section a) of Paragraph 151

<sup>12</sup> NPPF Chapter 15, Section a) of Paragraph 170

commensurate with their statutory status or identified quality in the development plan).

- 1.18. Paragraph 170 (b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 1.19. Paragraph 170 (d) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 1.20. Paragraph 171 states that plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies the NPPF; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
- 1.21. Paragraph 174 (a) states that to protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.
- 1.22. Paragraph 174 (b) states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 1.23. Soil Resources
- 1.24. The protection and enhancement of soil resources and agricultural land through plan making are outlined in Chapter 15: 'Conserving and enhancing the natural environment' of the NPPF.
- 1.25. Paragraph 170 (a) and (b) state that planning policies and decisions should contribute to and enhance the natural and local environment by protecting soils and recognising the

economic benefits of the best and most versatile agricultural land as a form of ecosystem service.

**1.26. Accessible Open Space and Canals**

- 1.27. The NPPF in Chapter 8 recognises the importance of accessible open spaces (including canals) to 'Promoting healthy and safe communities' in Chapter 8.
- 1.28. Paragraph 91(c) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 1.29. Paragraph 92(a) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 1.30. Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

**1.31. Water Quality**

- 1.32. Paragraph 170 (e) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 1.33. To prevent such unacceptable risk, Paragraph 180 is clear that planning policies and decisions should ensure new development is appropriate for its location and the effects (including cumulative effects) of pollution on the natural environment or general



amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

1.34. Paragraph 170 (e) advises that development should, wherever possible, help to improve local environment conditions such as water quality, taking into account relevant information. The paragraph explicitly references River Basin Management Plans (RBMP). For Chesterfield Borough, the Humber River Basin District RBMP is the over-arching strategy which contains information on current water body status and required measures to meet the Water Framework Directive. The EU Water Framework Directive applies to surface water and groundwater and requires member states to protect, enhance and restore water bodies to 'good' status.

1.35. Paragraph 3 of the National Planning Practice Guidance on Water Supply, Wastewater and Water Quality references the DEFRA policy framework<sup>13</sup> which encourages the wider adoption of an integrated catchment-based approach to improving the quality of the water environment and inform decision making. Paragraph 6 also advises that plan making may need to consider:

- How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of potable water supplies (designated source protection zones or near surface water drinking water abstractions).
- The type or location of new development where an assessment of the potential impacts on water bodies may be required.
- Where particular types of sustainable drainage systems may not be practicable.

1.36. Flood Risk and Water Management

1.37. The National Planning Policy Framework Paragraph 155 is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, whether existing or in the future. The paragraph goes on to state that where development is necessary in the highest risk areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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<sup>13</sup> DEFRA (2013), Catchment Based Approach: Improving the quality of our water environment

- 1.38. Paragraph 156 states that strategic policies should manage flood risk from all sources, be informed by a Strategic Flood Risk Assessment (SFRA) and should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
- 1.39. Paragraph 157 states that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. The paragraph goes into state that plans should do this, and manage any residual risk, by:
- Applying the sequential test and then if necessary, the exception test.
  - Safeguarding land from development that is required, or likely to be required for current or future flood management.
  - Using opportunities offered by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques).
  - Where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
- 1.40. Paragraphs 158, 159 and 160 explain the sequential and exception tests and the approach to steering development towards lower flood risk areas unless there are no alternatives and in which case the exceptions test should be met.
- 1.41. Paragraphs 163 and 165 set out the requirements for development to incorporate sustainable drainage systems (SuDS).

## **2. Summary of Local Evidence**

2.1. Aside from the national issues of climate change, habitat loss and fragmentation, the issue of Green Infrastructure is important for the Chesterfield Borough as it faces increasing pressure for both economic and housing growth, against a back drop of a need for regeneration to try reduce significant income, employment, education, health and well-being inequalities.

### **2.2. Green Infrastructure**

2.3. *Green Infrastructure Study - Chesterfield Borough Council (May 2007)*

2.4. The Chesterfield Borough Council produced a Green Infrastructure Study in May 2009 which informed the policies in the currently adopted Chesterfield Borough Local Plan: Core Strategy 2011-2031.

2.5. The study:

- Defined green infrastructure and provide background information on its benefits and principles.
- researched relevant green infrastructure policies at the national, regional and local level.
- provided a framework for mapping and identifying key green infrastructure protection and enhancement within Chesterfield Borough.
- identified areas of opportunities where the borough's green infrastructure network might be enhanced or extended.
- provided an evidence base for Chesterfield Borough Council's Local Development Framework.

2.6. It also identified key Green Infrastructure assets and opportunities for new Green Infrastructure. Whilst the study as a whole has not been updated, mapping has been updated based on more recent datasets.

2.7. *Prospectus for Green Infrastructure - Lowland and Nottinghamshire Local Nature Partnership (January 2017)*

2.8. The Local Nature Partnership (Lowland Derbyshire and Nottinghamshire) published a prospectus for Green Infrastructure as a starting point for developing strategic framework for the planning a delivery of Green Infrastructure.

2.9. The document explains the concept of 'natural capital' and the benefits of investing in GI. It identifies the following key issues:

- Habitat fragmentation
- Low amount of woodland cover
- Poor water quality in some areas
- Air pollution
- Minerals extraction

- Lack of a strategic regional GI framework
- Regional growth
- Existing landscape and GI schemes

2.10. It identifies Chesterfield Canal as a sub-regional GI corridor and the countryside surrounding the town as GI enhancement zones, in a Strategic Green Infrastructure Network Concept diagram. The document concludes by recommending that a baseline audit of existing GI and future opportunities and risks is carried out for places such as Chesterfield. It also recommends establishing a regional network and targets, alongside an action plan.

### 2.11. Landscape

2.12. *The Landscape Character of Derbyshire (Derbyshire County Council)* document sets out the types of landscape present in the borough, highlighting its qualities and sensitivities.

2.13. Chesterfield Borough is located within two landscape character areas comprising of the Peak Fringe and Lower Derwent to the west and the South Yorkshire, Nottinghamshire and Derbyshire Coalfield to the majority of its area. Within this there is a diversity of landscape types including Estate Farmlands, Coalfield Village Farmlands, Wooded Hills and Valleys, and Riverside Meadows. The Landscape Character of Derbyshire sets out in detail the key characteristics and features of these landscape types and identifies priorities for landscape conservation and enhancement.

2.14. *Areas of Multiple Environmental Sensitivity (Derbyshire County Council 2010)*

2.15. Derbyshire County Council developed and applied an approach to reviewing helped to inform the targeting of Environmental Stewardship Higher Level Scheme (HLS) funding, the identification of key strategic Green Infrastructure assets and the potential for housing growth within the Derby and Nottingham Housing Market Areas (HMA).

2.16. Ecological, historical and landscape character data was used to identify areas of multiple environmental sensitivity, with areas of primary and secondary significance being defined. Chesterfield Borough has two areas of secondary significance, one to the north west of Dunston and the other north of the Staveley and Rother Valley Corridor.

### 2.17. Biodiversity and Geodiversity

2.18. *Derbyshire Lowland Biodiversity Action Plan 2011-2020 – Local Nature Partnership (2011)*

- 2.19. The Derbyshire County Council lead the preparation of the Derbyshire Lowland Biodiversity Action Plan (DLBAP) and the DLBAP is based on a landscape scale, using a landscape character approach.
- 2.20. The Lowland Derbyshire Biodiversity Action Plan provides local information on UK priority habitats and species across Derbyshire , excluding the Peak District. It gives guidance and sets targets for actions to create, link or manage those priority habitats most appropriate to each different landscape character area. Each of these eight 'action areas' in lowland Derbyshire has its own 'area action plan', with additional over-arching actions described within a 'generic plan'.
- 2.21. Chesterfield Borough mainly falls within the Rother and Doe Lea Valley Action Area with some of its western fringes within the Peak Fringe Action Area.
- 2.22. *A Greenprint for Chesterfield 2010 – Chesterfield Borough Council (2010)*
- 2.23. The Greenprint is a local Biodiversity Action Plan covering the period from 2010 to 2020 for Chesterfield Borough. It sets out what the priority habitat types and flagship species are in the borough. An action plan with monitoring requirements is provided with lead organisations for implementation identified.
- 2.24. The Borough has many habitats and species identified nationally and locally as either protected or a priority for conservation and these are listed and described. The Greenprint aims to restore, create new and enhance existing habitat and populations of species.
- 2.25. The Greenprint acknowledges that the 'delivery' of strategy for Green Infrastructure, Biodiversity and accessible open space need to be co-ordinated and integrated.
- 2.26. *A Greenprint for Chesterfield (2<sup>nd</sup> Edition) – Chesterfield Borough Council (2019)*
- 2.27. The Council and Derbyshire Wildlife Trust have prepared a draft updated version of the Greenprint to reflect changes in the NPPF and also the publication of the Derbyshire Lowland Biodiversity Action Plan.
- 2.28. Core sites of an ecological network are identified alongside priority corridors for enhancing habitats and their connectivity.
- 2.29. In respect of geodiversity the borough has no relevant Sites of Special Scientific Interest (SSSI). However the landscape character assessment for Derbyshire takes account of

geological character, flowing from the work on National Character Area Profiles (2015) by Natural England.

2.30. Soil Resources

2.31. The Council only has access to rudimentary provisional mapping originally produced by the Ministry of Agriculture Food and Fisheries which shows the provisional Agricultural Land Classification (England) at a scale of 1:250,000, unless detailed supplementary land surveys have been carried out for specific sites.

2.32. Accessible Open Space and Canals

2.33. *Parks and Open Spaces Strategy 2015-2024 – Chesterfield Borough Council (2014)*

2.34. The work carried out an assessment of provision and need for public open space in Chesterfield Borough and quantitative and accessibility standards for provision for some types of open space. The strategy sets out a vision for open space in the borough as follows:

- To ensure that Chesterfield has an accessible network of high quality parks and open spaces which puts good health and an excellent quality of life within reach of everyone who lives in and visits Chesterfield

2.35. It also identifies the following key issues:

- Pockets of inadequate provision of some categories of open space
- Issues with quality that need to be balanced with reducing budgets and the need for limited new provision
- Need to better promote and further engage communities to maximise benefits
- Need to protect and prioritise the use of and where possible increase income/external funding
- Over provision of some categories in some areas
- Not promoting open spaces to their maximum potential
- Anti-social behaviour is an issue at various sites
- Not yet maximising the opportunities to encourage healthy activity in open space network
- Some sites less accessible and not linked to each other or the countryside
- Community engagement can be improved to maximise its benefits
- Do not realise the full benefits green spaces can contribute to the regeneration agenda

- 2.36. An action plan based on the strategic objectives of the strategy is detailed in order to help identify and highlight key outputs and outcomes of the document. The strategic objectives identified in the strategy are:
- Prioritise investment in Parks and Open Spaces
  - Use resources effectively and sustainably
  - Increase the use of Parks and Open Spaces
  - Effectively engage with our communities and partners
- 2.37. *Open Space Assessment – Knight Kavannagh and Page (KKP) on behalf of Chesterfield Borough Council (2018)*
- 2.38. The assessment was commissioned by the Council in 2018. It's focus is publically accessible open space in the Chesterfield Borough and it follows relevant guidance, meeting the requirement in paragraph 96 of the NPPF for a robust and up to date assessment of the need for accessible open space and opportunities for new provision.
- 2.39. The assessment covers need and supply, with an audit of existing provision and a community survey. It concludes that at a Borough scale there is an adequate amount of provision of the different types of open space. Also, that the majority of sites are of high quality and value with the Borough's Parks and Country Parks playing a significant role in the quality and quantity of provision of publically accessible open space. There is a reasonable distribution of provision across the Borough in terms of accessibility catchments but noticeably gaps in catchments for natural and semi-natural open space within walking distance.
- 2.40. The assessment work provides evidence in support of a standards paper also commissioned by the Council and prepared by KKP. The standards paper explains how standards have been derived and sets the standards out in terms of quantity, quality and accessibility for the following types of open space: -
- Parks and Gardens
  - Natural and semi-natural greenspaces
  - Amenity greenspace
  - Provision for children and young people (including teenage provision)
  - Allotments and Community Schemes
  - Cemeteries, disused churchyards and other burial grounds
  - Green Corridors
- 2.41. *Open Space Strategy and Policy Recommendations – KKP Knight Kavannagh and Page (KKP) on behalf of Chesterfield Borough Council (2019)*

- 2.42. The Council commissioned the consultants KKP to prepare strategy and policy recommendations using the evidence contained in the Open Space Assessment (2018) and the associated standards paper.
- 2.43. The work analyses need and supply at what approximates to a neighbourhood level, taking into account significant barriers to pedestrian movement. It considers provision in light of socio-economic indicators such as health, income and poverty levels. Surplus and deficiencies in accessible open space provision are identified and recommendations made at the strategic and local level for prioritising investment, with action plans for individual localities. The key Borough wide strategy recommendations are:
- Play provision needs an overhaul and a detailed review of provision is needed for this purpose
  - Sites identified as key to provision at a borough wide and local level should have be prioritised for maintaining good levels of quality, accessibility and multi-functionality
  - Opportunities to provide more natural provision (new or enhanced habitats including tree planting) should be explored
  - Provision standards should be used to inform future open space requirements including from major development
- 2.44. Policy recommendations are also made and these cover the use of the Community Infrastructure Levy, approach to small open space sites, open space management and Local Green Space designation.
- 2.45. Specific recommendations for thresholds for on-site provision for major new development are set out. An analysis of strategic housing sites was carried out applying the findings of the open space assessment, analysis of local areas and the standards paper. This provides recommendations on the type and amount of new open space likely to be required in potential strategic housing growth sites/areas within the 2017 consultation version of the draft new Local Plan.
- 2.46. [Outdoors Sports](#)
- 2.47. *Chesterfield Playing Pitch and Outdoor Sports Strategy – Neil Alan Associates on behalf of Chesterfield Borough Council (March 2014)*
- 2.48. The strategy sets out a framework for the provision, management, maintenance and delivery of playing pitches and outdoor sports facilities across the borough.



- 2.49. The work included consideration of current and future requirements for the sports of football, cricket, rugby, hockey, tennis and athletics. It sets out overarching strategic objectives and also priorities specific to the separate sports looked at. An action plan is set out alongside recommendations for specific playing pitches and outdoors sports sites within the borough.
- 2.50. *2020 Vision: A Strategy for the Restoration and Development of the Chesterfield Canal by Chesterfield Canal Partnership (3<sup>rd</sup> Edition 2006)*
- 2.51. The strategy provides information on the Canal's importance to regeneration in the borough and provides key actions and issues for delivering the regeneration potential of the canal and significant restoration of its original route including a link to the Rother Valley.
- 2.52. Water Quality
- 2.53. In terms of water quality, Chesterfield falls partly within the Don and Rother catchment area, the Water Framework Directive classification of waterbodies shows. There are 78 river water bodies and 18 lakes in the catchment. 78 are artificial or heavily modified. 99% of rivers (48 km) currently achieve good or better ecological status/potential. 25% of rivers assessed for biology are at good or better biological status now, with 38% at poor biological status, and 13% classed as at bad status.
- 2.54. Point source discharges from water industry sewage works and storm discharges are key reasons for failures in the catchment. Diffuse pollution from agriculture and physical modification due to urbanisation and water storage and supply also play a key role in determining the status of rivers and lakes in this catchment.
- 2.55. The Environment Agency has recently completed an exercise to refresh the Mitigation Measures Assessment (MMA) for all Artificial and Heavily Modified Water Bodies. The majority of Chesterfield Borough falls within the Rother and Doe Lea catchment. The Rother and Doe Lea catchment lies to the south of Rotherham the east of Sheffield and includes Dronfield, Chesterfield, Bolsover and Clay Cross. There are many tributaries of the Rother and Doe Lea including Holme Brook, River Drone, River Whitting, The Moss and Ulley Brook. The catchment also contains the Chesterfield Canal and Linacre Reservoir. The Rother and Doe Lea are parts of the River Don catchment. These rivers have undergone periods of very poor water quality due to chemical pollution, nutrient enrichment from fertiliser and sewage and siltation. The rivers have also been straightened and lined with concrete in places, reducing the variety of habitats they offer.

- 2.56. Overall waterbody status in the Operational Catchment was assessed as moderate in 2015. The main factors affecting the status of waterbodies (for the Management Catchment as a whole) have been cited as agriculture and land management (due to changes in natural flows/levels of water and pollution from rural areas) and water industry operations (principally pollution from waste water).
- 2.57. Flood Risk and Water Management
- 2.58. Chesterfield is at risk from many different types of flooding. However, rivers and the River Rother in particular provide the main source of risk and flooding in the borough.
- 2.59. *Chesterfield, Bolsover and North East Derbyshire Strategic Flood Risk Assessment (SFRA) March 2009 – by Faber Maunsell/Aecom.*
- 2.60. A strategic assessment carried out in accordance with best practice, national policy (PPS25) and guidance at the time. It is a 'Stage 1' SFRA which assesses the risk of flooding from all sources to an area, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk.
- 2.61. *Local Flood Risk Management Plan (July 2015) – Derbyshire County Council*
- 2.62. As the Lead Local Flood Authority Derbyshire County Council has produced the plan which identifies Chesterfield as being at risk from multiple sources of flooding. The plan ranks Chesterfield as at highest risk in the county, with 1802 dwellings at risk, and 45% of the borough with significant surface water flood risk.
- 2.63. *The Chesterfield Flood Risk Investigation – Environment Agency*
- 2.64. This work is due to be published in 2019. It will be a comprehensive flood model of the River Rother and its tributaries. It will be suitable alongside all other sources as a combined evidence base to inform flood risk policy in the Local Plan and specifically to assess potential housing allocations from the perspective of flood risk in a way which would satisfy the requirements of the NPPF /Planning Policy Guidance.
- 2.65. *Chesterfield Integrated Model (flooding) – Derbyshire County Council, Environment Agency, Yorkshire Water*
- 2.66. This project intended to bring together sewer modelling from Yorkshire Water; surface water modelling held by Derbyshire County Council; and river modelling from the

Chesterfield Flood Risk Investigation. However, the work is no longer being taken forward.

2.67. *Chesterfield Borough Local Plan: Proposed Site Allocations Sequential Flood Risk Assessments (January 2019)*

2.68. An assessment of flood risk to proposed site allocations which goes into more detail than the Stage 1 SFRA. It explains the approach to assessing sites and focusses on sites that are within either flood zones 2 or 3, or within an area at a medium to high risk of surface water flooding. It assesses the sources of flooding and implications for development, considering the exceptions test where necessary.

2.69. [Walking and Cycling Infrastructure](#)

2.70. *East Derbyshire Greenways Strategy - Land Use Consultants, Transport for Leisure and Les Lumsdon on behalf of Derbyshire County Council (1998)*

2.71. A Strategic study to create proposals for a strategic network of multi-user routes throughout East Derbyshire. Chesterfield was identified as containing routes and potential routes of strategic importance including the existing and former route of the Chesterfield Canal.

2.72. *Derbyshire Local Transport Plan 3 (2011-2026) – Derbyshire County Council (2011)*

2.73. The plan sets out a vision and goals including those relevant to GI, with the promotion of walking and cycling and the infrastructure for this of most relevance. The plan also seeks to minimise the impact of transport on tranquillity, the natural environment, heritage and landscape. Support is provided for the development of green access corridors as part of GI.

2.74. The plan specifically acknowledges the Chesterfield proposed cycle network which identified the following key sections:

- A61 Whittington Moor to Chesterfield College
- Station to Queens Park
- Dronfield/Unstone
- A61 Derby Road
- Rother Washlands to Avenue

2.75. *Rights of Way Improvement Plan for Derbyshire Statement of Action 2013-2017*

- 2.76. The Rights of Way Improvement Plan for Derbyshire was intended to run from 2007 to 2012 but instead of a new plan being produced a statement of action was published by the Derbyshire County Council. The statement of action sets the priorities for the next five years. The three key themes identified in the statement are:
- Seek to preserve Derbyshire's heritage, landscape and wildlife
  - Promote the sustainable use of the present and future network, encouraging healthier and more sustainable travel choices
  - Encourage and create routes that support the local economy and boost tourism
- 2.77. The statement highlights that the Chesterfield Cycle Network has been mapped and is being developed including the use of signage.
- 2.78. *Chesterfield Canal Partnership 2020 Vision: A Strategy for the Restoration and Development of the Chesterfield Canal 3<sup>rd</sup> edition – Chesterfield Canal Partnership (2006)*
- 2.79. The document sets out the partnerships aims which are cross-cutting and include ensuring that the existing and 'to be restored' canal provide a linear accessible park and also opportunities for water related sports, recreation and leisure.
- 2.80. *Green Wedge and Strategic Gap Indicative Assessment – Chesterfield Borough Council (2011)*
- 2.81. The document drew upon existing policy and supporting information to evaluate the requirement and justification for a 'Green Wedge' or 'Strategic Gap' policy in the Core Strategy.
- 2.82. *Review of Green Wedges and Strategic Gaps – ARUP on behalf of Chesterfield Borough Council (2016)*
- 2.83. Building on the *Green Wedge and Strategic Gap Indicative Assessment in 2011* and the adopted Core Strategy this work provides objective evidence on the definition, justification and specific boundaries of Green Wedges and Strategic Gaps within the Borough. It builds on the broad areas identified in the more sensitive within the Indicative Green Wedges and Strategic Gaps
- 2.84. Assessment (2011) and indicative areas identified within the adopted Core Strategy. It recommends where specific boundaries for both proposed Green Wedges and Strategic Gaps should be drawn.

2.85. *Mapping Datasets and Geographical Information Systems (GIS)*

2.86. The Council has utilised the following mapping sources in respect of GI:

- Ancient Woodland Inventory (Natural England, 2018)
- Local Wildlife Sites (Derbyshire Wildlife Trust, 2018)
- Priority Habitat Inventory (Natural England, 2017)
- Local Nature Reserves (Natural England, 2017)
- SSSI's (Natural England, 2017)
- Public Open Space (CBC open space assessment 2018)
- Rivers and Canals (CBC 2018)
- Strategic Cycling & Walking Routes (CBC Core Strategy)
- Cycle Network Proposed and Completed (Derbyshire County Council, 2017)
- Sports Pitches and Playing Fields (CBC 2012)
- MAGIC website – (UK Government agencies and departments)
- Strategic Gaps and Green Wedges (CBC pre-submission Local Plan 2019)
- Agricultural Land Classification (Provisional) MAGIC

**3. The Chesterfield Borough Council Local Plan (Pre-submission Version)**

- 3.1. The policies and approach in the pre-submission version of the new Local Plan build on the adopted Chesterfield Borough Core Strategy 2011-2031
- 3.2. The adopted Core Strategy seeks to protect and enhance Green Infrastructure including a requirement to identify specific designated boundaries for Green Wedges and Strategic Gaps. The Council proposed in 2017 to revise the Core Strategy to reflect new evidence (*Review of Green Wedges and Strategic Gaps 2016*) by adding in explanatory text and also specific boundaries on a policies map for Green Wedges and Strategic Gaps. It also proposed separating policies on open space, play provision and sports facilities from what is an overarching policy on Green Infrastructure and Biodiversity (policy CS9).
- 3.3. Representations were received to specific elements of the proposed approach to Green Infrastructure from Natural England, Sports England, The Woodland Trust, Derbyshire Wildlife Trust and developers during the 2017 consultation on the draft new Chesterfield Borough Local Plan. Green Wedges and Strategic Gaps received the most representations from private individuals and developers and are covered under a separate heading below.
- 3.4. Green Infrastructure, Biodiversity and Soils

3.5. Natural England commented on the 2017 consultation on the draft new Local Plan that they supported the overall aim of the Green Infrastructure and Biodiversity policy and the provision of a separate policy for open space and sports, but suggested that the Green Infrastructure and Biodiversity policy could be strengthened and clarified as follows:

- The policy wording should set out the intention to achieve a net gain for nature to reflect paragraphs 9 and 109 of the NPPF.
- The hierarchy of designated nature conservation and landscape sites should be explained within the policy distinguishing between international, national and local sites to reflect the guidance set out in paragraph 113 of the NPPF.
- Whilst we welcome the provision to link habitats set out in point (f) we consider that the policy should set out a strategic, landscape scale approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity which would follow the guidance set out in paragraphs 114 and 117 of the NPPF.
- We acknowledge that the Council is intending to update the “Greenprint for Chesterfield” using the latest information from the Local Biodiversity Action Plan which is welcome. However we suggest that the policy wording should reflect this by including an additional point to promote the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species populations, linked to national and local targets. This would also reflect the guidance set out in paragraph 117 of the NPPF.
- We suggest that the policy should include the avoidance-mitigation-compensation hierarchy with clarification that compensation should only be considered as a last resort. This would follow the guidance set out in paragraph 118 of the NPPF.
- We also suggest that it may be clearer if the topics of Green Infrastructure, Biodiversity & Geodiversity, and Landscape Character were considered under separate sections or headings.

3.6. Accordingly amendments were made for the pre-submission version of the Local Plan. Policy LP15 was amended to cover soil and agricultural land quality. Pre-submission Policy LP16 was created using the wording of the adopted Core Strategies policy CS9 to cover Green Infrastructure and the supporting text amended to reflect the intended strategic approach to GI as required by the NPPF.

3.7. Pre-submission Policy LP17 was created to recognise the hierarchy of designated nature conservation sites as well as the avoidance-mitigation-compensation hierarchy, reflecting the requirements of the NPPF. The explanatory text was amended to

acknowledge the work of the Council on updating 'A Greenprint for Chesterfield' which includes the identification of an ecological network and other mapping to meet the requirements of paragraph 174 (a) of the NPPF which requires the Council to:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.

3.8. The draft updated 'Greenprint' identifies and maps the wider ecological network and local wildlife rich sites, whilst pre-submission policy LP17 should provide safeguarding for these, and also promotes their conservation, restoration and enhancement through the planning system. Work on the updated Greenprint is on-going to better identify sites and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and should form part of the final document.

### 3.9. Green Wedges and Strategic Gaps

3.10. The adopted Core Strategy contains a spatial strategy which includes Green Wedges and Strategic Gaps. This element of the spatial strategy is continued in the pre-submission version of the Local Plan. Based on consideration by the Council's Local Plan Steering Group (consisting of members from a cross-party background), of the evidence base, applying local knowledge and planning judgement, boundaries were selected to fulfil the purposes of the Green Wedges and Strategic Gaps.

3.11. In the case of the boundaries of the Brimington and Tapton Strategic Gap, the boundaries exceed those recommended in the evidence base. Members of the Local Plan Steering Group determined that the designation was extended to include the land beyond Wheeldon Mill and up to the boundary of the existing urban area of Brimington to reflect public access and usage". (Local Plan Steering Group 26th August 2016). The extended boundaries were including in the Draft Local Plan for consultation in 2017.

3.12. Objections were received to the boundaries drawn in the 2017 consultation on the draft new Local Plan. These effectively cite the following summarised criticisms: -

- Not consistent with the NPPF
- Place pressure on Green Belt
- Restrict growth and housing delivery when more flexibility needed

- 3.13. These objections mainly are associated with those promoting specific sites and also housing development in the borough. Support for the approach was also received mainly from local residents.
- 3.14. The Council believes that the approach taken is effective, justified and sound and wishes this to be tested at examination and no significant changes were made following the 2017 consultation.

3.15. Accessible Open Space and Outdoor Sports

- 3.16. Sports England commented during the 2017 consultation on the draft new Local Plan that the evidence supporting the proposed policy CS9(b) Open Space, Play Provision, Sports Facilities and Allotments required updating (in the case of the Playing Pitch and Outdoor Sports Strategy), and was not backed up by robust and comprehensive evidence for all open space typologies (in the case of the Parks and Open Spaces Strategy). Given the limited evidence Sports England concluded that a presumption in favour of retention of sites was the only appropriate approach. Sports England also made further comments as follows:
- The reference to the 'Borough's' requirement should be omitted as there may be instances where needs/demand from outside the Borough are being met at a site within the Borough and so it is not surplus to requirements.
  - The application of a 'standards approach' for sports provision based on a quantitative area is not supported and does not draw upon locally specific evidence of need for facility requirements to meet identified requirements.
  - This objection is applicable when considering proposals affecting existing facilities and the delivery and enhancement of further provision to address demand generated by new development.
  - Although the principle of protecting, enhancing and providing for sports facilities is strongly supported, this needs to be planned for with reference to locally derived evidence that is up to date and robust (please also see previous comment on evidence base).
  - Principle of requiring development to contribute towards sports provision where a need is identified is supported, but as set out above the proposed standards based approach for doing so is not supported.
  - Also, application of a 'standard' to determine whether a sports facility is surplus to requirements is similarly not supported. Instead, such decisions need to be made with reference to up to date and locally derived evidence, and include site specific considerations.



- As well as the above concerns around 'standards' for sport, the wording of the last paragraph needs to be reconsidered as there would seem to be a need for a link between i. and iii. rather than ii. and iii.

- 3.17. Following the 2017 consultation response, the Council commissioned a new open space assessment and also work to develop strategy and policy for public open space. Accordingly, the consultant Knight, Kavannah and Page (KKP) carried out in 2018 a comprehensive public open space assessment for the Council, covering all relevant typologies but specifically excluding outdoor sports (being covered by separate guidance). This work has provided a robust, up to date and comprehensive evidence base for public open space within the borough. It has also provided the evidence for a standards based approach to appropriate types of open space, excluding outdoor sports where new major development is proposed or planned.
- 3.18. A draft analysis of provision versus need down to a 'neighbourhood' level with strategy and policy recommendations for public open space has also been prepared by the consultant KKP and should be finalised for summer 2019. This work should fulfil the requirements of the NPPF in respect of providing an up to date robust assessment of need for open space (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.
- 3.19. The policies map for the pre-submission version of the Local Plan reflects the audit carried out by KKP in respect of publically accessible open spaces over 2ha in area.
- 3.20. The Council intend to use the new evidence to ensure that major growth in the borough comes with an adequate amount and quality of multi-functional new accessible open space that is well linked to the Green Infrastructure network and promotes more active health lifestyles. It will also assist in the prioritisation of CIL expenditure.
- 3.21. The Council also seeks to improve the health and well-being of communities in areas where there are significant inequalities. The Council sees a network of accessible quality open spaces as important to achieving better health and well-being and as such a network should promote an increase in activity levels. The Council wish to be able to enhance open spaces in areas with problems such as poor health, low activity levels and child obesity, in a manner that will increase activity levels and the use of open space. Such measures can include landscaping, lighting, new wildlife habitats and trails, new play equipment, signage and paths.
- 3.22. However, in some localities with significant inequalities and issues of open space quality, quantity and accessibility, there are limited options available to the Council for investment given austerity and the restrictions on the CIL (it being to support growth

only). In such situations the Council wish to have greater flexibility than exists in paragraph 97 of the NPPF, in order that they can generate a capital receipt from the release of parts of open space where its loss and the re-investment of the capital from its loss to say development, would lead to a net enhancement of the quality and accessibility of open space and also activity levels, health and well-being in the same locality. In such a situation provision might be in deficit purely against quantity standards but this could be balanced against a gain in quality, accessibility, activity levels, health and well-being.

- 3.23. The rigid application of quantity standards for open space provision is not a mandatory requirement of the NPPF in all situations and the Council wish to make provision for flexibility in the policy approach at a local level to meet specific local circumstances and improve the health and well-being of its communities but not at the expense of amenity and the environment.
- 3.24. This greater flexibility to release open space is sought for the majority of public open space typologies but not necessarily for outdoor sports, as outdoor sport provision is more strictly controlled including through Sports England as a statutory consultee and call-in regulations.
- 3.25. There are also smaller (under 2ha in area) unallocated open spaces, that are not considered in terms of supply and need within the open space evidence base (excluding sports). Such sites generally will not contribute significantly to functional open space need for activities and will serve more of a visual amenity role. The pre-submission policy seeks to set out a policy approach to these smaller unallocated sites where alternative uses are proposed.
- 3.26. The Council intends to update its existing Outdoor Sports and Playing Pitch Strategy but as yet does not have a timescale set for this work to be carried out.
- 3.27. Flood Risk and Water Management
- 3.28. The Council has considered the need for a refresh and further evidence to support the Local Plan given that the available SFRA is a Stage 1 and dates to 2009. However, since 2009 the Council has worked with EA and Lead Local Flood Authority (Derbyshire County Council) on comprehensive flood modelling of the River Rother and its tributaries and also with the EA, Derbyshire County Council and Yorkshire Water on modelling of fluvial, surface water and sewer flooding with a view to this satisfying the requirements for SFRA.

- 3.29. The current site specific sequential assessments use the existing best available flood risk data at the time of undertaking the assessments, which is also to be found in the existing SFRA. Until the new data from the Chesterfield Flood Risk Investigation is released, this is the best available information to use.
- 3.30. A Statement of Common Ground with the Environment Agency confirms that once the Chesterfield Flood Risk Investigation has been released by the Environment Agency, Chesterfield Borough Council commits to re-engaging with all partners in applying the new data to inform an early review of the approach to flood risk policy in the Local Plan both within the policy in the Local Plan, and to determine whether an addendum to the existing SFRA is required, in order to continue to ensure that the highest sensitive uses are directed to the areas of lowest flood risk, in line with national policy.
- 3.31. Landscape Character
- 3.32. The proposed pre-submission policy LP16 Green Infrastructure seeks to protect or enhance Landscape Character within the borough as did the previous adopted policy CS9 criterion (e).
- 3.33. Walking and Cycling Infrastructure
- 3.34. During the 2017 consultation on the draft new Local Plan the Council received several positive comments in relation to the proposed walking and cycling policies as far as Green Infrastructure is concerned, with support for a better, safe and convenient walking and cycle network to promote both modes of transport for residents and visitors. Comments included those reinforcing the importance of planned high quality infrastructure to connect with the existing and planned strategic cycle network and also prioritisation of walking and cycling within new development.
- 3.35. Amendments were made to make specific reference to links to wider national walking and cycling networks in the pre-submission version of the plan and also to ensure that the Chesterfield and Staveley Regeneration Route conserves and enhances the route of the Chesterfield Canal and the Trans-Pennie Trail and make safe and convenient access to these routes.
- 3.36. An amendment was also made to refer to provision being made for walking and cycling in relation to Markham Vale employment area.
- 3.37. The strategic cycling and walking network is shown on the constraints map for the Local Plan, whilst the draft second edition of 'A Greenprint for Chesterfield' shows a revised green infrastructure map which includes existing rights of way, existing and proposed strategic walking and cycling network routes.

- 3.38. Proposed pre-submission policy LP16 Green Infrastructure protects greenways and seeks to enhance connectivity between and public access to; green infrastructure whilst also protecting and increasing the opportunities for cycling, walking and horse riding.

March 2019

## APPENDIX A

### GREEN INFRASTRUCTURE MAP

(Extract from the Draft A Greenprint for Chesterfield 2<sup>nd</sup> Edition)

