



Date: 7th October 2014

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 15th October 2014 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully

Chief Executive Officer

To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 15th September 2014 at 1000 hours in the Chamber Suites

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 17 th September 2014	3 to 6
5.	Notes of a Planning Site Visit – 12 th September 2014	7
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 14/00309/FULMAJ - Erection of 42 detached dwellings including creation of new access, drainage attenuation and landscaping at Land Between M1 Motorway And Rear Of 1 To 7 Southfields Drive And 14 To 24 Carter Lane West South Normanton	8 to 21
7.	Bolsover Local Development Scheme – Timetable for the Preparation of the Local Plan	22 to 43
8.	Update to the Statement of Community Involvement	44 to 89
9.	Arrangements for Initial Consultation on the new Local Plan	90 to 99

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Chamber Suites, The Arc, Clowne, on Wednesday 17th September 2014 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors A. Anderson, P.M. Bowmer, R. Brooks, J. Clifton, T. Connerton, C.P. Cooper, S.W. Fritchley, D. Kelly, A.M. Syrett, R. Turner and J. Wilson.

Officers:-

J. Arnold (Assistant Director of Planning and Environmental Health), J. Fieldsend (Senior Principal Solicitor), C. Doy (Development Control Manager), P. Sawdon (Principal Planning Officer) and A. Bluff (Governance Officer).

0333. APOLOGIES

Apologies for absence were received from Councillors M.G. Crane, C. Munks, B.R. Murray-Carr, G. Parkin, T. Rodda and S. Wallis.

0334. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0335. DECLARATIONS OF INTEREST

There were no declarations of interest.

0336. MINUTES – 20TH AUGUST 2014

A Member queried whether Councillor Munks had chaired the meeting in relation to Minute Number 0260 – Site Visit Minutes. The Chairman replied that he had been in the Chair during the entirety of the meeting.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor D. Kelly
RESOLVED that subject to the inclusion of K. Shillito (Principal Solicitor) being included in the list of attendees at the last meeting, the minutes of a

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meeting of the Planning Committee held on 20th August 2014 be approved as a true and correct record.

0337. SITE VISIT MINUTES – 12TH SEPTEMBER 2014

Moved by Councillor A.M. Syrett and seconded by Councillor D. McGregor
RESOLVED that the Minutes of a Site Visit held on 12th September 2014 be approved.

0338. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 14/00226/FULMAJ - Residential development, 69 detached and semi detached 2, 3 and 4 bedroom two storey houses together with associated works including the demolition of existing dwellings, stable blocks and storage buildings to facilitate new access from Rotherham Road at Woodside Stables Riding School, Barlborough Road, Clowne.

Details regarding two further letters of objection received were included within the Supplementary Report circulated at the meeting and a late letter was summarised verbally by the Development Control Manager to the meeting. Members were advised that issues raised in the objection letters were already covered in the main report and so did not alter the recommendation.

The Development Control Manager submitted a report which gave details of the application, history and consultations in relation to the above application.

Mr B Tench attended the meeting and spoke against the application on behalf of Mr and Mrs Sibring.

Mr D Peck and Mr. Meynell attended the meeting and spoke against the application.

Mr M Jackson, attended the meeting on behalf of the applicant and spoke in support of the application.

Members raised various questions.

A Member requested that a note be added to the conditions that the applicant should consider the possible impact on the Dam in the design of the drainage scheme.

Moved by Councillor J.A. Clifton, seconded by Councillor A.M. Syrett
RESOLVED that the decision for application No. 14/00226/FULMAJ be DEFFERED to the Assistant Director of Planning in consultation with the Chair and Vice Chair subject to the completion of a S106 Agreement covering the heads of terms set out below and subject to consideration of the

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conditions given in précis form and to be formulated in full by the Assistant Director of Planning:

S106 Heads of Terms:

- The development shall comprise 20% affordable housing unless at least 10% of the open market dwellings have been practically completed within 3 years of the date of the permission and at least 50% practically completed within 5 years of the date of the permission;
- Built & Outdoor Sports Facilities contribution of £61,272;
- Play Space Contribution of £50,163 towards an off-site LEAP (Locally Equipped Area of Play);
- Public Art Contribution of £10,000;
- Education contribution of £159,586; and
- £25,000 contribution towards traffic light junction improvements at junction of Rotherham Road and Barlborough Road.

Conditions

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 Schedule of wall and roof materials
- 3 Revised hard and soft landscape details with a programme for implementation and to include details of wildflower seed mix to the hedge bottom of the retained north-west boundary hedgerow and to the proposed public open space areas.
- 4 Management scheme for landscaped areas not falling within any domestic curtilage and maintenance of all landscaping for 5 years.
- 5 Retention and protection for retained hedgerow and retained trees.
- 6 Details and implementation of means of enclosure, including approval of details of boundary treatments alongside the curtilage of existing dwellings at 31b, 57 and 59 Rotherham Road and 5 The Orchard.
- 7 Identification and treatment where necessary of contamination.
- 8 Ground levels to accord with drawing 14/610/6838A.
- 9 Approval of a detailed scheme design for the proposed access junction to Rotherham Road, including nearside carriageway edge realignment and the provision of 2.4m x 76m and 2.4m x 89m visibility splays within highway limits.
- 10 Provision of a temporary access to Rotherham Road.
- 11 Provision of a construction compound
- 12 Closure of existing stables access onto Prospect cottages.
- 13 Form new access to Rotherham Road
- 14 Access gradient not to exceed 1:30 for the first 10m into the site and 1:20 thereafter.
- 15 Highway surface drainage details to be submitted and approved.
- 16 Provision of new estate street.
- 17 Provision of parking spaces.
- 18 Provision of bin stores shall within private land at the entrance to shared private accesses.
- 19 Visibility sightlines where site fronts a maintenance margin.

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- 20 Conditions relating to provision of appropriate foul and surface water drainage systems.

Notes to cover the following issues

1. Environmental Health Officer recommended note regarding noise.
2. Environmental Health Officer recommended note regarding contamination
3. Notification of public sewer located within the application site.
4. Derbyshire County Council advice regarding provision of high speed broadband.etc
5. Wildlife protection.
6. The Highway Authority notes.
7. Any drainage scheme should consider the potential impacts on Harlethorpe Dam and minimise any risks to the integrity of the Dam, flood incidents and water quality.

(Assistant Director of Planning and Environmental Health)

The meeting concluded at 1055 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 12th September 2014 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors R. Brooks, J.A. Clifton, C.P. Cooper, G. Parkin, A.M. Syrett and J. Wilson.

Officers:-

C. Doy (Development Control Manager)

1. APOLOGIES

Apologies were received from Councillors P.M. Bowmer, M.G. Crane, C. Munks and S. Wallis.

2. SITES VISITED

Application:

14/00226/FULMAJ Woodside Stables Riding School, Barlborough Road, Clowne - Residential development with access from Rotherham Road, Clowne

The meeting concluded at 1055 hours.

PARISH South Normanton

APPLICATION Erection of 42 detached dwellings including creation of new access, drainage attenuation and landscaping
LOCATION Land Between M1 Motorway And Rear Of 1 To 7 Southfields Drive And 14 To 24 Carter Lane West South Normanton
APPLICANT Harron Homes & Harworth Estates C/o I D Planning
APPLICATION NO. 14/00309/FULMAJ **FILE NO.**
CASE OFFICER Mr T Ball
DATE RECEIVED 23rd June 2014

SITE

Land in use for grazing of horses, situated to the west side of the M1 motorway and the residential area of Carter Lane West and Southfield Drive which is an area of mixed houses and bungalows of various styles. The land rises from Carter Lane West to the southern side where the site adjoins J28 of the motorway. There is an area of embankment between the site and the junction which slopes down to the carriageways and is densely planted with trees. Alongside the motorway there is a sound attenuation barrier of timber and metal. The area between the barrier and the application site has been planted with trees and shrubs. There is an overgrown native hedgerow with trees to the Carter Lane West frontage. A definitive public footpath crosses the site from Carter Lane West to Mansfield Road. A footpath crossing of the motorway (tunnel then footbridge) is available off the turning head of Carter Lane West on the site frontage, and there is another definitive footpath route across Carter Lane West towards Ball Hill in the north.

PROPOSAL

Full application for the erection of 42 houses. 9 house types, all 4 bedroom detached two storey houses. Most have integral garages, others have either attached or detached garages.

Layout based on central spine road from Carter Lane West through centre of the site following route of public footpath to southern edge of site where the footpath enters the site. Houses arranged to front this road with extended private drives off serving other groupings of houses. Footpath from southern edge of site is extended as footway alongside Mansfield Road to join Carter Lane West at its junction.

To the Carter Lane West frontage the existing hedge is retained and is to be layed. To the north-east side of the frontage adjacent to the Carter Lane West turning head and entrance to the pedestrian subway a SuDS dry detention basin is proposed, to be grassed with hedging, trees, fencing and railings to its edges other than to the new spine road which is left open. 3 dwellings look onto this space.

The Spine Road has a footway to one side with frontages defined by timber post and rail fencing and hedging with trees.

Proposal includes 3m high acoustic fence to part of eastern boundary adjacent to the M1 northbound slip road and 1.8m acoustic fencing to properties which back onto Mansfield Road

along the southern boundary. Remainder of external boundary treatment (including to existing properties adjoining the site) comprises 1.8m high feather edged boarding fence.

At the site entrance it is proposed to provide a footway from the site entrance to the existing Carter Lane West turning head footway which gives access to the subway. A footway would only be provided to the other side of the access for a short distance beyond the junction radii so that the existing verge area between the boundary hedgerow can be retained.

Details of materials of construction have not been submitted.

Landscaping details are provided.

The application is accompanied by the following supporting documents and reports:

- Design & Access Statement;
- Planning Statement;
- Statement of Community Involvement;
- Building for Life 12 self assessment;
- Transport Statement;
- Travel Plan Framework;
- Air Quality Assessment;
- Ecological Appraisal;
- Arboricultural Survey;
- Ground Investigation/Geo-Environmental Report;
- Noise Impact Assessment;
- Drainage Strategy.

AMENDMENTS

Various revisions to layout and house types to address concerns of Urban Design Officer and other consultees received on 24.09.14 and 26.09.14
Flood Risk Assessment submitted 23.09.14.

HISTORY

08/00056/OUTMAJ Residential development (up to 60 dwellings) with access to Carter Lane West, refused 30.04.2008 (lack of information and assessment to address the concerns of consultees to show that good urban design is achieved to create an acceptable living environment for new and existing residents without detrimental environmental impact). Also refused by direction of the Highways Agency due to insufficient information.

13/00183/FULMAJ Erection of 58 dwellings - (19 x three storey and 39 x two storey) including associated works. Application withdrawn following failure to address outstanding issues in relation to improvements to Carter Lane West and other highway considerations related to parking problems at its junction with Mansfield Road, drainage and air quality.

CONSULTATIONS

Environmental Health (Noise): The noise assessment follows the same lines and criteria as that submitted in the previous application (13/00183/FULMAJ), uses the same assessment

survey details from July 2012 and provides for similar mitigation. This should have no noticeable increased effect on the noise levels experienced within the gardens or inside the proposed dwellings, if the development proceeds in accordance with the recommendations of the noise assessment report NIA/4157/12/3725/V1/CARTER LANE. Suggests conditions: Noise mitigation scheme based on submitted noise impact assessment; acoustic noise barriers erected as recommended in Noise Impact Assessment before any affected dwellings occupied. 18.09.14

Environmental Health (Air Quality): Information and analysis submitted includes reference to proposed changes to the M1 motorway including the hard shoulder running. This indicates that with the proposed changes and 50m zone from the hard shoulder (of the main motorway carriageway) where there will be no properties built, air quality for this development will be acceptable unless there is an unprecedented increase in traffic flows. There are some assumptions that have been made in the submitted information, but the report has erred on the side of safety in its analysis, consequently no objections in relation to air quality. 19.09.14

Pollution Control Officer (Contamination): the submitted Phase 2 investigation undertaken in October 2010 indicated that remedial works are required at the site in order to mitigate risks to receptors. The risks identified which require remedial measures include risks posed by ground gases and a localised area of elevated lead concentrations in shallow soils. Validation details to verify that the remedial works have been undertaken in accordance with the methods proposed will be need to be submitted to the LPA for approval. An appropriate condition is recommended. 18.08.14

Arts Development Officer: requests per cent for art. 22.07.14

Coal Authority: Site falls within defined High Risk Area. Agree with submitted assessment report that coal mining legacy poses a risk to the development, further intrusive investigation should be undertaken to establish the exact position and condition of the mine entry within the site. This can be required be condition as can any remediation works as a result of the findings. No objections subject to a condition to reflect these observations. 29.07.14

DCC Flood Risk Management Team: Site is unlikely to be susceptible to surface water flooding for the 1 in 1000 year critical storm duration rainfall event. The applicant should clarify which responsible authority will maintain the SuDS features post development.

[A brief review of the county ecological information shows that there have been reported ecological records of grass snake within close proximity of the site. Two records are within the rear gardens of the properties on the western border of the site and there are an additional 4 records to the housing estate to the west of the site. Records vary from 1996 - 2002 and reach as far as approximately 200m from the site. 31.07.14

Strategic infrastructure and services (DCC): Sets out Derbyshire County Council's request for developer contributions that would likely be required as a result of the anticipated impact of the proposed development on strategic infrastructure and statutory services:

- Access to high speed broadband services for future residents (in conjunction with service providers) – developer should ensure future occupants have access to appropriate communications infrastructure;
- Undertaking of a ground investigation – to allow the design of a surface water drainage system to ensure ground water infiltration potential is maximised;
- £45,596.04 financial contribution towards the provision of 4 primary school places at Brigg Infant School - It is anticipated that the proposed development of 42 dwellings would generate the need to provide for an extra

8 primary school pupils (4 infant, 4 junior), 6 secondary school pupils and 3 post-16 education pupils. Projections indicate that Glebe Junior School and Frederick Gent School would have capacity within the next five years to accommodate the additional junior and secondary school pupils arising from this proposed development. Current numbers on roll and projections indicate that Brigg Infant School would not have sufficient capacity ;

- New homes designed to Lifetime Homes standards - The County's population is getting older, and new residential development should be appropriately designed to this standard.

It should be noted that any deviation from the existing legal alignment of Footpath No. 23 which runs through the middle of the site, will require a formal diversion order which must be applied for prior to any work commencing. Consideration should be given to members of the public using the path and there should be no disturbance to the surface without prior authorisation from the County Council. 05.08.14

Crime Prevention Design Adviser: No comment. 11.08.14

Parish Council: Members would like to stress that under the current highway layout, the development would exacerbate existing traffic problems with that area of South Normanton. Cars use the sides of the road to park, so that they can car share to travel up and down the M1 on a daily basis. There are also issues with school traffic causing delays at peak times already, therefore any increase in traffic would be disastrous.

Another reason why South Normanton Parish Council are against this development is that in the past, developments on this piece of land have been turned down due to pollution levels coming from the M1 itself. This leads us to believe that the area of land on this application is unfit for a residential development now and in the future. 15.9.14

Severn Trent Water: No objections subject to a condition requiring submission and approval of drainage plans. 20.08.14

Environment Agency: Object: Flood Risk Assessment fails to consider an adequate surface water drainage scheme for the development. 08.09.14 Comments on revised Flood Risk Assessment awaited.

Leisure Services: Due to the size of the proposal and on-site open space provision, it would be more appropriate to negotiate a commuted sum towards the provision of a LEAP / NEAP standard play area in the vicinity of the development. The nearest existing equipped play area to the proposed development site is South Street Recreation Ground, which is 750m from the development via existing public rights of way. This site is in need of improvement / enhancement and a commuted sum from this development, in addition to commuted sums from other nearby developments would facilitate this improvement. Expect a contribution of £31,374. In addition expect a contribution to formal sport/recreation within the Parish of £37,296. Development includes the provision of a drainage retention basin. As with similar proposals on other recent developments, Bolsover District Council would consider adopting such a facility if approached and subject to further discussions regarding a 10 year commuted maintenance sum, provided that this is a dry detention pond and not a permanent water feature. Should the developer wish to transfer ownership of public open space within the development and / or the drainage retention basin to the district council, then a separate maintenance sum will need to be negotiated. 17.07.14

Highways Agency: **Directs conditions:** (1) Prior to the sale of any properties the drainage system shall be adopted and maintained by Severn Trent Water prior to connection to the Highway Agency system. Attenuation and pollution control measures must be provided to

ensure the surface water run-off is no greater than the current greenfield rate with attenuation for 1 in 100 year event plus 30% for climate change. Maintenance and management plan required. (2) Nothing to be erected within Highways Agency land, boundary fences to be erected from within the site, no pedestrian or vehicular access from Highways Agency land. Care to be taken to avoid environmental features or other apparatus during construction. These are required to ensure that the surface water drainage works do not impose an unnecessary risk of flooding and pollution to the Highway Agency's existing surface water system, and to ensure there are controls in place to monitor and manage site boundary construction activities. 01.08.14

Local Highway Authority (DCC): The application does not appear to differ in principle from the previous application (13/00183). However, since that time discussions with the Highway Authority have resulted in an acknowledgement that the provision of the new footpath link from the site onto Mansfield Road would be an acceptable alternative to the widening of the footway on Carter Lane West. Footway on the south west of the new junction should be extended, not only round the radius of the new junction but at least another 10m along the frontage to provide adequate pedestrian provision at this location for crossing.

With regard to the internal layout, further comments will be forthcoming. 01.08.14

Further comments: submitted transport statement has been previously assessed as part of the previous planning application for this site; comments relating to the submitted travel plan framework will be provided in due course. Various layout issues identified which need to be addressed. Notes that in discussions with previous applicant a contribution of £3000 was agreed towards a possible Traffic Regulation Order for the junction of Carter Lane West and Mansfield Road. This is still required. 13.08.14

Senior Urban Design Officer: The design of the scheme is unsatisfactory with a number of issues identified and is capable of considerable improvement. Where revisions or clarifications are identified above, the proposals should be amended to address each specific issue in accordance with the guidance provided in the Councils Interim SPD *Successful Places* (A Guide to Sustainable Housing Layout and Design). The applicant has provided a unilateral BfL12 assessment which has indicated that the scheme achieves 11 Greens and one Amber light, with no Reds highlighted. Although no 'Reds' are identified the assessment is considered to take a somewhat optimistic interpretation in response to some of the questions, when answers are compared to the actual detailed plans submitted as part of the application. 29.08.14

Housing Strategy and Enabling Manager (BDC): Current Local Plan sets out a requirement for 10% of the total site capacity to be given to affordable housing provision; this equates to 4 units of affordable housing. However, in November 2012 the Council formally approved temporary changes to its affordable housing policy with an option to waive the affordable housing requirement in return for a S106 agreement which provides for completion of at least 10% of permitted dwellings within 3 years from the grant of planning permission, and at least 50% within 5 years. Failure to comply with this requirement would result in a development having to provide the required provision of affordable housing in the later phases. Asks that consideration be given to building a proportion of the homes – both market and affordable – to the lifetime homes standard. Requests that if affordable housing is provided that one of them should be a two bedroom mobility bungalow. 27.07.14

PUBLICITY

Advertised in press. Site notice posted. 49 neighbours notified. 20 letters of objection including one petition received; main issues raised:

- Congested junction of Carter Lane West with Mansfield Road as a result of commuter/car share parking, school drop off/pick up point, reduces carriageway width to single vehicle width (raised by 14 objectors); poorly designed junction opposite Pinxton Lane;
- No provision to widen existing single footway along Carter Lane West, heavy use of road by school children (10);
- Noise, pollution already poor air quality at the site (8);
- Proposed footway along Mansfield Road will be dangerous due to speed of traffic on Mansfield Road (5);
- Inadequate capacity to cope with additional residents at schools and doctors (5);
- Drainage of site is poor and will be worse from development (3);
- Site of mine shaft still unidentified (3);
- Loss of outlook/greenfield (3);
- Overlooking and loss of privacy to adjoining residents (3);
- No children's play area (1).

Petition signed by 80 residents from 49 addresses in the locality (many of whom have also submitted their own letters of objection) ; object on access (congested junction with Mansfield Road) , school capacity, doctor capacity; pollution concerns; danger from new footpath where it stops at end of Carter Lane West.

POLICY

Local Plan

Bolsover District Local Plan (BDLP) shows site as within the settlement framework, general urban area policies apply, of particular relevance will be policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment).

National Planning Policy Framework (NPPF):

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF.

A core principle is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings within a presumption in favour of sustainable development.

Where adopted Local Plans are not up to date there is a presumption in favour of sustainable development particularly if there is not a 5 year supply of deliverable housing sites. The Council does not currently have such a 5 year supply.

Other:

Supplementary Planning Document 'Successful Places, A Guide to Sustainable Housing Layout and Design' (adopted October 2013) provides guidance on design, quality and sustainability to provide places that enhance the quality of life.

ASSESSMENT

This is a greenfield site within the settlement framework as defined by the adopted local plan

and in a sustainable location being reasonably close to South Normanton centre with shops and other services, and within proximity to schools (although the primary schools are some distance away - over 800m to Junior School), bus services and employment areas. Development of the site would add to the existing five year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). The Council currently does not have a five year supply

The principle of residential development on this site is therefore acceptable being in accordance with the strategic aims of the adopted local plan and in locational terms represents sustainable development in accordance with the National Planning Policy Framework.

The main issues relate to the various 'technical' aspects of the development including design and service/infrastructure issues.

Strategic Highway

The Highways Agency has no concerns subject to the directed conditions in relation to surface water drainage (which is to connect into the surface water disposal system for the M1 motorway) and no works within HA land.

Local Highway Network

Turning now to impact on the local highway network, the residents of Carter Lane West have raised strong concerns about the use of the Lane, in particular around the junction with Mansfield Road, for all day 'commuter car parking' and at school times by parents dropping off/collecting pupils for the nearby Frederick Gent Secondary School, all of which restrict the junction and make entering and leaving the Lane difficult and hazardous further compounded with the junction of Pinxton Lane opposite. However operation of the junction has not been identified by the local highway authority (DCC) as an issue.

Carter Lane West currently has limited pedestrian facilities having a footway of restricted width on the north-western side only. The proposed development will potentially increase both pedestrian and vehicular traffic along Carter Lane West by around 100%. In considering the previous planning application for this site the local highway authority required the widening of the footway to 2m to accommodate the increased use by and to facilitate the two-way movement of pedestrians. The carriageway is of sufficient width to accommodate this without requiring any third party land. However due to other issues (including the position in the highway of a strategic fibre optic link) this issue was not resolved. The current application proposes the provision of a footway alongside Mansfield Road from the junction with Carter Lane West to the footpath entry point into the site along its southern boundary. DCC consider that this is an acceptable alternative to widening the Carter Lane West footway. Concerns have been raised by residents however that there would be dangers to such a link. However these could be mitigated to a certain extent by ensuring the footway connects properly to the existing network at the Carter Lane West junction (as is requested in the DCC highway consultation response) and is set back from the carriageway edge along Mansfield Road by the inclusion of a separating grass verge (subject to levels). Again as the Highway Authority has accepted this as a solution the concerns of residents do not justify refusal on this ground.

The applicant has included the suggestion from the previous application of a Traffic Regulation Order to impose waiting restrictions at the top end of Carter Lane West. The current applicant indicates that the highway authority does not support a residents permit scheme but would consider waiting restrictions close to the junction of Carter Lane West with Mansfield Road if these were considered necessary following the occupation of all the dwellings. Funding of such an order through a S106 Planning Obligation, which would be refundable if no order is deemed necessary, of £3000 is proposed.

The impact of the development on the local highway network can be addressed with a condition requiring the additional footway along Mansfield Road to a revised alignment. Additional measures such as Traffic Regulation Orders would need the agreement of the applicant through a S106 planning obligation as the existing parking problem is not directly related to the development and will not be made worse by the development, although it could be argued that the additional traffic from the development will make this area more hazardous and that the imposition of waiting restrictions at the junction may help mitigate the additional hazards by creating a less obstructed carriageway.

A Travel Plan has been submitted with the application which assesses the situation and proposes publicity of options for travel; the local highway authority is still considering this document.

Drainage

A surface water drainage strategy had been put forward which is agreeable to the Highways Agency. The comments of the Environment Agency are awaited in relation to a recently submitted Flood Risk Assessment. Severn Trent Water has requested a condition requiring submission of drainage plans.

Ecology

No response has been received from Derbyshire Wildlife Trust (DWT), however the Applicant has submitted the same ecological assessment as the previous applicant for this site (dated September 2012). At that time the impacts on wildlife were considered acceptable by the Derbyshire Wildlife Trust with appropriate mitigation measures, which can be required and supported by conditions requiring the provision of gaps under boundary fences between gardens (to allow for movement of grass snakes) and a habitat management scheme for all retained and created habitats including the retention/layering of hedgerows, new planting and the SuDS basin. The removal of hedgerow, trees, shrubs or brambles during the bird breeding season is covered by other legislation: a note can be added to a decision to this effect. The inclusion of similar conditions would seem reasonable although there has been a passage of 2 years since the original assessment; in view of the continued use of the site by horses it is unlikely that there has been any significant change in the ecological situation.

Stability – Mine shaft

Despite various exploratory investigations and works the exact position and condition of an expected mine shaft within the site has not been established. The Coal Authority has suggested a condition, which is considered reasonable, requiring further intrusive investigation works before the commencement of development; This should also require details of any necessary remedial works (which potentially could require amendments to the proposed layout).

Noise

Appropriate conditions could be imposed requiring the measures outlined in the noise impact assessment to be implemented in accordance with details to be agreed before the occupation of any dwelling. This would include the provision of acoustic fencing as shown in the noise impact assessment and on the submitted layout, and specification of the acoustic double glazing.

Air Quality

The impacts of the M1 motorway (as improved) on air quality have been assessed and are considered acceptable.

Contamination

Investigation and risk assessment indicate that remediation works are required to address various issues. Such works are proposed by the submitted reports and appropriate conditions can be imposed to require such works with verification reports.

Urban Design

The general development scheme is acceptable in urban design terms and generally complies with the Council's Supplementary Planning Document 'Successful Places' subject to consideration of further minor improvements to layout, design and landscaping detail, much of which can be controlled through appropriate conditions.

Infrastructure impacts/S106 Planning Obligation requirements

Affordable Housing:

The applicant wishes to take advantage of the policy which allows affordable housing provision to be waived provided 10% of the dwellings on the site are completed within 3 years and 50% within 5 years of the date of the planning permissions. Failure to meet this performance rate would require the affordable housing provision to be provided on site within the latter phases of development. Such provision in accordance with current adopted policy would be 10%, (i.e. 4 dwellings).

Education:

The education authority (DCC) have identified that the infant school is currently overcrowded, the junior school and the secondary school have capacity. The only direct impact from the development would therefore be to the already overcrowded infant school. To accommodate the development a commuted sum contribution of £45,596.04 towards the provision of 4 primary school places at Brigg Infant School is appropriate.

Open space/leisure:

The provision of a SuDS Basin is a separate requirement to that of public open space. As such, it would be difficult to argue that this would provide a play or community focus, hence the request from Leisure Services for a full commuted sum for off-site provision due to the lack of open space area within the development as proposed. This would be used to improve play facilities at South Street Recreation Ground which is the nearest significant open space to the development. The applicant agrees to this, being a contribution of £31,374.

In addition the applicant has agreed to a contribution to formal sport/recreation within the Parish of £37,296.

Public Art

The applicant is considering its position in respect of a contribution to public art. Details of any on-site provision could be required by condition while the value of any provision can be included within the S106 planning obligation.

Other

The County Council has identified other aspects of infrastructure which would benefit from contributions or from accommodation within the scheme design, but which are not directly related to the impacts of the development. For instance it is in the developers interests to ensure all properties have the benefit of high speed broadband.

Other Matters

Many of the issues raised by objectors have been generally addressed in the report above. The development layout complies with the principles of the Councils guidelines as expressed in 'Sustainable Places'.

Listed Building:	n/a
Conservation Area:	n/a
Crime and Disorder:	No issues raised.
Equalities:	No issues raised.
Access for Disabled:	No issues raised.
Trees (Preservation and Planting):	Application accompanied by an arboricultural survey; existing hedgerows and trees suitable for retention subject to appropriate maintenance and selective felling. Landscaping scheme includes additional tree and hedge planting.
SSSI Impacts:	n/a
Biodiversity:	Little of interest due to extensive horse grazing, retention of various features with landscaping should boost biodiversity.
Human Rights:	No issues raised.

Conclusions

The principle of the residential development of the site is acceptable and accords with the policies of the Bolsover District Local Plan and the principles of sustainable development identified in the National Planning Policy Framework.

Conditions can be used to control:

Ecological mitigation, noise attenuation, identification of the mine shaft location, remediation works for contamination and minor changes to layout, design and landscaping, including the footway along Mansfield Road.

In addition to ensure that the impacts of the development are mitigated upon the local community a S106 planning obligation will be needed to cover Affordable Housing or the speedy delivery of new housing, Education, Open Space. Public Art and any waiting restriction order.

There is therefore general compliance with the policies of the Bolsover District Local Plan, in particular policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN3 (Development Affected by Adverse Environmental

Impacts from Existing or Permitted Uses), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage), and HOU5 (Outdoor Recreation and Play Space Provision for New Housing Developments). The development is considered to be sustainable development in accordance with policies of the National Planning Policy Framework.

RECOMMENDATION: Defer and delegate the decision to the Assistant Director of Planning in consultation with Chair and Vice Chair of Planning Committee pending completion of an appropriate S106 Planning Obligation to cover the following issues which are given in précis form to be formulated in full by the Assistant Director Planning and with consideration of matters to be covered by conditions as set out below:

Affordable Housing – commitment to deliver 10% of the dwellings within 3 years of grant of planning permission and at least 50% within 5 years of grant of planning permission otherwise the affordable housing requirement of 10% of the development (4 units) will be required.

**Public Open Space – off-site contributions for informal/childrens play of £31,374 plus formal sport and recreation £37,296 - total £68,670
The adoption/maintenance of the surface water detention basin and any other ‘common’ open areas.**

Education - £45,596.04 financial contribution towards the provision of 4 primary school places at Brigg Infant School.

Public Art – on-site provision to enhance the development (or another alternative to be agreed) to a value to be negotiated.

Contribution to fund Traffic Regulation Order (£3,000).

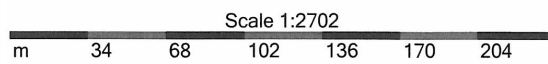
Conditions to cover the following:

- **Start within 3 years.**
- **Noise mitigation prior to occupation of any dwelling to protect from noise from the M1.**
- **Drainage details to be approved prior to commencement, to also provide for future maintenance including the connection of the surface water drain to the Highways Agency system.**
- **Validation details to verify that the remedial works for ground contamination have been undertaken in accordance with the submitted remediation scheme to be submitted to the LPA for approval.**
- **Further intrusive investigation to establish the exact position and condition of the mine entry (shaft) and submission and approval of any remediation works as a result of the findings.**
- **Details of alignment of footway along Mansfield Road to be submitted for approval, to be provided no later than occupation of 30th dwelling (or in accordance with a timetable to be agreed).**
- **Highway Agency Conditions.**

- **Local Highway Authority conditions (to include site compound details, parking of site traffic, deliveries etc.)**
- **Any urban design requirements.**
- **Ecological mitigation (gaps under fences to allow for grass snakes; habitat management scheme including retention/layering of hedgerows, new planting and the SuDS basin.**
- **Maintenance of landscaping.**
- **Boundary treatment to existing adjoining dwellings to be implemented no later than occupation of related dwelling.**
- **Any conditions required by Environment Agency.**

Add note recommended by Environmental Health giving advice about preventing nuisance during construction works.

14/00309/FULMAJ Location Plan



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Organisation	Bolsover District Council
Department	Planning
Comments	
Date	06 October 2014
SLA Number	100019526

Bolsover District Council

Planning Committee

15th October 2014

Bolsover Local Development Scheme - Timetable for the Preparation of the Local Plan

Report of the Joint Assistant Director of Planning and Environmental Health
(Written by Planning Policy Manager)

Purpose of the Report

- To seek approval to formally commence the preparation of a new single Local Plan.
- To advise Planning Committee of the proposed timetable for the production of the new Local Plan and the content of the Local Development Scheme (LDS).
- To seek authority to adopt the updated scheme, that it should take effect on 17th October 2014, and that it should be publicised on the Council's website.

1 Report Details

- 1.1 The Local Development Scheme is a timetable for the production of the Council's development plan documents. The intention is to assist the community's understanding and involvement in the Development Plan system; and to enable the Council, other agencies and key stakeholders to coordinate their investment programmes. The production of a Local Development Scheme is a statutory requirement¹. A copy of the Local Development Scheme is attached at Appendix A. A copy of the timetable for the preparation of the Local Plan can be found on page 16 of this document.
- 1.2 The Council regularly updates its Local Development Scheme to show which documents are under development and to reflect the latest advice on the development of new documents. The new Local Development Scheme will be the fifth that Bolsover District Council has prepared.
- 1.3 The outcome of a discussion between Members of the Local Plan Steering Group at its meeting on 27th July 2014 was that the Council should consider preparing a new single Local Plan. This LDS sets out the timescales for production of the new Bolsover District Local Plan, which will be a single Local Plan covering strategic policies and site allocations for the whole of Bolsover District. The LDS sets out the following key milestones:
- Initial Consultation on what the Plan should contain – Oct/Nov 2014
 - Consultation on options and alternatives – Oct/Nov 2015

¹ Under Section 15 of the Planning and Compulsory Purchase Act 2004 as amended by Section 111 of the Localism Act 2011

- Consultation on the Draft Plan – Sept/Oct 2016
- Consultation on Publication Plan – June/July 2017
- Submission – Nov 2017
- Adoption – Sept 2018

- 1.4 It is acknowledged that the proposed timescale for production of the Plan is lengthy and may be unpalatable for Members. However it is important to recognise that this broad timetable is underpinned by detailed project planning and work programming based upon the existing levels of resources available to the Planning Policy Team. It represents a realistic assessment of the time it will take to prepare the necessary evidence, write the plan, maintain ongoing dialogue with stakeholders and undertake consultation at key stages. Whilst a significant amount of work undertaken to support the previous Local Plan Strategy will be used as appropriate, we have to start the process again and we are now producing a single Local Plan that includes site allocations to cover the lifetime of the Plan up to 2033, which carries with it a significant amount of additional work.
- 1.5 It is important to note that there is potential to reduce the timescale for the Local Plan's production in the event that the Planning Policy Team is successful in securing additional resources. Opportunities for generating additional capacity within the team are currently being explored.
- 1.6 Progress on implementing the Local Development Scheme is reported each year in the Council's Annual Planning Monitoring Report. Significant slippage against the timetable or opportunities to bring forward the timescales for delivery of the Plan will prompt an update to the LDS.

2 Conclusions and Reasons for Recommendation

- 2.1 It is a statutory requirement that the Council prepare and maintain a Local Development Scheme, and revise it when appropriate. The Local Development Scheme needs to be updated to reflect both the form of the new Local Plan and timetable for its production.
- 2.2 The contents of this report were considered by the Local Plan Steering Group (LPSG) at its meeting on the 24th of September 2014, when the Group resolved to recommend to Planning Committee that the fifth Local Development Scheme (as attached at Appendix A) be adopted and take effect on 17th October 2014.

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Principal Planner (Policy), Principal Planner, and Assistant Planner.
- 3.2 Members consulted during the preparation of the report: Members of the Local Plan Steering Group.

3.3 An Equality Impact Assessment will be required in advance of publishing a new Local Plan.

4 Alternative Options and Reasons for Rejection

4.1 The preparation and maintenance of a Local Development Scheme is a statutory duty, there is no alternative option.

5 Implications

Finance and Risk Implications

5.1 The Local Development Scheme contains a section on risk assessment on the factors that have the potential to delay or even halt the production of the Local Plan. The issues and assessment of their associated risks is set out at Appendix 1 of the LDS. The main areas of risk relate to:

- Insufficient financial resources – in both preparing and maintaining the evidence base, and meeting the further statutory requirements to carry out consultation, monitoring, SEA/SA and the public hearing. The current Planning Policy budget and reserve is sufficient to fund the early stages of plan production in line with the LDS, however it is essential that budget levels are maintained in future years.
- Staff illness, recruitment and retention – the ability of the Council to meet its key milestones will be dependent upon maintaining staffing levels.
- Scale and nature of public responses - the LDS programme assumes an average response (based on past experience) in terms of representations. Unusually large numbers of respondents or complex or controversial objections could extend overall timescales.
- The capacity of other agencies to engage with the process is largely outside of the Council's control. Changes to legislation and to government policy or guidance over the period the Plan is in preparation.
- The possibility of Legal challenge.
- Additional unforeseen work such as Neighbourhood Planning – the Council has a statutory duty to support communities in the production of neighbourhood plans. In recent weeks the Council has been approached by 2 Parishes wishing to commence preparation of plans. There is currently no flexibility in the Planning Policy Team's staff resources or in the LDS timetable to accommodate this.

Legal Implications including Data Protection

5.2 The Council has a statutory duty to prepare and maintain a Local Development Scheme.

Human Resources Implications

5.3 The timetable for preparing the Local Plan is based upon the existing resource levels of the planning policy team.

6 Recommendations

6.1 That Planning Committee:

- 1) Approves the commencement of the preparation of a new single Local Plan;
- 2) Approves the timetable for the preparation of the Local Plan and the contents of the Fifth Local Development Scheme (as attached at Appendix A); and
- 3) Adopts the Scheme so that it should take effect on 17th October 2014, and authorises its publication on the Council's website.

7. Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	The Local Development Scheme sets out the Council's timetable for the development of key planning policy documents. As such it affects the following aims: SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning. STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

8 **Document Information**

Appendix No	Title
A	Bolsover Council Fifth Local Development Scheme
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Local Development Scheme

September 2014 - September 2018



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URDU

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Bolsover District Council

LOCAL DEVELOPMENT SCHEME

September 2014 – September 2018

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SECTION 1: INTRODUCTION

Background

- 1.1 The Local Development Scheme is a timetable for the production of the Council's key planning policy documents. The Council intends to produce a single Local Plan. Once adopted, this will be used by the Council to inform planning decisions. The requirement to produce the timetable in the form of a Local Development Scheme was introduced in the 2004 Planning and Compulsory Purchase Act.
- 1.2 The Council regularly updates its Local Development Scheme to show the documents currently under development, and to reflect the latest advice on the development of new documents. This LDS has been prepared to set out a timetable for the production of a new Local Plan following the withdrawal of the Local Plan Strategy in June 2014.
- 1.3 This is the fifth Local Development Scheme (LDS) that Bolsover District Council has prepared. It replaces the fourth LDS which came into force on 1st January 2013. The two main changes from the last Local Development Scheme are:
 - It is now proposed to develop the Local Plan as a single document, rather than in two parts;
 - The East Midlands Regional Strategy (the Regional Strategy) was revoked in March 2013 and no longer forms part of the Development Plan for Bolsover District.

Contents of this Local Development Scheme

- 1.4 Section 2 of this Local Development Scheme starts by looking at national requirements and guidance. Section 3 describes the documents that make up the current Development Plan for the District and when they will be reviewed. Section 4 describes the proposed Local Plan for the District. Section 5 sets out the project plan for the delivery of the new Local Plan. Section 6 looks at how the new Local Plan will be monitored and reviewed.
- 1.5 Appendix 1 contains a risk assessment setting out possible risks to the delivery of this timetable; together with possible mitigation measures. Appendix 2 contains a Glossary. Appendix 3 contains a block chart of the timetable showing key milestones in the development of the Local Plan.
- 1.6 The Council welcomes feedback on the documents it produces. If you would like to comment on the form or content of this timetable, or if you have any queries on it, please contact the planning policy team on 01246 242203. Alternatively, you may be able to find the information you require on the Council's planning policy web pages at www.bolsover.gov.uk.

SECTION 2: NATIONAL REQUIREMENTS AND GUIDANCE

National Planning Policy Documents

- 2.1 The main government advice in relation to planning is contained in the National Planning Policy Framework (NPPF) (published March 2012). This sets out the government's advice, and what it expects the planning system to deliver. It also prescribes the steps and issues councils should consider in making planning decisions.
- 2.2 In addition the government has also produced a new volume of National Planning Practice Guidance. This was produced in March 2014. The guidance is only available on line, to allow it to be updated as required and is available at www.planningportal.gov.uk.

Purpose and requirements for a Local Development Scheme

- 2.3 The purpose of the Local Development Scheme is to assist in the community's understanding and involvement in the preparation of key planning documents. In addition, the project plan allows other agencies and key stakeholders to coordinate their investment programmes.
- 2.4 The formal requirement for and content of the Local Development Scheme is set out in Section 111 of the Localism Act 2011 amended Section 15 of the Planning and Compulsory Purchase Act 2004. This states that the Local Development Scheme must set out:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical area to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other Local Planning Authorities;
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under Section 29;
 - The timetable for the preparation and revision of the development plan documents;
 - Such other matters as are prescribed (The current Town and Country Planning (Local Planning) (England) Regulations 2012 do not set out any additional requirements at this time).

SECTION 3: THE CURRENT DEVELOPMENT PLAN

- 3.1 There are a number of documents that have an impact on the planning decisions taken by Bolsover District Council on behalf of the residents in the District. This section outlines the most important of these.
- 3.2 Taken together, these documents constitute the Development Plan for the District. Planning decisions taken by the Council must be made in accordance with the development plan unless material considerations indicate otherwise¹.

The Derby and Derbyshire Minerals Local Plan

- 3.3 The Derby and Derbyshire Minerals Local Plan (April 2000) (as altered in November 2002) sets out planning policies for minerals development. Most of its policies have been saved until they are replaced by new development plan documents. Proposals for the replacement of these policies are contained within a separate Minerals and Waste Local Development Scheme prepared jointly by Derbyshire County Council and Derby City Council. This local development scheme is currently being reviewed.

Derby and Derbyshire Waste Local Plan

- 3.4 The Derby and Derbyshire Waste Local Plan (March 2005) sets out planning policies for waste development. All but one policy (policy W1A) of the Derby and Derbyshire Waste Local Plan, adopted in March 2005, have been 'saved', and currently still apply. Proposals for the replacement of these policies are contained within the Minerals and Waste Local Development Scheme prepared jointly by Derbyshire County Council and Derby City Council. This Local Development Scheme is currently being reviewed.

Bolsover District Local Plan 2000

- 3.5 The Bolsover District Local Plan (February 2000) contains local and site specific policies on general development issues, housing, employment, shopping and town centres, community facilities, recreation, leisure and tourism, transport, conservation of the historic and built environment. It also allocates sites for specific development. It should be noted that not all of these policies still apply. In addition, in some instances, the provisions of the National Planning Policy Framework will take precedence over those in the Local Plan.

Neighbourhood, Community and Parish Plans

- 3.5 'Qualifying bodies' (in Bolsover this is likely to be Parish or Town Councils) can prepare Neighbourhood Development Plans. These plans can set planning policies to guide future development within a specified parish. However these Plans must be in conformity with national policy and any adopted Local Plan. Neighbourhood Development Plans are subject to a referendum and are examined by an independent inspector. Once adopted, a Neighbourhood Development Plan forms part of the development plan for the area along with the Plans described above.

¹ Under Section 38 of the Planning and Compulsory Purchase Act 2004

SECTION 4: PROPOSED LOCAL PLAN DOCUMENT

- 4.1 Following a review of the options open to the Council for the preparation of a new Local Plan, the Council has decided to prepare a single Local Plan so that all the Council's key planning policies are contained in a single document covering the whole District. The Local Plan will contain policies that affect the whole of the District. Figure 1 shows the Bolsover District and the area that the Local Plan will cover.
- 4.2 The Local Plan will be accompanied by a Policies Map showing constraints to development, allocations, and key features in the District. Although this will not be a formal part of the development plan.
- 4.3 A Sustainability Appraisal² will be prepared alongside the new Local Plan. The purpose of Sustainability Appraisals is to assess the impact of the new local plans in terms of the social, economic and environmental effects of their policies. This process will help to identify those options which are most sustainable, and those that are likely to have a significant impact. The Sustainability process also incorporates a Strategic Environmental Assessment as required under European Legislation³. These assessments will be used to guide the development of policies in the Local Plan.

² Sustainability Appraisal of the development plan is required by section 19 (5) of the Planning and Compulsory Purchase Act 2004

³ Under European Directive 2001/42/EC

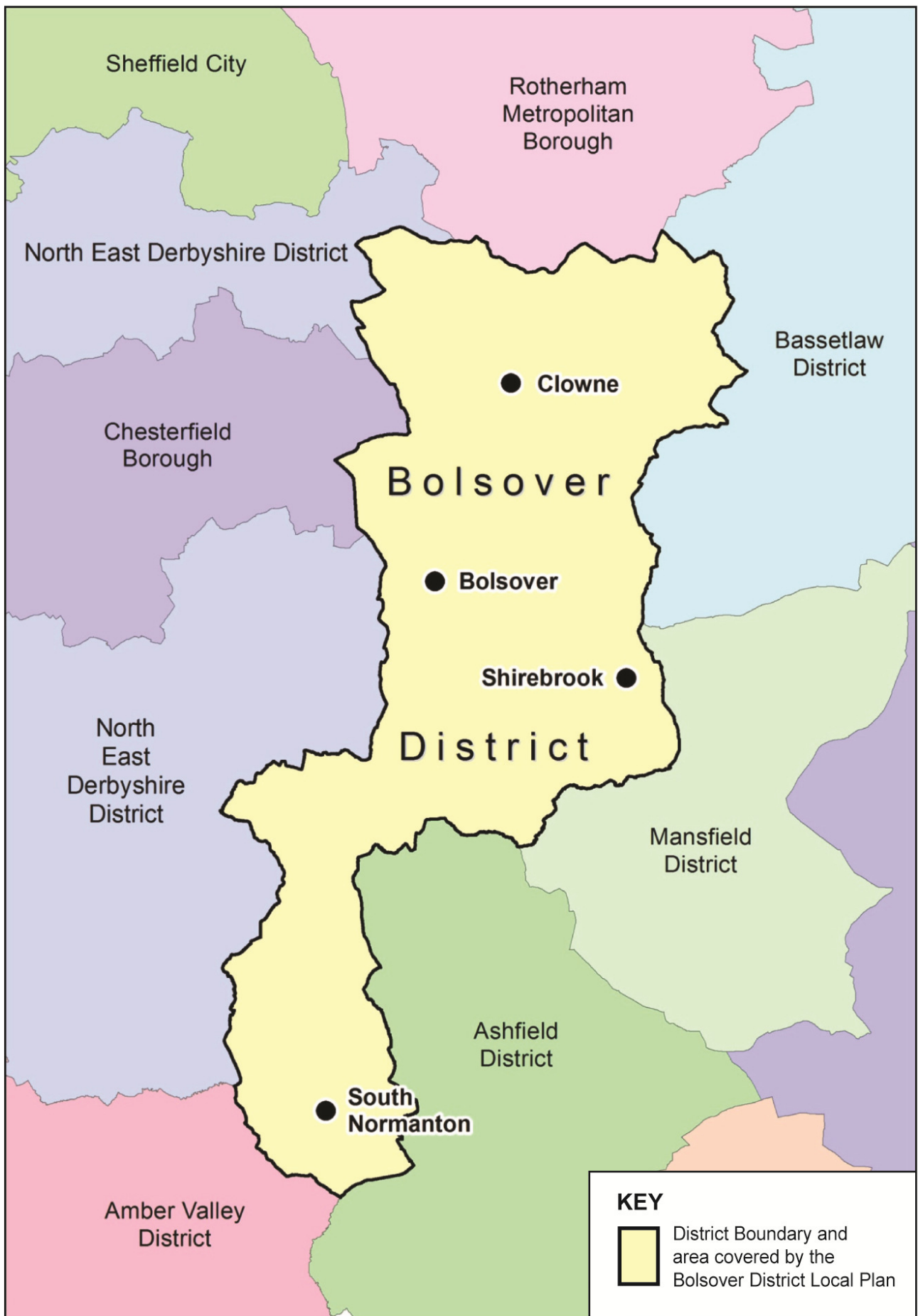


Figure 1: Map showing geographical coverage.

SECTION 5: THE PROJECT PLAN

- 5.1 This section sets out the detailed project plan for the preparation of the Bolsover District Local Plan.
- 5.2 The process for preparing a Local Plan is set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 and includes the following key milestones:

Preparation: This consists of the preparation of background, topic papers and studies, and the parallel preparation of the Sustainability Appraisal which will feed into the development of the Local Plan. It includes consultation with neighbouring authorities, and other bodies with an interest in development in the District, or the impact of development in the District. In addition to the two formal periods of statutory consultation, the preparation period provides for two further consultation periods. The first is to ensure the identification and assessment of reasonable options in relation to the strategy and sites put forward, and the second is consultation on the draft Plan. The aim of both of these non-statutory periods is to ensure all reasonable alternatives have been identified, and that issues are identified and where possible resolved, before the plan is submitted to the Secretary of State. There will also be informal engagement with a number of stakeholders outside of the specific consultation period. It is anticipated that this approach is more likely to lead to the Plan being found 'sound' when it is examined. (Details of this requirement are set out in Regulation 18 of the 2012 Regulations)

Publication: This is the publication of the Local Plan in a form which is believed to be sound. There then follows a period of not less than six weeks for stakeholders to comment on the Plan. Such comments must specifically relate to the legal compliance and soundness of the plan. This stage is also sometimes referred to as pre-submission consultation. (Details of this requirement are set out in Regulation 19 of the 2012 Regulations).

Submission: This is when the Local Plan is submitted by the Council to the Secretary of State. The Examination of the Plan starts at this point. (Details of this Requirement are set out at Regulation 22 of the 2012 Regulations)

Hearings: Hearings take place during the examination and are round table discussions where the Inspector will explore the issues the proposed Local Plan raises. (Details of this are set out in Regulation 24 of the 2012 regulations).

Inspectors report: The Inspector will then issue a report on the Examination. This will set out whether the plan is legally compliant and sound. It will also set out any changes the Council requests the Inspector to make to the Local Plan in order for it to be found sound.

Adoption: The final stage in the process is the formal adoption of the Plan by the Council (Regulation 26 of the 2012 regulations). From then on the Local Plan forms part of the Development Plan (Details of this are set out in Regulation 26 of the 2012 Regulations)

BOLSOVER LOCAL PLAN – Project Plan

The Local Plan will:

- Provide a blueprint to guide development in the District to 2033;
- Contribute to achieving sustainable development;
- Set out strategic policies for the provision of homes, jobs, retail, leisure, infrastructure, social and community facilities, climate change mitigation / adaptation and conservation / enhancement of the natural and historic environment;
- Set out the allocation of sites to promote development and flexible use of land, bringing forward new land where necessary;
- Identify areas or land where limits to development will be required or where development would be inappropriate;
- Set out detailed policies on form, scale, access and quantum of development where appropriate;
- Set out detailed policies providing the criteria against which proposals for development will be determined;
- Carefully consider deliverability and viability when assessing options and policies for the Plan;
- Be accompanied by a policies map to illustrate geographically the policies in the Plan;
- Include a monitoring and implementation framework;
- Have regard to any other issues to meet government, or other emerging policy areas (for example taking account of progress on the proposed HS2 rail line);
- Be produced through on-going co-operation with neighbouring authorities and other bodies to reflect issues and sites that are wider than district level;
- Be produced through a consultative process so that the Plan reflects the collective vision of communities in the District.

Joint production	No
Geographic coverage	District wide
Chain of conformity	
National Policy	The National Planning Policy Framework (2012) and National Planning Practice Guidance (2014)
Anticipated Timetable for production	
Preparation	Ongoing until June 2017
Publication	June 2017
Submission	November 2017

Hearing	March 2017
Inspector's Report	July 2018
Adoption	Sept 2018
Arrangements for Production	
Organisational Lead	Joint Assistant Director of Planning and Environmental Health
Lead Officer	Planning Policy Manager
Political Management	Local Plan Steering Group, Planning Committee and the Council
Resources	To be prepared by the Planning Policy Team involving other sections and services as appropriate. To be funded from existing planning policy budgets.
Community and Stakeholder Involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, and the Council's Statement of Community Involvement.
Monitoring and Review	Document production, and the implementation of policies to be reviewed annually and reported in the Annual Planning Monitoring Report.

SECTION 6: MONITORING AND REVIEW

- 6.1 The Council's Annual Planning Monitoring Report will specifically assess progress against this Local Development Scheme. Progress on the emerging Local Plan will be reported, and if any of the milestones have been missed, the reasons for this will be set out. In future this assessment will be widened to review progress and consider the work programme for the following year. It is intended that this process will be helpful in identifying any areas where savings might be possible through joint studies/ working in the following 12 months.
- 6.2 The Annual Planning Monitoring Report also assesses how policies in the current Bolsover District Local Plan are being met, and whether any policies need to be partially or completely reviewed and whether there is a need for any further planning documents.

APPENDIX 1: RISK ASSESSMENT

A1 There are a number of factors that can delay or even halt the production of a Local Plan. However, by acknowledging the risk and putting avoidance and mitigation measures in place the effect of some of these can be mitigated. The main risks it is considered are likely to be encountered are detailed below with an indication of the likely level of risk (low, medium and high). Where it is possible, mitigation measures are indicated.

- *Staff resources.* Limited staff resources are an ongoing problem. The timetable for preparation of the Local Plan reflects the available staffing resource at the Council. As with any small team the Planning Policy Team is particularly vulnerable to impacts of sickness absences and staff vacancies. There is a **high risk** that lack of staff capacity could be a problem in the production of the Local Plan.
- *The scale and nature of public responses.* Past consultation undertaken under previous Local Development Schemes has produced a high number of responses. This tends to particularly be the case when site allocations are being considered. There is therefore a **medium risk** that a high number of responses or complex/controversial issues will be received to the Local Plan. The timetable for plan production has built in some flexibility to allow for this.
- *Capacity of other agencies to engage with the process.* The capacity of other organisations is largely outside of the Council's control, but preparation of the Local Development Scheme and consultation with key stakeholders will help to inform key players of the impact of the Scheme on their own strategies and programmes. In addition changes to the Planning and Compulsory Purchase Act 2004 through the Localism Act 2011, imposed a new duty on local authorities to co-operate with one another and a range of other agencies/bodies. Some authorities are finding this to be onerous and time consuming, particularly in relation to sensitive issues such as the level of location of housing across a wider (than district) area. There is a **medium risk** that some stakeholders will simply not be able to commit the resources needed to supply necessary information needed to support the development of proposals or policies.
- *Legal challenge.* There is a **medium risk** that there will be a legal challenge against the Local Plan. The Council can improve the chances of successfully defending legal challenge by ensuring that the Local Plan is soundly prepared, with well-audited stakeholder and community engagement processes, and by complying with relevant legislation and regulations.
- *Changes to legislation and to government policy or guidance* – There is a **medium risk** that legislation and government policy will change during the timetable for the production of the Local Plan, leading to additional work and delays. This has been upgraded from a low risk in the fourth Local Development Scheme due to the general election due in 2015, and subsequent changes arising from a new administration.

- *Unforeseen additional work in relation to 'soundness'*. A critical aim of the process is that Local Plans are found 'sound' at examination. They need to be based on a robust evidence base, supported by Sustainability Appraisal, with well audited community and stakeholder engagement. The risk of being found unsound will be reduced by adhering closely to government guidance and working closely with the Council's Legal Department, the Department for Communities and Local Government, and stakeholders. However, the need to produce a sound Local Plan produces a **medium** risk to achievement of the Local Development Scheme timetable because of the need to carry out additional work/studies that are not identifiable at the present time, but will need to be added to the work programme to produce a sound Plan.
- *Unforeseen additional work unrelated to the Local Plan*. There is a **medium risk** that the Planning Policy Team will be diverted by unplanned work pressures, or that unanticipated issues arise. There is a need for careful management of other work demands to ensure adherence to the Local Development Scheme programme. The main risk envisaged is through the requirement to assist in the preparation of neighbourhood plans, which are gathering momentum in certain parts of the District. A local planning authority must: provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order⁴.

⁴ as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).
(Further information is available at - NPPG Paragraph: 021Reference ID: 41-021-20140306.)

APPENDIX 2: GLOSSARY

Annual Planning Monitoring Report: All local planning authorities are required to produce these documents to assess progress against the LDS and the extent to which policies in Local Plan documents are being achieved.

Development Plan: This includes adopted Local Plans, and Neighbourhood Plans, and is defined in Section 38 of the Planning and Compulsory Purchase Act 2004.

Local Development Scheme (LDS): A project management document setting out what the emerging Local Plan will contain and a timetable for its production.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community, neighbouring authorities, and key stakeholders.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area. These include district councils, borough councils, county councils, and national park authorities.

Neighbourhood Plans: A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area.

Policies Map: A map showing site allocations and geographical areas where policies apply.

Statement of Community Involvement (SCI): A document setting out the Council's approach to involving the community in the preparation, alteration and review of the Local Plan documents, and in the consideration of planning applications.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Sustainability Appraisal: Assessment of the social, economic, and environmental impacts of the policies and proposals contained within the emerging Local Plan.

Supplementary Planning Documents (SPD): Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan. They are therefore not included in this Local Development Scheme.

Timetable for the Preparation of Bolsover District Local Plan

2014												2015												2016												2017												2018											
J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D					

Key:

Preparation of Evidence/Assess Consultation Responses/Review	S	Submission (Reg. 22)
Consultation (what the Local Plan Should contain) (Regulation 18)	E	Examination (Hearings) (Reg. 24)
Non-statutory Consultation on Preferred Options & Reasonable Alternatives	I R	Receipt of Inspector's Report
Non-statutory Consultation on Draft Plan	A	Adoption (Reg. 26)
Consultation (Publication) (Regulation 19)		

Bolsover District Council

Planning Committee

15th October 2014

Update to the Statement of Community Involvement

Report of the Joint Assistant Director of Planning and Environmental Health
(Written by Planning Policy Manager)

Purpose of the Report

- To set out the need to update the Council's Statement of Community Involvement (SCI).
- To seek approval of the updated Statement of Community Involvement attached at Appendix A and authority to publish it on the Council's website.

1 Report Details

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced a requirement for local planning authorities to prepare a Statement of Community Involvement. The Statement sets out the steps the Council will take to encourage consultation in respect of the development of planning policy documents and planning applications, particularly in relation to significant proposals. Once adopted the Council has to follow the steps set out in the Statement of Community Involvement.
- 1.2 The Council's original Statement of Community Involvement was adopted in May 2006, following public consultation and independent examination by the Planning Inspectorate. By December 2012, there had been a number of changes to planning regulations and guidance which meant that references in the Statement of Community Involvement were out of date. Accordingly, the Statement of Community Involvement was revised and approved by members in December 2012. The revision also took account of the Council's 'Lean Project' which was being undertaken at that time.
- 1.3 The production of a single Local Plan means that the Council will need to set out a new timetable in the Local Development Scheme (LDS). This in turn means that references in the Statement of Community Involvement to the LDS and the production of documents will need to be updated. Factual changes and updates, for example the revocation of the East Midlands Regional Plan, have also been included in the update.
- 1.4 Whilst there is a statutory requirement to have a Statement of Community Involvement, and compliance with it is examined as part of Local Plan examinations, there is currently no prescribed process for its production. Whilst it is likely that significant changes to the SCI (for example proposing to significantly change the ways the Council consults, or stopping some type of consultation) would

necessitate a public consultation exercise; it is considered that the proposed changes to the SCI are limited in scope to updating factual information, and there is therefore no reason to consult on them.

2 Conclusions and Reasons for Recommendation

- 2.1 The Statement of Community Involvement needs to be updated to reflect the changes to the Local Development Scheme. Carrying out a targeted update in the way outlined above ensures that the SCI is up to date for the start of preparing the new Local Plan whilst avoiding the need for the resource intensive process of a public consultation exercise.
- 2.2 Whilst the update reflects changes to the Local Development Scheme, the purpose of the Statement of Community Involvement, to encourage greater public involvement in planning remains unchanged.
- 2.3 The contents of this report were considered by the Local Plan Steering Group (LPSG) at its meeting on the 24th of September 2014, when it was resolved to recommend to Planning Committee that ***‘the updated Statement of Community Involvement, as attached at Appendix A, be adopted and published on the Council’s website.’***

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Principal Planner (Policy), Principal Planner, and Assistant Planner.
- 3.2 Members consulted during the preparation of the report: Members of the Local Plan Steering Group.
- 3.3 An Equality Impact Assessment will be required in advance of publishing a new Local Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 An alternative option would be a review of the provisions in the Statement of Community Involvement. This has not been identified as being necessary at this time and whilst this could result in a more streamlined document it would not change the existing statutory requirements for consultation and would involve a public consultation exercise. This would also delay progress on the work programme.

5 Implications

Finance and Risk Implications

- 5.1 None identified.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to prepare a Statement of Community Involvement¹.

Human Resources Implications

- 5.3 The work has been accommodated in the work plan for the Planning Policy Team.

6 Recommendations

- 6.1 **That Planning Committee adopt the updated Statement of Community Involvement, as attached at Appendix A, and authorise its publication on the Council's website.**

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	The SCI sets out the Council's commitment to encouraging greater public involvement in planning issues. As such it affects the following aims: SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning. STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

¹ Under Section 18 of the Planning and Compulsory Purchase Act 2004 as amended

8 **Document Information**

Appendix No	Title	
A	Bolsover District Council Statement of Community Involvement Updated 2014	
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>		
Report Author		Contact Number
Helen Fairfax		Ext. 2299



Statement of Community Involvement



James Arnold
Joint Assistant Director of Planning and Environmental Health

This activity addresses the following corporate aims :-



SOCIAL INCLUSION



CUSTOMER
FOCUSED SERVICES

Updated October 2014

PROVIDING ACCESS FOR ALL

If you need help understanding any of our documents or require a larger print, audio tape copy or a translator to help you, we can arrange this for you. Please contact us on the telephone numbers at the bottom of the page:

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CHINESE

對於我們的文件，如果你需要幫助使能明白文件的內容，或者需要大字體印刷、錄音帶的格式，又或者需要傳譯員的幫助，我們都能夠為你安排。請用頁下的電話號碼與我們聯絡。

ہمارے کسی بھی ڈاکیومنٹ کے سمجھنے میں اگر آپ کو مدد درکار ہو، یا آپ کو اس کا بڑا پرنٹ، آڈیو ٹیپ کی شکل میں اس کی کاپی، یا ترجمے میں مدد کے لیے آپ کو کسی مترجم کی ضرورت ہو تو ہم اس سلسلے میں آپ کی مدد کر سکتے ہیں۔ براہ کرم اس صفحے کے نیچے دیئے گئے فون نمبر پر رابطہ کریں۔



01246 242407 or 01246 242323.

Other Equalities information is available on our web site. www.bolsover.gov.uk or by e-mail from equalities.officer@bolsover.gov.uk

Minicom: 01246 242450 Fax: 01246 242423

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PART 1: BACKGROUND INFORMATION

Format of the Statement of Community Involvement

- 1.1 This Statement aims to encourage greater public involvement in planning rather than just address specialist groups. To help people find the information they need quickly and easily the statement has been split into three parts: This part sets out: background information about the format; what the Statement of Community Involvement is; how to get the most out of the Statement; and the different types of plan that can be prepared. Part two contains a guide to community engagement in both the plan making process, and in relation to significant planning applications. Part three contains useful additional information setting the Statement in its wider corporate context, and providing further information on issues such as the recent changes to the planning system.
- 1.2 The Statement also aims to be accessible by avoiding the use of excessive technical jargon, references to legislation and the use of initials. To aid help people find the information they need easily, the statement has been prepared as a series of questions under topic headings.

2. Introduction

What is a Statement of Community Involvement?

- 2.1 The Statement of Community Involvement sets out the Council's policies on encouraging participation in the planning process. It covers both the development of planning policy documents, and the determination of significant planning applications.
- 2.2 The statement is aimed equally at individuals and community and special interest groups, formal bodies, organisations, and businesses.

Why prepare a Statement of Community Involvement?

- 2.3 The views of local people have always been an important part of the planning process. The Council is committed to encouraging people to become involved in the issues that might affect them.
- 2.4 The Council also has a legal requirement¹ to prepare a Statement of Community Involvement. After the original Statement was adopted by the council in May 2006, there were a number of changes to legislation and government guidance. The Statement was revised in December 2012 to reflect these factual changes. Further minor factual updates of the Statement of Community Involvement are needed to reflect the latest Local Development Scheme, and update some references.
- 2.5 However, despite the changes to reflect factual changes and updates, it should be noted that the role of the Statement of Community Involvement remains unchanged, as does the Council's commitment to meaningful engagement.

What topics does the Statement of Community Involvement cover?

- 2.6 There are two main parts of the planning system that the Council is involved with. These are:
- **Plan preparation** –there are a number of different types of plans² that the Council produces. Local Plans set out the big decisions on planning for the future of the district and its residents, together with details of the level and types of development, and proposed locations for development³.

¹ Under Section 18 of the Planning and Compulsory Act 2004 (as amended)

² Details of the main types of plans are set out at section 3 below

³ It should be noted that Bolsover District Council is not the only body that makes plans that cover the district. Derbyshire County Council prepares Waste and Minerals Plans that cover the district and are prepared separately

- **Development Control** (Development Management) – Many types of development require planning permission (or advertisement consent). The Council is responsible for making decisions on planning applications. Generally, decisions on planning applications are made in line with planning policies, including those in the Council's own plans.

Why should I get involved?

2.7 Involvement by local communities:

- Gives people the opportunity to influence decisions;
- Leads to outcomes that better reflect the views and aspirations of everyone;
- Improves the quality and efficiency of decisions by drawing on local knowledge and minimising unnecessary and costly conflict.

2.8 The Statement of Community Involvement aims to help individuals and groups to get involved at a time in the decision making process when their involvement will have the most impact.

When is the best time to get involved?

2.9 The opportunities for involvement need to be provided as early as possible in the planning process when it can make a difference to the outcome. However, increased levels of participation or consultation can set up unrealistic levels of expectation. Planning issues rarely start with a blank piece of paper and any participation needs to be set in context to try and avoid this.

2.10 Although planning can help physical and social regeneration, and conservation, it cannot always ensure that new development which is welcomed, actually takes place. This is down to decisions by those owning or developing land.

2.11 Getting involved in planning issues does not mean that people will achieve everything they want in the planning process. It is not always possible to achieve planning solutions that satisfy everyone, particularly when strongly opposing views are held. However, the council will work with people to ensure everyone has an opportunity to participate.

3. Plan Making

- 3.1 This section sets out the different types of plans that the Council can prepare. Some of the plans form part of the 'development plan' for the area. The 'development plan' is usually more than one document. The 'development plan' is usually made up of a Local Plan, prepared by Bolsover District Council, and Waste and Minerals Plans prepared by Derbyshire County Council. Adopted Neighbourhood Plans also form of the development plan. . Applications for planning permission should usually be made in accordance with the development plan⁴.
- 3.2 The National Planning Policy Framework (March 2012) introduced a presumption in favour of sustainable development. Paragraph 15 states that 'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.'

What are the different types of plans that can be prepared?

- 3.3 Following legislative changes⁵ there are now three broad categories of plans. These are:
- Local Plans.

These documents set out the overarching vision and strategic priorities for an area. They set out polices about what types of development will be allowed and where new development will take place. These documents have to be prepared with involvement from the community. They must be examined by an independent inspector and found sound⁶ before they can be adopted by full council. Once adopted they form part of the development plan for the district.

⁴ Presumption set out in Section 38 of the Planning and Compulsory Purchase Act 2004.

⁵ See section 10 below for further details.

⁶ See Glossary for definition of 'sound'.

- Supplementary Planning Documents.

These documents add further detail to the policies in Local Plans. They generally fall into two main types: area based, which include masterplans and development briefs which deal with a specific area of land; and, topic based, which provide additional information on a specific local issue, such as a design guide. They are not subject to examination by an independent inspector. They are adopted following agreement by the full Council. They do not form part of the development plan for the district.

- Neighbourhood, Community and Parish Planning.

‘Qualifying bodies’ (in Bolsover this is likely to be Parish Councils) can prepare their own Neighbourhood Development Plans. These plans can set planning policies to guide future development in a Parish. However, the Plans must be in conformity with national policy and Local Plans that have been adopted by the Council. Neighbourhood Development Plans are subject to a referendum, and are examined by an independent inspector. Once adopted, a Neighbourhood Development Plan forms part of the overall development plan for the area. It should be noted that these plans are not local development documents, and therefore not covered by this Statement of Community Involvement⁷.

What is a Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA)?

- 3.4 This is a process that runs alongside, and helps to inform Local Plans. The purpose of a Sustainability Appraisal is to assess the sustainability of the Plan. Sustainability is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”⁸. The Strategic Environmental Assessment examines the plan’s recommendations in relation to environmental aims, identifying the likely effects and if necessary undertaking adjustments to reduce the likely significant effects of the plan on the environment.
- 3.5 An SEA/SA scoping report is produced when work starts on the preparation of a Local Plan. We consult a number of statutory bodies for their views on what our Sustainability Appraisal should contain. A Sustainability Appraisal will be undertaken for each key stage of the Local Plan and will be available for comment usually at the same time as the draft stages of the Local Plan..

⁷ Further details on this type of plan can be found on the Planning Inspectorate website at www.planningportal.gov.uk, or the website of the Department for Communities and Local Government at www.communities.gov.uk. Alternatively, the Council’s Planning Policy Team will be able to help with initial advice.

⁸ (Definition drawn up by the World Commission on Environment and Development in 1987).

- 3.6 A Strategic Environmental Assessment is required under European Directive 2001/42/EC for plans and policies. It is usually undertaken in conjunction with the Sustainability Appraisal.
- 3.7 A Sustainability Appraisal is not required for Supplementary Planning Documents.

What type of Local Plan is the Council going to produce?

- 3.8 The Council is producing a single Local Plan to cover the whole district. This is in line with the latest Government advice⁹. The single Local Plan will set out: the overarching principles for development; site allocations to guide new development; designations showing areas where particular opportunities or considerations apply (such as protected habitats); and, development management policies.

What Supplementary Planning Documents (SPD) is the Council going to produce?

- 3.9 The Council has already produced some Supplementary Planning Documents, and these are available to view on the Council's website. The Council's latest Supplementary Planning Document was 'Successful Places: A Guide to Sustainable Housing Layout and Design'. This was produced jointly with Bolsover, Bassetlaw, Chesterfield, and North East Derbyshire Council's and was adopted in October 2013.

⁹ ID 12-012140306 of National Planning Practice Guidance Issued March 2014

PART 2 DETAILS OF THE COMMUNITY ENGAGEMENT THE COUNCIL WILL UNDERTAKE ON PLANNING DOCUMENTS AND PLANNING APPLICATIONS

4. Details of community engagement on Local Plans

4.1 Council's have a duty to co-operate with each other, in particular in relation to issues which cross administrative boundaries for example housing market areas: or where proposals in one area could have an impact on another, for example by increasing the likelihood of flooding. In addition, where appropriate, council's can produce joint plans, although none are planned for Bolsover district at the present time.

What is the process for making Local Plans?

4.2 The steps set out in the table below show both the process of how plans are developed and the opportunities for engagement.

How will the results of community involvement be fed into the preparation of plans?

4.3 At every stage of the process of plan preparation where participation takes place, the results feed into the next stage of preparation.

STAGES OF PLAN DEVELOPMENT AND COMMUNITY INVOLVEMENT IN RESPECT OF LOCAL PLANS
Stage 1 – Early Community Engagement and Evidence Gathering
<p>We will:</p> <ul style="list-style-type: none"> • Issue a press release to appropriate local newspapers¹⁰, and place an article on the council's website on the subject of the plan. • Contact people on the Local Plan consultation database¹¹ either by letter or e-mail seeking views on the new plan, and what topics/issues you think the plan should address. • Make copies of any documents, including key background papers available for you to view on the website, and at contact centres and libraries in the district. • Hold open participation meetings/exhibitions to meet planners and

¹⁰ See section 9 below for details of 'appropriate local newspapers'

¹¹ This will include Specific Consultation Bodies; General Consultation Bodies; other stakeholders; and the Local Strategic partnership – see section 9 below for further details.

discuss issues (the number and locations will depend on the subject of the plan).

You can:

- Contact us to discuss any issues before responding.
- Let us know your views.

Ask to be added to our Local Plan consultation database to be notified of future consultation by contacting the planning policy team.

Stage 2 – Building on Engagement

We will:

- Prepare a schedule of representations received, and the Council's initial response to how these will be taken into account as the plan is developed.
- Publish summaries of the representations and responses on the Council's website.

You can:

- See the council's response to your representation.
- See what other representations have been made, and the Council's initial response(s).

Stage 3 – Preparation of Local Plan Documents

We will:

- Prepare the next version of the plan, including: a submission policies map if a new one is needed; a Sustainability Appraisal; and a statement setting out full details of consultation undertaken so far, and the Council's response(s).

There is no formal consultation at this stage. The details above have been set out to show the process of plan development.

Stage 4 - Publication

We will:

- Publish the plan, in what we think should be the final version, together with any associated documents, for example the Sustainability Appraisal and policies map, together with details of the consultation undertaken so far and the Council's responses to the key points made to date.
- Write to or e-mail the people on the Local Plan consultation database and let them know where they can see a copy of the document(s).

- Hold a formal public consultation of not less than 6 weeks.
- Issue a press release setting out details of when and where the plan and associated documents can be viewed.
- Publish details of when and where the plan and associated documents can be viewed on the Council's website.
- Make copies of the plan and associated documents available to look at and comment on: on the Council's website; at the main council offices; customer contact centres; and at local libraries.
- Prepare a form for replies so that people can respond easily, and we can contact them if required.
- Listen to what people have to say.

You can:

- Contact us to discuss any issues before responding.
- Let us know your views in writing or by electronic communication
- Let us know if you would like to be notified of:
 1. When the plan is submitted for examination.
 2. When the recommendations of the inspector are published.
 3. When the plan is adopted.

Stage 5 – Consideration of the points made in representations

We will

- Consider the points made by everyone who responded to the consultation.
- Prepare the Council's response to the key points made in representations.
- Prepare a Statement of Consultation giving a summary of the main issues raised by the representations.
- Make any amendments to the draft plan.
- Exceptionally, if the representations raise significant major issues, the Council may withdraw the plan and return to Stage 3.

There is no formal consultation at this stage. The details above have been set out to show the process of plan development.

Stage 6 – Submission to the Secretary of State

We will

- Send the plan, together with any associated documents, for

example the Sustainability Appraisal and Policies Map, to the Secretary of State.

- Also send a statement of: who has been consulted; how they were consulted; the main points made; and how representations made have been taken into account; and how the requirements of this Statement of Community Involvement have been met.
- Make copies of the above information available on the Council's website, the main Council offices, at contact centres and libraries in the district.
- Write to or e-mail the people on the Local Plan consultation database and let them know that the documents have been submitted, and where they can access copies of them.
- Inform people who asked to be notified of the submission of the plan to the Secretary of State that the Plan has been submitted.

Stage 7 – Independent Examination and Public Hearing

An Inspector appointed by the Government will carry out an independent examination into the soundness¹² of the plan. Before this takes place

We will:

- Publish on the Council's website, and make available at the Council's main offices; customer contact centres; and libraries; details of the date, time, and place of the Hearing, together with the name of the Inspector.
- Notify anyone who made representations under Stage 4 and has not withdrawn them of details of the examination.

You can:

- If you made written comments about the plan at stage 4, you can appear at the Hearing to speak in support of or against issues in the plan.

Stage 8 – Following the Hearing

Once the Hearing has taken place, the Inspector will prepare a report setting out his views on the plan, and recommendations.

We will:

- Publish the Inspector's recommendations on the Council's website and make copies available at the Council's main offices; customer contact centres; and libraries.

¹² For a definition of soundness in this context, please see section the Glossary

- Notify anyone who asked at stage 4 of the publication of the recommendations.

You can:

- View the Inspector's recommendations.

Stage 9 - Adoption

The Council will consider the Inspector's recommendations and make any appropriate changes.

We will:

- The Council will then adopt the plan.
- Publish the adopted plan and associated documents on the Council's website and make copies available at the Council's main offices; customer contact centres; and libraries.
- Notify anyone who asked at stage 4 that the plan has been adopted.

You can:

- View the adopted plan and associated documents.

Stage 10 - Review

We will:

- Set targets and monitor the performance of the plan to ensure it is effective, and meeting its objectives.

You can:

- View the monitoring reports to see what the plan is achieving for your community, and how the policies are performing.

4.4 The table above sets out the minimum public engagement. In some instances, for example where there is a particularly high level of public interest, or there have been significant changes to a draft plan during its development, further consultation may be carried out. The main methods of consultation and their appropriateness for different purposes are set out at section 11 below.

5 Consultation on Supplementary Planning Documents

What is the process for making a Supplementary Planning Document?

- 5.1 Paragraph 153 of the National Planning Policy Framework explains that Supplementary Planning Documents should only be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.
- 5.2 Like the Local Plans above, topics covered by a Supplementary Planning Document can cross administrative boundaries, and be prepared jointly.

STAGES OF DOCUMENT DEVELOPMENT AND COMMUNITY INVOLVEMENT IN SUPPLEMENTARY PLANNING DOCUMENTS
Stage 1 – Early Community Engagement and Evidence Gathering
<p>We will:</p> <ul style="list-style-type: none">• Issue a press release to the Local Press¹³, and place an article on the council's website on the subject of the SPD.• Collect information, including recent studies to create an up to date evidence base on the topic.• Collate information from people/groups/organisations on the subject of the SPD. This will involve using the most appropriate methods of community involvement set out in section 11 below proportionate to the geographic area and topic of the SPD as appropriate. <p>You can:</p> <ul style="list-style-type: none">• Let us know your views. <p>Ask to be notified of future consultations on this topic by contacting the planning policy team.</p>
Stage 2 – Preparation of a draft Supplementary Planning Document
<p>We will:</p> <ul style="list-style-type: none">• Prepare a draft version of the SPD using the information collected at stage 1, and a statement setting out who we have consulted, the main issues they raised, and how these issues have been addressed in the SPD. <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>

¹³ See section 9 below for details of 'appropriate local newspapers'

Stage 3 – Consultation on the draft Supplementary Planning Document
<p>We will:</p> <ul style="list-style-type: none"> • Hold a formal public consultation of a minimum of 4 weeks. • Make the draft SPD and associated documents available to view and comment on via the Council’s website, and at the Council’s main office; customer contact centres; and, libraries. • Write to or e-mail people with an interest in the topic(s) in the SPD. • Listen to the comments you make. <p>You can:</p> <ul style="list-style-type: none"> • Write or e-mail, and let us know your views.
Stage 4 – Consideration of the points made in representations
<p>We will:</p> <ul style="list-style-type: none"> • Consider the points made by everyone who responded to the consultation. • Make any appropriate amendments to the draft document. <p>There is no formal consultation at this stage. The details above have been set out to show the process of how documents are prepared.</p>
Stage 5 - Adoption
<p>We will:</p> <ul style="list-style-type: none"> • Adopt the Supplementary Planning Document. • Make the adopted Supplementary Planning Document and associated documents available to view on the Council’s website, at the main council offices; customer contact centres; and, libraries. • Notify anyone who asked to be notified of the adoption of the Supplementary Planning Document.

6. Participation in relation to planning applications

6.1 This section sets out the Council’s policy for public consultation in respect of planning applications. It includes the Council’s measures to encourage increased participation in respect of significant proposals. It also outlines how comments can be made including the opportunity to speak at a planning committee.

6.2 It should be noted that not all development requires the making of a formal planning application. If you are uncertain whether planning permission is required or if you want to find out whether someone else needs planning permission for work they are doing, you can contact the development control

service who will be able to help. As the works that require planning permission do change over time following changes by the government it is always recommended that people check before starting building work to avoid costs and delays.

Is there any way of becoming involved before an application is made?

- 6.3 The best time to become involved in the planning process is at the plan preparation stage where there is a greater opportunity to shape major or significant proposals. We have also extended community involvement to early in the development control process when significant proposals are being prepared to be submitted as planning applications. We are doing this by encouraging developers to carry out pre-application consultation when they are making an application for a significant proposal.

What does Bolsover District Council mean by a ‘significant proposal’?

- 6.4 For the purposes of this statement a significant proposal is defined as:
- Industrial, office, retail, and community development in excess of 2500sq m;
 - Warehouse development in excess of 5,000 sq m;
 - Applications requiring the submission of an Environmental Impact Assessment;
 - All housing of more than 100 houses; and
 - All major applications which are also departures to the development plan (Major applications are defined below).

What is a ‘major’ planning application?

- 6.5 Under the planning regulations major development is defined as being of a major scale if it proposes:
- The creation 10 or more dwellings or having a site area over 0.5 hectares (ha) for residential development; and
 - The development of over 1000sq m of floor space or a site of over 1 hectare for non – residential development.

What public participation are developers encouraged to undertake on significant proposals?

6.6 Developers are asked to:

- Submit a consultation programme at pre-application discussions with the council. The programme will show who will be consulted, and how they will be consulted, together with full details of the meetings/events proposed;
- Notify neighbours of the site of the proposal;
- Carry out the agreed consultation programme prior to submitting the planning application;
- Submit a Public Consultation Statement at the same time as the planning application. The statement will set out the results of the agreed consultation;
- Notify all of those engaged in the pre-submission process of the submission of the application;
- Certify that they have notified people; and
- Advise people involved in pre-submission process of any significant changes made between proposals put forward at the pre-application stage and the submitted application.

Who does the Council have to notify about planning applications, and how do they do so?

6.7 The minimum levels for consultation that the council has to meet are set out in Section 18 of the Planning and Compulsory Purchase Act 2004, and Articles 16, 17, and 18 of the Town and Country Planning (Development Management Procedure 2010 (as amended))

The council exceeds these requirements and carries out the following notification on all applications by:

- Advertising all applications, for 21 days by a site notice posted on or close to an application site. (A copy a typical notice is attached at Appendix 2). The council has a system for checking the notices and replacing any that are taken down during the 21 day period;
- Notifying neighbouring occupiers of all applications. Notification is sent to all immediately adjoining premises to the application site which can be readily identified, and to any additional premises which, in the opinion of the council might be directly affected by the development. This notification is by standard letter, sent by second class post;

- Making plans available to view at home on request for infirm or disabled neighbours;
- Advertising applications as required under the relevant legislation (for example Listed Buildings Applications, and Conservation Consent) in the appropriate local newspaper (see section 9 below for a list of local papers);
- Notifying Parish Councils of any applications in their area, and those in adjoining areas where it is considered likely that the proposal could affect the parish in question, and;
- Sending a copy of the weekly list to all councillors, and putting a copy on the council's website.

6.8 In addition to involving the public the council also consults 'statutory consultees'. These are usually bodies with an interest in the development (for example the County Highway Authority if new roads are proposed), or a specialist group (for example a wildlife or heritage group). The comments of these groups are also taken into account when assessing an application.

How else can I find out if a planning application has been made if I am not a neighbour?

6.9 Every week the council publishes a list of valid applications received. The list gives details of the application site, the name of the applicant(s), what is proposed, the name of the planning officer dealing with the application, and an indication of whether the application will be determined by a meeting of the planning committee, council or planning officer. The list is available in print (a charge is made for this service) and is available each week on request. Print copies of the list are sent to all of the customer contact centres. The planning applications themselves are available to view at the council's main offices. The list is also available on the council's website.

How can I make my comments?

6.10 Any comments on a planning application must be made in writing, and can be sent to council by letter, fax or e-mail. Comments must be made within 21 days of the date on the site notice or neighbour notification letter. All letters received are available for public inspection, and copies may be supplied (subject to a copying charge).

What happens if someone changes their plans after they make an application, but before the council makes a decision?

- 6.11 Where changes are made, the council will consider the extent of the proposed changes, and whether people are likely to be affected by them. Where we consider people are likely to be significantly affected by the proposed change, we will re- advertise, and send out new neighbour notification notices giving people 14 days to make further comments, as considered appropriate.

What happens to any comments I make?

- 6.12 All comments made about planning applications are acknowledged, considered, and taken into account when the application is determined.
- 6.13 The representation will be summarised in a report, identifying the areas of concern which are relevant in planning terms and which have been raised collectively by the representations received.

Can I speak at the Planning Committee?

- 6.14 Yes, it is open to anyone who has made a written representation in respect of an application to be considered by the planning committee to address the committee (or the full council meeting if the application is to be considered by the full council). The council has produced guidelines on this in a document called "Speaking at the Planning Committee and Council Meetings on a Planning Application" (May 2009). The guidelines have two sections; the first covers a range of frequently asked questions, the second sets out the code of conduct for speakers addressing the planning committee. The document can be viewed on the council's website, or obtained from the planning department.
- 6.15 People are advised of whether an application is likely to be decided by Committee on their neighbour notification letter, and can ask to be notified of the date of the Planning Meeting at which the application will be determined.
- 6.16 Planning Committees are held in the daytime. Details of the meetings are set out in a schedule available either on the council's website, or by contacting the council's main offices, or the customer contact centres.
- 6.17 Most applications are not, however, determined by the committee but are determined under delegated powers by officers of the council. The Planning Committee only decides the most contentious applications where issues of significant local interest or issues of planning interpretation are involved. The Planning Committee are not able to make decisions which are contrary to the council's policy.

- 6.18 The agenda, report and background papers for planning committee meetings are all available on the Council's website, and in hard copy from the council's main offices. The agenda and report are also available at the customer contact centres.

How do I find out whether planning permission has been granted?

- 6.19 Where someone has made a comment on a planning application, they are advised by letter of the decision made, and will receive either a copy of the decision or a schedule of the conditions attached to an approval, or the reasons for a refusal. This is done whether the application is determined by officers or councillors. The report prepared for the application is available to see at the planning department. For committee items the report is placed on the council's website.

PART 3 FURTHER INFORMATION

7. The Council's Corporate Aims

- 7.1 The Council as a whole has its own policies and aims relating to community engagement, and seeks to involve the local community and stakeholders in all aspects of its work.
- 7.2 This section of the Statement looks at the relationships between the Statement of Community Involvement and the Council's wider corporate aims.

How does the Statement of Community Involvement fit in with the Council's corporate aims?

- 7.3 The vision of Corporate Plan¹⁴ for Bolsover for 2011 -2015 is "To enhance and improve the wealth profile, well being and quality of life for the communities of the District of Bolsover". The corporate aims that support this vision are:
- Community Safety: Ensuring that communities are safe and secure
 - Customer Focused Services: Providing excellent customer focused services
 - Environment: Promoting and enhancing a clean and sustainable environment
 - Regeneration: Developing healthy, prosperous and sustainable communities
 - Social Inclusion: Promoting fairness, equality and lifelong learning
 - Strategic Organisational Development: Continually improving our organisation.
- 7.4 The planning process aims to improve the environment whilst improving the economy and society to create sustainable communities. The provisions of the Statement of Community Involvement will help to define which areas are of concern to local communities, and how local people want to see their areas protected, improved and developed. The Statement also seeks to ensure that all sections of the community can have their say in shaping their area.
- 7.5 The planning system aims to achieve a balance between development and protection. Being involved in the planning process provides an opportunity for people to consider what aspects of their local environment they value,

¹⁴ The Corporate Plan - Family and Community Life at the heart of everything we do

and to consider whether the balance between necessary development and protection is right. This approach towards community involvement in the planning system allows local people to put forward their needs early in the process, when their aspirations have a greater chance of being met.

What are the Sustainable Community Strategy and the Bolsover Partnership?

- 7.6 The Sustainable Community Strategy is a guiding framework for organisations working within an area to promote the social, economic and environmental wellbeing of its communities. Bolsover district is covered by two Sustainable Community Strategies, The Bolsover Sustainable Community Strategy, and the Derbyshire Sustainable Community Strategy
- 7.7 The Bolsover Sustainable Community Strategy is prepared by the Bolsover Partnership, which is at the heart of our engagement with the local community. Bolsover Partnership is a body made up of public, private, voluntary and community sector representatives. It brings together public sector organisations (such as the District Council, County Council, Health, Education, and Police Authorities) with a wide range of private, business, community and voluntary sector groups.
- 7.8 The vision for the Bolsover Sustainable Community Strategy is for *'a diverse, healthy, fair and prosperous District, building on the strengths of our industrial past to become a vibrant, thriving community capable of meeting the challenges and the opportunities of the future'*.
- 7.9 The Derbyshire Sustainable Community Strategy is the overarching guiding framework for partnership working in Derbyshire, reflecting the collective priorities of over 50 organisations working in Derbyshire.

What does Council's Single Equality Scheme require?

- 7.10 The Council's Single Equality Scheme 2011 2015 sets out a policy at page 4 which states: 'Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community. The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination in compliance with current legal requirements. The Council also has due regard to eliminate discrimination and to proactively promote equality of opportunity and social harmony between all groups in society when performing its functions'.

7.11 The Council has a statutory duty to advance equality with regard to the following groups:

- Age
- Disability
- Gender
- Gender reassignment
- Race
- Religion or belief (including non belief)
- Sexual orientation

7.12 It is intended that the measures outlined in this Statement to encourage participation in the planning process will help to meet this duty.

How will planning contribute to meeting this duty?

7.13 The council will work with the action groups of the Bolsover Partnership to identify and engage with representatives of the groups and the groups themselves. Methods of engagement aimed at increasing participation by these groups could involve the following initiatives:

- Attending events organised for the groups to present information to engage the audience. For example, the council is currently working with older people and young peoples' groups;
- Increased use of new technology to target older people and young groups;
- Holding events at times and in locations likely to be attractive to the groups;
- Though the Council's Access for All making information available in large print; audio tape; Braille; languages; words and Pictures/Easy read ; and with officer support on request.

What methods of consultation will be used to consult people?

7.14 A table setting out the benefits and resource implications of the different methods of consultation proposed are set out at section 11 below.

Who will be involved in managing community involvement?

7.15 The staff that carry out work on community engagement for Local Plan and Supplementary Planning Documents will be drawn mainly from the Planning Policy Team who will prepare the Local Plan.

7.16 Participation on all planning applications, including significant applications (see section 6 above for details) will be carried out by staff in the Development Control Team, as part of their general duties on the

determination of planning applications.

- 7.17 The Bolsover Partnership, and the council's Customer Service Performance Unit, will also have important roles in helping to access community groups and to ensure a thorough approach to participation.

What role will councillors have?

- 7.18 Councillors have two main roles within the council, firstly as decision makers, and secondly as community representatives. They carry out the first role as members of the Council and/or as members of the Planning Committee, deciding on draft plans and documents, considering representations, and deciding on final plans and documents. Councillors carry out the second role in their capacity as Ward Councillors, members of the Scrutiny Committee and members of consultation and advisory groups.

How will the Statement of Community Involvement be reviewed?

- 7.19 The Statement will need to be kept up to date to be effective. It is considered that the following factors may result in the need to review the Statement of Community Involvement:
- New government advice;
 - The inclusion of best practice standards from other councils;
 - The use of new technology;
 - The monitoring of how well participation undertaken has worked

8. Appeals and Complaints

I do not think that a development should have been granted planning permission. Who can I appeal to?

- 8.1 Where a planning application is refused, or granted subject to conditions, the applicant(s) can appeal to the Secretary of State to have their application re-considered, and planning permission granted or the conditions changed. Details on how to do this are sent out with every decision notice. However at the present time there is no right of appeal for other people who are unhappy about the granting of planning permission.

How do I make a complaint?

- 8.2 In the first instance, customers are encouraged to talk to the officer concerned, or failing this, the Joint Assistant Director Planning and Environmental Health. If you are still unhappy, then the council has a corporate complaints procedure, and you should write to Customer Services.

What does the Local Government Ombudsman do and how can I contact him or her?

- 8.3 The Local Government Ombudsman investigates complaints of injustice arising from maladministration. They can investigate complaints about **HOW** the council has done something, but cannot question what a council has done simply because someone does not agree with it. You must give the council an opportunity to deal with a complaint against it first (see above). If you are unhappy with the action the council takes then you can write to the ombudsman.
- 8.4 The website for the ombudsman is www.lgo.org.uk. Correspondence should be sent to:

The Local Government Ombudsman
PO Box 4771
Coventry
CV 4 OEH

Tel: 0330 061 0614

9. Further information.

Who will the Council consult on proposals in its Local Plan?

9.1 The council is committed to involving as many local people and stakeholders as possible in the planning process. In addition to this some of the people that the council are required to consult are set by the government, in Part 1 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations can be viewed at www.communities.gov.uk. The Regulations require that the following bodies (referred to in the Regulations as “specific consultation bodies”) must be consulted:

- The Coal Authority,
- The Environment Agency
- The Historic Buildings and Monuments Commission for England (known as English Heritage),
- The Marine Management Organisation,
- Natural England,
- Network Rail Infrastructure Limited
- The Highways Agency,
- Any relevant authority any part of whose area is in or adjoins the local planning authority’s area**
- Telecommunications Companies
- The Primary Care Trust
- Electricity Companies
- Gas Companies
- Sewerage Companies
- Water Companies: and
- The Homes and Communities Agency

** Relevant authorities include

- Derbyshire County Council;
- Nottinghamshire County Council;
- Rotherham Metropolitan Borough Council;
- Amber Valley Borough Council;
- Ashfield District Council;
- Mansfield District Council;
- Chesterfield Borough Council;
- North East Derbyshire District Council;
- Bassetlaw District Council;
- Any Parish Council whose area is in or adjoins Bolsover district
- A local policing body

- 9.2 Although not a Specific Consultation Body, government departments or agencies are also often consulted as appropriate.

Are there any other key groups the Council will consult?

- 9.3 Under the 2012 Regulations, the government says that the council should consult with 'general consultation bodies'. These are groups whose activities benefit part of the district or represent the following groups within the district: voluntary bodies; bodies representing the interests of different racial, ethnic or national groups; bodies which represent the interests of different religious groups; bodies representing the interests of disabled people; and, bodies representing the interests of people carrying on business.

- 9.4 The third group of consultees covers a wide range of national and local interest groups/bodies. All these groups can evolve and change rapidly and as such it is not practical to list key groups by name. The council's current Local Plan consultation database includes the following groups:

- National and local heritage groups;
- National and local landscape groups;
- National and local sports groups;
- National local housing and house building groups;
- Countryside groups;
- Wildlife groups;
- Local Members of Parliament and Members of the European Parliament;
- Local cycling and rambling groups;
- Local riding groups;
- Civic Societies;
- Local secondary schools and colleges;
- Disability groups;
- Local Chambers of Trade, Business Forums and Traders Groups;
- National and local archaeological groups;
- Local transport groups;
- Local history groups;
- Faith and Church groups;
- Groups for elderly people;
- Voluntary Action Groups;
- Community Associations;
- Youth Groups; and
- Landowners/developers groups.

- 9.5 The main source of information used to identify and write to people about plans and documents being produced is the Local Plan consultation database. This includes individuals, and groups not in any of the above categories who have asked to be informed of progress on planning policy plans and documents.
- 9.6 You can check whether you or your group is on the database by e-mailing planning.policy@Bolsover.gov.uk or by telephoning us on 01246 242203. You can add your group to the database either by writing to the main council offices e-mailing us at the address above.

What are the ‘appropriate local newspapers’?

- 9.7 The four local papers that operate in this district are:
1. The Alfreton CHAD covering the following parishes:
 - Blackwell;
 - South Normanton;
 - Tibshelf; and
 - Pinxton.
 2. Derbyshire Times covering the following parishes:
 - Ault Hucknall;
 - Barlborough;
 - Clowne;
 - Glapwell;
 - Old Bolsover; and
 - Scarcliffe.
 3. Mansfield CHAD covering the following parishes:
 - Shirebrook;
 - Pleasley; and
 - Scarcliffe (includes Whaley Thorns, Upper Langwith, and Stony Houghton areas)
 4. Worksop Guardian:
 - Elmton with Creswell; and
 - Whitwell
- 9.8 Issues will be advertised in the appropriate local newspaper.

10. Changes to the System for Making Plans

What are the main changes that have taken place since the original Statement of Community Involvement was adopted in May 2006?

- 10.1 The system introduced in 2004 required that local planning authorities to prepare a suite of separate formal planning documents, referred to as the Local Development Framework (LDF). The intention was that these would replace the Bolsover District Local Plan, which was adopted in February 2000. Changes to legislation in 2012¹⁵ have replaced the term 'Local Development Framework' with 'Local Plan'.
- 10.2 Under the new Local Development Scheme the Council intends to produce a single Local Plan covering the whole district.
- 10.3 The Council adopted its original Statement of Community Involvement in May 2006. After the original statement was adopted there were a number of legislative changes. These included:
- The revocation of Planning Policy Statement 12;
 - The revocation of the Town and Country Planning (Local Development) (England) 2004, Regulations and 2008, and 2009 Amendments;
 - Amendments to the Planning and Compulsory Purchase Act 2004;
 - The Introduction of the National Planning Policy Framework in March 2012;
 - The Introduction of the Town and Country Planning (Local Planning) (England) Regulations in March 2012.

These changes led to the revision of the Statement of Community Involvement in December 2012.

- 10.4 The statement of Community Involvement is now being updated to reflect the timetable for the production of the new Local Development Scheme, and update minor factual changes since the Statement of Community Involvement was last revised.

¹⁵ The Town and Country Planning (Local Planning) (England) Regulations 2012

11. Proposed methods of community involvement

What methods of community involvement are most appropriate?

11.1 The table below sets out the main methods of community engagement that the Council will use, together with an assessment of their perceived benefits and disadvantages to allow the Council to select the most appropriate method of engagement for the proposals being put forward.

Appendix 3 Proposed Methods of Community Involvement.			
Method	Perceived Benefit	Perceived Disadvantages	Resource Implications
Plans and documents available for inspection at the Council's Main office, customer contact centres and Libraries.	<ul style="list-style-type: none"> Means that documents are available locally. Allows people to study documents. Allows people to fill in comments forms with the documents in front of them Universal access 	<ul style="list-style-type: none"> Largely limited to office hours. 	<ul style="list-style-type: none"> Difficult to plan for in advance. Controlled by public demand. For major documents could have extensive implications in terms of staff time if people want to discuss with an officer. No room hire charges or other on costs.
Letters to Specific Consultation Bodies, General Consultation Bodies, Other Consultation Bodies, Private Interest bodies and Elected Members.	<ul style="list-style-type: none"> Ensures compliance with minimum requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012. 	<ul style="list-style-type: none"> Requires maintenance of an up to date consultation database to ensure a targeted approach and to avoid exclusivity with just a few interest groups involved. 	<ul style="list-style-type: none"> Staff time to keep consultation database up to date and relevant to the plan or document under preparation. Staff time in producing

	<ul style="list-style-type: none"> • Allows the targeting of specific interest groups. • Allows Local Planning Authority to focus on specific issues. 		<p>mailings.</p> <ul style="list-style-type: none"> • Cost implication for postage and stationary requirements for mailings.
E -mail, website.	<ul style="list-style-type: none"> • Allows people to access documents in their own home, or locally e.g. Libraries. • Easy and cheap to distribute. • May appeal to young people. 	<ul style="list-style-type: none"> • May be less appealing to some groups of older people. (Although it is recognised that 'older people' are not a single homogenised group). 	<ul style="list-style-type: none"> • Staff time to prepare documents, update site, and respond to comments.
Press Advertisement / Press releases	<ul style="list-style-type: none"> • Covers a wide cross section of residents in the district. • Useful for letting people know where they can obtain detailed information or where they can attend meetings. 	<ul style="list-style-type: none"> • With 4 different local papers covering the area not all areas will receive information at the same time. The papers are published on different days. • Lack of space for detailed presentation. • Not everyone buys a newspaper or reads adverts. 	<ul style="list-style-type: none"> • Staff time to prepare press releases / advertisements. • Staff time to answer questions arising by letter or telephone. • Cost of notices /advertisements. • The lead in time for printing needs factoring into the work programme.
Leaflets / Brochure	<ul style="list-style-type: none"> • Can be sent to all homes in the district or a specific area. 	<ul style="list-style-type: none"> • May be treated as junk mail and not read. • Resource implications 	<ul style="list-style-type: none"> • Cost of production. • Time and cost to

	<ul style="list-style-type: none"> • Can be used to inform about issues in greater details than the local press. • Can be used to publicise meetings and availability of documents. 		<p>produce documents that is attractive to read.</p> <ul style="list-style-type: none"> • High cost of delivery. • Staff time in preparation.
Public Exhibition	<ul style="list-style-type: none"> • Reaches into communities involved. • Provides visual information for communities. • Officer available to lead discussion • Can be available some evenings. • Covers more rural areas. 	<ul style="list-style-type: none"> • Resource implications • Problems with finding suitable central venues • May have access problems for people with restricted mobility and car availability. 	<ul style="list-style-type: none"> • High cost in staff time in preparation and manning exhibitions. • Possible hire charges
Meetings with Specific Consultation Bodies, General Consultation Bodies, Other Consultation Bodies, Private Interest bodies and Elected Members and interested individuals.	<ul style="list-style-type: none"> • Allows an exploration and identification of issues. • Can help build consensus. • Can form a useful forum for discussion with people who feel intimidated about speaking at public meetings. 	<ul style="list-style-type: none"> • Can be time consuming to set up, attend and in following up non planning related issues. • Care needs to be taken to ensure groups represent the wider community and are not self selecting. 	<ul style="list-style-type: none"> • Can involve high levels of staff time. • Costs of meeting room hire.
Open Participation Meetings	<ul style="list-style-type: none"> • Open to all. • Good way to engaging the wider public with opportunities to receive 	<ul style="list-style-type: none"> • Whatever time and date chosen not everyone who wants to will be able to 	<ul style="list-style-type: none"> • Can involve high levels of staff time over a protracted period when meetings are held over

	<p>feedback as well as inform.</p> <ul style="list-style-type: none"> • Can be used as a base to progress to meetings to explore specific issues. 	<p>attend their nearest meeting.</p> <ul style="list-style-type: none"> • Care needs to be taken to ensure that everyone has the opportunity to raise issues and avoid the meeting being hijacked by single issue groups/individuals. Some people feel intimidated about speaking in public meetings. 	<p>the entire district.</p>
<p>Focus groups (selected groups of participants with particular characteristics)</p>	<ul style="list-style-type: none"> • Can be useful for area based or specific topics. • Can be used to create ideas on issues or help identify solutions to problems. 	<ul style="list-style-type: none"> • Resource implications 	<ul style="list-style-type: none"> • May require external facilitator. • Costly in terms of staff time to set up and run.

APPENDICES

Appendix 1: Glossary of Terms and abbreviations

Appendix 2: Copy of a Site Notice

Appendix 1 Glossary of terms and abbreviations

Adoption: The formal adoption by the Council of a Local Plan, following an examination in public and report by the independent planning inspector; or the adoption by resolution of the Council, of a Supplementary Planning Document.

Article 4 direction: A direction that withdraws automatic planning permission granted by the General Permitted Development Order.

Authorities Monitoring Reports (AMR): A report produced at least annually setting out: information on the implementation of the Local Development Scheme; the extent to which policies set out in planning policy documents are being achieved; and, any other information the authority considers appropriate in the interests of transparency. It is produced for the information of the public.

Bolsover Strategic Partnership: A body made up of private, public, voluntary, and community representatives who come together to prepare a Sustainable Community Strategy.

Community: the context of this statement, a 'community' is defined as "groups of people defined by common attributes". These may be where they live, their age, their work, their lifestyle, the services they use, their faith or interest groups, geographical location, demographic or socio-economic profiles, their race and/or ethnic origin, their health status, their businesses, the voluntary or community service they provide, etc. Communities do not have to live close together. They are linked by those things that are common between them, not necessarily by their physical locality.

Community Infrastructure Levy: A levy allowing local authorities to raise funds from the owners or developers of land undertaking new building projects in their area. Bolsover Council does not currently propose to introduce or impose such a levy.

Development Plan: The Development Plan sets out land use planning policies and development proposals against which planning applications will be considered. It includes adopted Local Plans, Neighbourhood Plans, and Waste and Mineral Local Plans.

Environmental Impact Assessment: A procedure followed in the determination of planning applications for certain projects to ensure that decisions are made in the full knowledge of any likely significant effects on the environment.

Examination: An independent inspector appointed by the Secretary of State begins the examination of the Local Plan as soon as it is formally submitted. The examination process includes a public hearing. The purpose of the examination is to determine the 'soundness' of the plan (see also soundness below).

Inspector's report: A report issued by the inspector or panel who conducted the independent examination, setting out their conclusions on the matters

raised during the Examination and containing their recommendations. The Council then considers the Inspector's recommendations.

Local Development Scheme (LDS): A written project plan, setting out the Local Plans the council intends to produce, together with a timetable for delivery. A copy of the current Local Development Scheme is on the Council's website

Major Application: development involving any one of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where –
 - (i) The number of dwelling houses to be provided is ten or more; or
 - (ii) The development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph
- (d) The provision of a building or buildings where the floor space to be created by the development is 1000m² or more; or
- (e) Development carried out on a site having an area of one hectare or more.

Material Consideration: Any consideration relevant to the use and development of land and which is taken into account in determining a planning application is capable of being a material consideration.

Minor Application: applications that fall below the limits set out under Major Applications set out above.

Neighbourhood Plans: A plan prepared by a Parish Council or neighbourhood forum for a particular neighbourhood area.

Ombudsman: An independent, impartial adjudicator of complaints about maladministration in government departments and particular services in the public and private sectors.

Spatial planning: A system that brings together and integrates policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This includes policies that impact on the use of land but which are not capable of being delivered solely or mainly through the granting of planning permission and may be delivered through other means.

Soundness: An independent inspector assessing a Local Plan has to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is 'sound'. To be found 'sound' the plan must be: positively prepared; justified; effective; and, consistent with national policy.

Statement of Community Involvement (SCI): The SCI is a statement of

the Council's policy of how it intends to involve people in the preparation of planning policy documents and development control decisions.

Supplementary Planning Documents (SPDs): These documents add further details to policies in the Local Plan. They can be used to provide further guidance for development on specific sites or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions, but are not part of the development plan.

Strategic Environmental Assessment (SEA): A requirement of European legislation, this is an assessment of the effects of the policies and proposals within the Local Development Framework on the environment.

Sustainability Appraisal (SA): An appraisal of the potential impact of policies and proposals from an environmental, economic, social and natural perspective. This will inform the council of the potential implications of different alternatives. Strategic Environmental Assessment and Sustainability Appraisal will be undertaken together.

Sustainable Community Strategy: A Plan prepared by Bolsover Strategic Partnership for improving the long term economic, environmental and social well being of local areas through partnership working and the active involvement of local communities.

Sustainable Development: This is defined as "development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs". (From the 1987 World Commission on Environment & Developments – The Bruntland Commission).

Stakeholders: People who have an interest in the activities and achievements of the council, including residents, local communities, partners, employees, customers, shareholders, suppliers, opinion leaders, and regulators.

Commonly used Abbreviations:

AMR: Annual Monitoring Report

DCLG: Department for Communities and Local Government

DPD: Development Plan Document

LDS: Local Development Scheme

LPA: Local Planning Authority

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance
PINS: Planning Inspectorate
RSS: Regional Spatial Strategy
SA: Sustainability Appraisal
SCI: Statement of Community Involvement
SEA: Strategic Environmental Assessment
SPD: Supplementary Planning Document

The Arc
High Street
Clowne
Derbyshire
S43 4JY

PUBLIC NOTICE

concerning the development of land or buildings

All correspondence to
The Planning Department

Notice is hereby given that Bolsover District Council has received details of the following proposal:

Application No:
Application Type:
Proposal:
Location:
Applicant:

A copy of the proposal, including the plans and other documents submitted with it, may be inspected at the Planning Department, Sherwood Lodge, Bolsover during office hours, or alternatively can be viewed on the Councils web site.
www.bolsover.gov.uk

Anyone who wishes to make comments or representations about this application should write to The Planning Department, Bolsover District Council, Sherwood Lodge, Bolsover, Chesterfield, Derbyshire, S44 6NF, quoting the above application number.

All correspondence should be received by the Council within the period specified above which begins with the date of this notice. All correspondence received will be made available for inspection by the applicant and the public and will be posted to the website, and will remain available for public inspection for 4 years after the decision has been made.

Signed **James Arnold**
Assistant Director of Planning

Date:



Tel 01246 242424 Fax 01246 242423 Minicom 01246 242450
Email enquiries@bolsover.gov.uk Web www.bolsover.gov.uk
Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



Bolsover District Council

Planning Committee

15th October 2014

Arrangements for Initial Consultation on the new Local Plan

Report of the Joint Assistant Director of Planning and Environmental Health
(Written by Planning Policy Manager)

Purpose of the Report

- To seek approval to undertake public consultation in respect of the form and content of the new Local Plan commencing in October 2014.
- To outline the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement in relation to consultation.
- To advise Members on the subject and format of the proposed consultation exercise.

1 Report Details

Regulatory requirements

- 1.1 As discussed elsewhere on this agenda, Members will have considered the proposed timetable and other contents of the draft Local Development Scheme.
- 1.2 Should that timetable be agreed and adopted by the Council, this will necessitate a statutory and formal consultation exercise to notify interested parties of the Council's decision to commence the preparation of a new single Local Plan to cover Bolsover District.
- 1.3 Critically, this consultation exercise is governed by Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which requires:

18. (1) A local planning authority must -

- (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and*
- (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.*

(2) The bodies or persons referred to in paragraph (1) are -

- (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;*
- (b) such of the general consultation bodies as the local planning authority consider appropriate; and*
- (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.*

(3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

1.4 In essence, this means in order to be found legally compliant the Council must:

- notify interested parties what the new Local Plan is intended to contain, for example strategic policies setting out the overall targets for housing and employment, allocations of housing and employment sites, and protective policies over local character; and
- invite them to tell the Council what its Local Plan ought to contain, which could include national organisations commenting on what policy areas should be included, land owners and developers commenting on what sites should be allocated, and members of the public on things they would like to protect or see happen in their local area.

1.5 Alongside this, the Council's Statement of Community Involvement requires the Council to:

- issue a press release to appropriate local newspapers and place an article on the Council's website on the subject of the plan;
- contact people on the Local Plan consultation database either by email or letter seeking views on the new plan, and what topics / issues they think the plan should address;
- make copies of any documents, including key background papers, available on the website and at contact centres and libraries in the district;
- hold open participation meetings / exhibitions to meet planners and discuss issues (the number and locations will depend on the subject of the plan).

1.6 These requirements complement and provide more detail on those put in place by the Regulations.

Subject and format of the proposed consultation exercise

1.7 As set out in the proposed Local Development Scheme, the subject of the Council's new Local Plan will be a single Local Plan covering strategic policies and site allocations for the whole of Bolsover District.

1.8 However, at this stage, the Council has no detailed proposals for what the new Local Plan will contain, such as the housing target, the spatial distribution of development around the District or which sites should be allocated. As required by the Regulations, the subject of the consultation exercise is to invite interested

parties to tell the Council what they think it ought to contain. This means the consultation exercise will be focussed on seeking suggestions on policies and sites, rather than a more structured exercise on prepared consultation documents.

- 1.9 In view of this, the consultation information, such as representation forms and exhibition material, will need to be more limited than that prepared for the later stages of the preparation of the Local Plan Strategy document. To illustrate the amount of information that will be put into the public domain, indicative exhibition material is contained in Appendix A for information.
- 1.10 As referred to in paragraph 1.5, the Council will also need to make key background papers available as part of the exercise. Whilst this consultation exercise marks the beginning of the preparation of a new Local Plan, the Council has amassed a large body of evidence about matters that will affect the planning of development in Bolsover District – often referred to as the Evidence Base or Supporting Documents.
- 1.11 It is important to note that the majority of this Evidence Base remains valuable and will help the Council progress with the preparation of its new Local Plan. Upon commencement of the new Local Plan relevant evidence will be returned to the Council's website. An indicative list of the studies and reports is contained in Appendix B for information.

2 Conclusions and Reasons for Recommendation

- 2.1 Given that the Council's new Local Plan will cover the whole of Bolsover District, based on the above requirements it is proposed that the subject and format of the consultation exercise will involve:
 - holding a 6 week consultation exercise, starting after the adoption of the Local Development Scheme (it is envisaged that consultation will start in the week commencing 20th October 2014);
 - writing to all people on the Local Plan consultation database notifying them of the Council's decision to commence the preparation of a new Local Plan and inviting representations on what the new Local Plan ought to contain;
 - issuing press releases to all newspapers that cover the District advising on this proposed consultation exercise;
 - making consultation material available at all contact centres and libraries in the District;
 - holding four exhibitions during the 6 week consultation exercise: one in Bolsover, one in Clowne, one in Shirebrook and one in South Normanton.
- 2.2 It is proposed that the detailed arrangements for the timing of the consultation exercise and content of the consultation material will be finalised in consultation with the Chair and Vice Chair of the Planning Committee.
- 2.3 The contents of this report were considered by the Local Plan Steering Group (LPSG) at its meeting on the 24th of September 2014, when it was resolved to '***note the detailed issues set out in the report and agree to recommend to Planning Committee:***

- *the subject and format of the proposed consultation exercise as set out in the report; and*
- *that authority be delegated to the Chair and Vice Chair of Planning Committee to determine the detailed dates and arrangements for consultation and the final content of consultation material in consultation with the Joint Assistant Director Planning and Environmental Health'*

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Principal Planner (Policy), Principal Planner, and Assistant Planner.
- 3.2 Members consulted during the preparation of the report: Members of the Local Plan Steering Group.
- 3.3 An Equality Impact Assessment will be required in advance of publishing a new Local Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 Following the decision to commence a new Local Plan, the Council is required to notify interested parties and to invite them to tell the Council what the new Local Plan ought to contain by the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's own Statement of Community Involvement.
- 4.2 The only alternative option would be to not comply with the Regulations and Statement of Community Involvement, which would have the effect of undermining the legal compliance of the Council's new Local Plan at the outset. For this reason, it is considered that this alternative option is not appropriate.

5 Implications

Finance and Risk Implications

- 5.1 Work on the new Local Plan can be funded from existing budgets. It is important that this budget is maintained in future years.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The most efficient and effective way to do this is through the preparation of a Local Plan.

Human Resources Implications

5.3 It is essential that the Planning Policy team has sufficient staffing resources to deliver the Local Plan in a timely manner. The work programmes and timetables reflect this.

6 **Recommendations**

6.1 **That Planning Committee:**

- 1) **Notes the detailed issues set out in the report;**
- 2) **Approves proposals to formally undertake public consultation in line with the subject and format of the proposed consultation exercise as set out in the report; and**
- 3) **Delegates authority to the Chair and Vice Chair of Planning Committee to determine the detailed dates and arrangements for consultation and the final content of consultation material in consultation with the Joint Assistant Director for Planning and Environmental Health.**

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Not at this stage, but will lead to one when an option is finalised
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	<p>The Local Plan will set out the vision, key principles and policies that will underpin the sustainable development of the district. It will cover a wide range of economic, environmental and social issues. As such it affects all the following aims:</p> <p>COMMUNITY SAFETY – Ensuring that communities are safe and secure</p> <p>ENVIRONMENT – Promoting and enhancing a clear and sustainable environment</p> <p>REGENERATION – Developing healthy, prosperous and sustainable communities</p>

	<p>SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.</p> <p>STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.</p> <p>The adoption of a Core Strategy (previous title for part of a Local Plan) is the subject of Corporate Plan Target E03.</p>
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8 Document Information

Appendix No	Title
Appendix A	Indicative Exhibition Material
Appendix B	Indicative List of Retained Evidence Base Documents
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Appendix A – Indicative Exhibition Material

Panel 1 – A new Local Plan

The Council has decided to begin preparation of a new Local Plan.

The Council's new Local Plan must be consistent with national planning policies and will need to deliver growth in sustainable locations.

To achieve this, the new Local Plan will set out:

- strategic policies for the provision of homes, jobs, retail, leisure, infrastructure, social and community facilities, climate change mitigation / adaptation and conservation / enhancement of the natural and historic environment;
- the allocation of sites to promote development and flexible use of land, bringing forward new land where necessary;
- the identification of areas or land where limits to development will be required or where development would be inappropriate;
- detailed policies on form, scale, access and quantum of development where appropriate;
- detailed policies providing the criteria against which proposals for development will be determined.

As a result, the new Local Plan will both set out the overall strategy for development in Bolsover District for the next 20 years and also identify the sites where new housing and employment and other forms of development will go.

The new Local Plan is planned to be adopted in 2018 and will cover the period to 2033.

Panel 2 – We are inviting comments on what the new Local Plan ought to contain

The Government set out clear requirements for what Local Plans should contain but also recognise the need for Local Plans to, as far as possible, reflect a collective vision of a local community's aspirations for their local area.

Beyond this, at this starting point the Council has no proposals and is inviting comments from national organisations, local landowners / developers, local businesses and local residents on what they think the Council's new Local Plan ought to contain.

Comments are particularly sought on the following:

- Policy areas - are there any policy areas that you think the Council's new Local Plan ought to contain and what evidence should this be based on?
- Visions for places - if you live or work in one of the District's towns or villages, what would you say the vision for your town or village should be and why?
- Development sites - if you own or wish to develop a site, we want to hear from you and see how suitable your site might be.

All comments and suggested sites will be considered and will inform the Council's identification of its Preferred Options and the Reasonable Alternatives in Autumn 2015.

The consultation exercise started on Monday 20th October 2014 and will run for six weeks until Friday 28th November 2014. The Council must have received your representation by 5pm (17:00) on Friday 28th November 2014 to ensure it is considered.

Appendix B – Indicative List of Retained Evidence Base Documents

Biodiversity and green infrastructure

- 1) Green Infrastructure Study (KBD 10)
- 2) Lowland Derbyshire Biodiversity Action Plan (KBD 11)
- 3) DWT Strategic Plan (RD 14)
- 4) East Derbyshire Greenway Strategy (RD 15)
- 5) Green Infrastructure for EM (RD 21)
- 6) Register of Local Wildlife Sites (RD 36)

Climate change adaptation and flood risk

- 1) Strategic Flood Risk Assessment (KBD 18)

Climate change mitigation and energy

- 1) Renewable Energy and Low Carbon Study (KBD 16)

Community and wellbeing (including equalities and health)

- 1) Bolsover Sustainable Community Strategy (KBD 5)

Economy and employment

- 1) Bolsover Employment Land Study (KBD 2)
- 2) Bolsover Retail Capacity Assessment (KBD 4)
- 3) EM Northern Sub Region Employment Land Review (KBD 7)
- 4) Economic Development Strategy (KBD 8)
- 5) Local Economic Assessment for BDC (RD 28)

Historic environment

- 1) BDC CAA&MPS (RD 6)
- 2) EH Bolsover Castle Conservation Management Plan (RD 18)
- 3) Historic Environment SPD (ADP 3)
- 4) New Bolsover Model Village Planning Guidelines SPG (ADP 4)

Housing

- 1) Strategic Housing Market Assessment (KBD 20)
- 2) Affordable Housing Needs and Viability Study (KBD 1)
- 3) Derbyshire Gypsy and Traveller Acc Assessment (KBD6)
- 4) Strategic Housing Land Availability Study (TR5)
- 5) Housing Needs BME (RD 22)
- 6) Housing Needs Older People (RD 23)
- 7) Housing Needs Younger People (RD 24)

Land and landscape

- 1) Agricultural Land Classification (RD 2)
- 2) The Landscape Character of Derbyshire (RD 26)

Transport

- 1) DCC Local Transport Plan (RD 10)
- 2) M1 J29A Operational Capacity Assessment (RD 29)
- 3) Network Rail EM Route Utilisation Strategy (RD 30)
- 4) N Derbs Highway Model (RD 31)
- 5) N Derbs Transport Study parts 1, 2a & 2b (RD 32-34)
- 6) Sheffield City Region Transport Strategy (RD 38)

Waste

- 1) Derbyshire Waste Management Strategy (RD 9)

Water

- 1) Outline Water Cycle Study (KBD 15)

PARISH Clowne

APPLICATION Erection of dwelling, as amended by revised plans received 26th August in relation to revised position of dwelling, provision of visibility splays and provision of obscure glazed window to first floor east elevation.
LOCATION Land Adjacent the Rear of Field View House Mansfield Road Clowne
APPLICANT Woodall Homes Ltd 2 Midland Court Midland Way Barlborough
APPLICATION NO. 14/00334/FUL
CASE OFFICER Mrs Karen Wake
DATE RECEIVED 14th July 2014

Delegated application referred by Assistant Director of Planning
Reason: Departure from Development Plan

SITE

Part of an overgrown, level field with existing access onto Mansfield Road. There is no boundary treatment on the northern or western site boundaries as the site is part of a larger field. On the southern site and access boundary is a fence approx 1.8m in height. Along the east side boundary of the site is a hedge approx 2m in height and along the two boundaries to the access is a fence approx 1.8m in height.

PROPOSAL

The application is for the erection of a two storey, four bedroom detached dwelling with access onto Mansfield Road. The proposal includes a 3.2m wide driveway on the existing field access and provides a parking/turning area adjacent to the proposed dwelling.

AMENDMENTS

The application has been amended to change the dwelling from a three bedroom dwelling to a four bedroom dwelling and move the position of the dwelling further away from the east side boundary. The amended plans also indicate the first floor dressing room window in the east elevation being obscure glazed and the access is shown with 2m x 47m visibility splays.

HISTORY (if relevant)

None Relevant

CONSULTATIONS

DCC Highways: No objection subject to condition requiring 2.4m x 47m visibility splays in both directions, parking and turning provided in accordance with the approved plans prior to occupation, no gates within 5m of the highway and access to be no steeper than 1 in 14 over its entire length: 11/8/2014

Parish Council: Members expressed concern regarding access proposed at this point on a busy highway: 8/9/2014

Environmental Health Officer (contamination): Requires conditions in relation to submission of site investigation and mediation scheme in relation to potential contamination on the site: 8/9/2014

Environmental Health Officer (noise): Recommends notes are added to advise the applicant

in relation to hours of operation, delivery times, dust creation and mud deposition on the highway to try to minimise complaints about noise and dust from neighbouring residents:
7/8/2014

PUBLICITY

Site Notice, press notice and 6 neighbours notified. 4 letters received (two each from two addresses), which raise the following concerns and comments:

1. The hedge which runs along the proposed access has been maintained by the adjacent resident for 30 years and this hedge should be retained and not removed as part of the development;
2. The access is adjacent to existing properties and the bend in Mansfield Road which is already dangerous and an additional access will make this worse and could be dangerous in bad weather;
3. No objections to the revised plans which move the dwelling further away from the eastern site boundary and which obscure glaze the first floor window in the east elevation (addressing concerns about overlooking, loss of sunlight and unsightly view).

POLICY

National Planning Policy Framework

As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

Paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"

A core principle of the NPPF is to secure sustainable development of high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN8 (Settlement Frameworks);

GEN11 (Development Adjoining the Settlement Framework Boundary);

HOU9 (Essential New Dwellings In The Countryside);

ENV3 (Development in the Countryside) ENV5 (Nature Conservation Interests throughout the District); and

Other (specify)

Adopted Housing Layout and Design Guidance 'Successful Places'

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this site

for residential purposes, the effects of the development on the character and appearance of the area, impacts on the amenities of neighbouring residents, and impact on highway safety.

PRINCIPLE:

The site lies outside of the settlement framework boundary. Policy ENV3 states that outside settlement frameworks planning permission will only be granted for development which:

- 1) is necessary in such a location; or
- 2) is required for the exploitation of sources of renewable energy; or
- 3) would result in a significant improvement to the rural environment; or
- 4) would benefit the local community through the reclamation or re-use of land.

As the proposal does not satisfy any of the criteria within that policy, the proposal is outside of the settlement framework it is contrary to that policy.

Policy HOU9 also relates to new houses in the countryside; and only supports new housing if it is required to meet a proven agricultural or forestry need. The proposed dwelling just not have any such justification and as such is also contrary this policy.

However, whilst the policies for the protection of the countryside must be given due weight, regard needs to be had to the policies and guidance of the NPPF. The NPPF specifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council currently does not have a 5 year supply of housing. This means that the policies of the Local Plan have to be weighed up with those in the NPPF; which states that housing applications should be considered in the context of the presumption in favour of sustainable development and ensuring the provision of a five year supply of deliverable housing sites.

The proposal is for one dwelling which will obviously not make much of a contribution to the 5 year supply of housing. However it is this lack of a 5 year supply, together with the sustainability of this location which meant that the Ben Bailey development for 149 houses which is adjacent to this site was approved, despite the site being outside the settlement framework and which is now under construction. Outline planning permission for residential development has also been granted for a large site at High Ash Farm which is also outside the settlement framework and adjacent to this application site. Technically therefore whilst designated as countryside in the Local Plan decisions since that was adopted have significantly altered the context of the site such that it should be regarded as being within the settlement and no longer within an area of open countryside.

It would therefore be unreasonable to refuse this proposal on the grounds that it is outside the settlement framework and within the open countryside. The proposal is considered to meet the policies of the NPPF.

DESIGN

In terms of the design of the proposal, the dwelling is quite large with no special character. It will not be very prominent from the main road being behind existing properties. The area is also characterised by a variety of styles. The proposal is considered to be similar in terms of scale, character and design to the existing fairly new dwellings to the east of the site. Overall it is considered that the design is acceptable in this location.

RESIDENTIAL AMENITY

The scheme meets the requirements of the Council's interim Design Guide 'Successful Places' in terms of its relationship to existing dwellings adjacent to the site. The proposal is therefore not considered to have a significant impact on the privacy or amenity of residents of adjacent dwellings and is considered to be acceptable in terms of its design and as such, is considered to accord with the requirements of Policies GEN2 in this respect.

The creation of a driveway to serve a single dwelling alongside an existing dwelling is a fairly typical arrangement. Whilst the existing neighbouring dwellings have benefited from a low level of use of the existing access the increased use likely to arise from its use to serve a dwelling is not so great as to justify refusal on this ground. There is no control over the frequency that the access could be used without this development

HIGHWAY SAFETY

The site is accessed by an existing grassed field access. The proposal includes surfacing this access and providing 2m x 47m visibility splays as well as on-site parking and turning. Subject to conditions requiring provision and retention of the above details there are no objections to the proposal from the Highway Authority.

It is not reasonable to require gates to be set back as requested by Highways. The erection of gates up to 1m high would normally be permitted development and no justification for the removal of such rights has been submitted. As far as we are aware no such restriction applies to most of the properties along Mansfield Road.

The proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

OTHER

In respect of contamination (Policy GEN4 [Development on Contaminated Land]) the Environmental Health Officer has advised that investigation works are necessary to assess potential contamination of the site and that any remediation measures found necessary are to be carried out prior to the construction of the dwelling. This can be required by condition and subject to such conditions the proposal is considered to accord with the requirements of GEN 4 of the Bolsover District Local Plan.

In terms of noise generation during building works, the Environmental Health Officer has suggested notes be added to any planning permission in relation to noise and dust control. Noise is normally controlled through environmental health legislation and it is only if there is an abnormal or unusual noise issue likely to arise that a condition should be imposed in this respect. Such abnormal or unusual issues are not considered to apply to this case.

Most of the issues raised by local residents are covered in the above assessment. The issue of the retention of the boundary hedge has not been covered as this is a civil matter between the parties concerned. Suitable boundary treatment can be controlled by condition but this cannot insist on the retention of the hedge if it is not within the applicants control.

Other Matters

Listed Building: N/A

Conservation Area: No issues relating to this proposal

Crime and Disorder: N/A

Equalities: No issues have been raised.

Access for Disabled: N/A

Trees (Preservation and Planting): No issues relating to this proposal

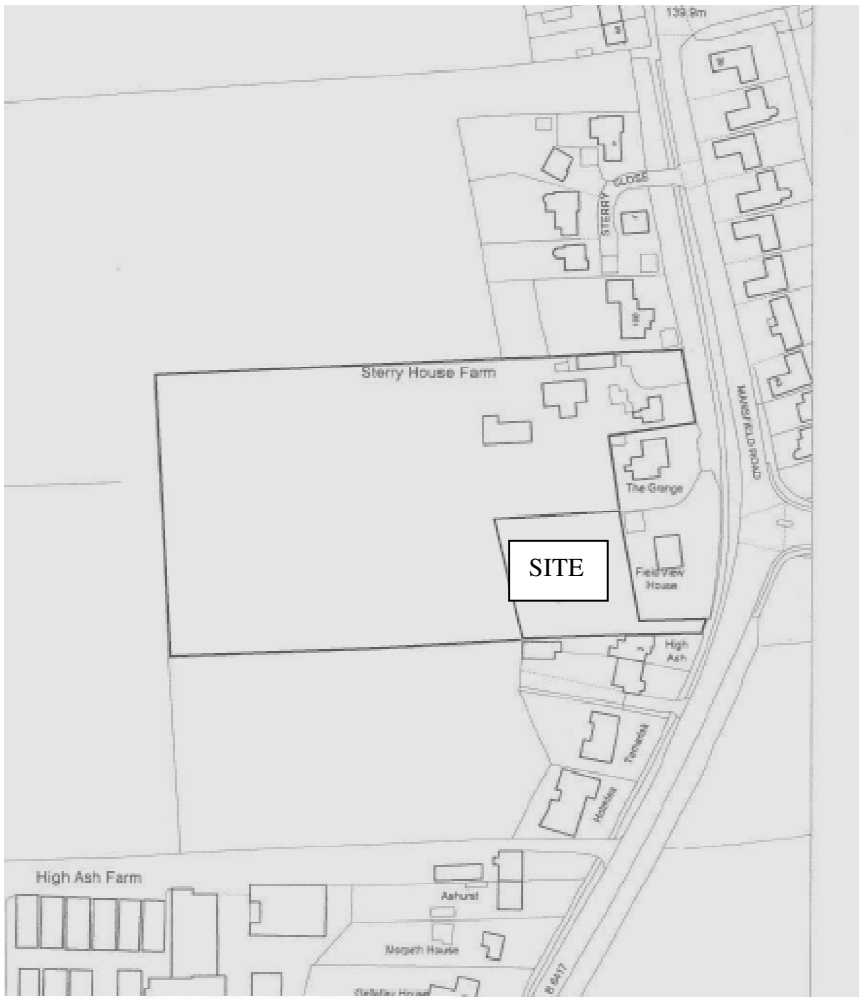
SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: No issues relating to this proposal have been raised.

RECOMMENDATION: Approve subject to the following conditions which are given in précis form to be formulated in full by the A.D. Planning:

1. Start within 3 years
 2. Provision of access, parking and turning in accordance with approved plans prior to occupation
 3. Submission of scheme for and provision of boundary treatments prior to occupation
 4. Submission of site investigation and remediation measures in relation to potential contamination
 5. Submission of sample materials
-



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Licence number 100020449. Plotted Scale - 1:2500

