

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 2nd February 2016

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 10th February 2016 at **1400 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 pages 2 and 3.


Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 10th February 2016 at 1400 hours in
the Chamber Suites, The Arc, Clowne

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 13 th January 2016	4 to 9
5.	Notes of a Site Visit held on 11 th January 2016	10
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00076/OUT - Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points on to Oxcroft Lane at Land to North Of Meridian Close Oxcroft Lane Bolsover	11 to 39
	(ii) 15/00366/FUL - Proposed 5MW solar farm and associated infrastructure including cctv, access tracks, cabins, storage room, and meter cabin at Land To The South And East Of Rylah Farm, Rylah Hill	40 to 67

	(iii) 15/00398/FUL - Retention of building for community use (renewal of a temporary permission) at Hillstown Community Centre, 12 Nesbit Street, Hillstown.	68 to 72
7.	Proposed Preferred Strategic Options for the New Local Plan	73 to 178

PLANNING COMMITTEE

Minutes of a Planning Committee of Bolsover District Council held in the Chamber Suites, The Arc, Clowne on Wednesday 13th January 2016 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, S.W. Fritchley, B.R. Murray-Carr, S. Statter, D.S. Watson and J. Wilson

Officers:-

J. Arnold (Assistant Director – Planning and Environmental Health), C. Doy (Development Control Manager), J. Fieldsend (Senior Assistant Solicitor), S Phillipson (Principal Planner), Tim Ball (Principal Planner) and A. Brownsword (Governance Officer)

0683. APOLOGIES

Apologies for absence were received from H.J. Gilmour, D. McGregor, M.J. Ritchie and P. Smith

0684. ORDER OF BUSINESS

Due to the complexity of the items on the agenda and Members of the public being present, the Chairman consented to the order of business being changed.

0685. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0686. DECLARATIONS OF INTEREST

There were no declarations of interest.

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0687. MINUTES – 9TH DECEMBER 2015

Moved by Councillor S.W. Fritchley and seconded by Councillor P.M. Bowmer

RESOLVED that the minutes of a meeting of the Planning Committee of Bolsover District Council held on 9th December 2015 be approved as a true and correct record.

0688. SITE VISIT NOTES – 4TH DECEMBER 2015

Moved by Councillor J.A. Clifton and seconded by Councillor P.M. Bowmer

RESOLVED that the notes of a Site Visit held on 4th December 2015 be approved as a true and correct record.

0689. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (1) 15/00455/FUL - Residential development comprising the demolition of existing buildings at Sterry House Farm, the erection of 32 dwellings (houses and bungalows), creation of new access road off Mansfield Road and internal road layout and landscaping at Sterry House Farm, Mansfield Road, Clowne, Chesterfield

Further details were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Ms. K. Hulse and Mr. D. Wood attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework, Supplementary Planning Document Successful Places: A Guide to Sustainable Layout and Design and A Building For Life 12.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 15/00455/FUL be DEFERRED pending completion of a S106 obligation and delegate the decision to the Assistant Director

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of Planning in consultation with the Chair and Vice Chair subject to conditions covering the following matters (in précis form to be formulated in full by the Assistant Director of Planning) unless relevant issues are resolved prior to issuing the decision:-

Start within 3 years.

Contaminated land investigation and remedial action prior to commencement.

Hedgerow and tree retention and protection during construction.

Prior to the building of any dwelling above foundation level submission of a habitat management plan for approval to include incorporation of bat and bird boxes, hedgerow planting and improvement, and the removal of Schedule 9 invasive species.

Provision of a 1.8m high brick wall along part of the boundary (with the adjacent dwelling to the north) not later than the first occupation of any dwelling on the site.

Approval of drainage details:

No development other than demolition of the existing dwelling and site preparation shall commence until information has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the drainage scheme is designed to manage surface water flood risk in accordance with S7, S8 and S9 of the Defra non-statutory technical standards for sustainable drainage systems (March 2015).

(Reason: To ensure that the surface water is managed appropriately to avoid flooding on site for events up to and including the 1 in 30 year rainfall event and that flooding is managed safely on site within the development during events up to, including and in excess of the 1 in 100 year rainfall event).

No dwelling shall be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

(Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the operation and maintenance of sustainable drainage systems is provided to the LPA in advance of full planning consent being granted).

Highway Conditions:-

Provision of the new estate junction in accordance with the approved plan

Provision of the estate street

Provision of parking spaces

Provision of wheel cleaning facilities for construction traffic

Pedestrian splays to private accesses

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The north/south footpath to the west side of plots 24-33 to be provided and surfaced to adoptable standard up to the boundaries of the site.

The road link to the land to the west shown on the approved plan to be constructed (in accordance with a timetable to be agreed) and provided to adoptable standard up to the western boundary in accordance with levels details and spec etc to be approved to demonstrate the link can be achieved with the adjacent land.

Turning head adjacent to plot 27 only to be provided in accordance with an agreed time table and spec unless an alternative simple crossing to serve the private drive has been approved.

Schedule of materials to be approved to include GRP porches replaced by more traditional tiled solution on plots 2-4 and 17.

Hard and soft landscaping

Maintenance of landscaping for 5 yrs

Boundary treatments.

Advisory note

The Highway Authority have advised that the note on the layout plan referring to an adopted footpath should be amended to 'footpath built to adoptable standard' and that tactile pavers should be 4 wide not 3.

(Development Control Manager)

- (2) 15/00216/OUT - Hotel extension (including details of access); and erection of 52 residential properties (including details of all reserved matters other than Appearance) on land north of Worksop Road with new access roundabout junction to serve both developments at Hotel Van Dyk and Land South Of Plantation on North Side of Worksop Road, Clowne

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. J. Gilbert attended the meeting and spoke against the application.

Mr. I. Batty, Mr. C. Carr and Mr. P. Eyre attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework,

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Supplementary Planning Document Successful Places: A Guide to Sustainable Layout and Design, Supplementary Planning Document: The Historic Environment and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Moved by Councillor S.W. Fritchley and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 15/00216/OUT be DEFERRED and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to

- A. Completion of S106 Planning Obligation which commits the hotel owner to complete the phase 1a hotel building shell (including the roundabout and access) before any development of the residential land takes place;
- B. Conditions to cover the issues given below given in précis form to be formulated in full by the Assistant Director of Planning:

Conditions:

Both elements:

Submission of reserved matters for housing (appearance) for hotel layout (landscaping and appearance).

Start hotel development within 3 years.

Phasing: No site works or commencement of residential development until building shell of phase 1a of the hotel development extension, including walls, doors, windows and roof complete and new roundabout complete to at least base course

Approval of drainage plans before development commences. (STW) to include modelling or calculations to show the proposed drainage strategy has the capacity to manage rainfall up to and including the 1 in 100 year rainfall event. Also responsibility for SuDS maintenance to be confirmed prior to commencement of works. (DCC Flood Risk Team)

Design of roundabout (i.e. appearance).

Update Travel plans to include clearer proposal for mini-bus collection etc of staff and customers from/to the local area rail/coach stations and availability for residential area residents.

Wildlife/protected species updated surveys together with any necessary mitigation measures prior to commencement of any site works/construction.

Protection of trees and hedgerows.

Residential:-

Appearance reserved

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Detailed landscaping condition for housing (to take on board urban design comments) incl. gateways on A619 and into the development; Suds; boundary treatments; surfaces including carriageways, footways and kerbing; planting; bridge Protective fencing to woodland (DWT) before any site works until complete. Contaminated land condition, and Oil and petrol separators. (EA)

Hotel:-

Design, layout, landscaping and appearance to be in accordance with the revised concept proposals submitted 15th December 2015 as part of the application (specify drawing nos.)

Updated contaminated land investigation and Oil and petrol interceptors

No occupation/bringing into use until internal roads, car parking and service areas surfaced to at least binder course, lit and drained.

Notes:

The housing element of the proposal, taking into account local and national planning policy and its impact on the setting of heritage assets, needs wholly exceptional reasons for it to take place. As part of this, all elements of the development must be of an exemplary design and standard.

Public sewer within the site. (STW)

The meeting concluded at 1105 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visits held on 11th January 2016 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, H.J. Gilmour, M.J. Ritchie, S.J. Statter, D. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager)

1. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, M. Dooley, D. McGregor, B.R. Murray-Carr, P. Smith and B. Watson.

2. SITE(S) VISITED

Application:

15/00455/FUL Residential development, Sterry House Farm, Mansfield Road, Clowne

15/00216/OUT Hotel and Residential Development Van Dyk Hotel and land south of the Plantation on north side of Worksop Road, Clowne

The meeting concluded at 1117 hours.

PARISH Old Bolsover

APPLICATION Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points onto Oxcroft Lane.

LOCATION Land to North Of Meridian Close Oxcroft Lane Bolsover

APPLICANT Ackroyd and Abbott South Yorkshire

APPLICATION NO. 15/00076/OUT **FILE NO.** PP-03977704

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 13th February 2015

The following report (shown in italics) was first considered by Planning Committee on 9th December 2015. Further details and an amended condition were included within the Supplementary Report and these have now been incorporated into the main report.

Planning Committee resolved to defer making a decision on the application to enable an independent assessment by a Highway Consultant of the traffic impacts and the application to be reported back to Committee for consideration when the assessment is complete.

Bryan G Hall (consulting civil and transportation planning engineers) were appointed to review the traffic impacts of the proposal. Their advice is summarised at the end of this report.

SITE

The site comprises a large irregular shaped open arable field approximately 6.5 ha in area within the countryside on the extreme northern edge of Bolsover. It is Grade 4 agricultural land.

Beyond the northern boundary lies open countryside with sweeping views to the north and down the valley out towards Barlborough. The north eastern corner opposite Sutherland Farm affords views across open countryside over the limestone plateau.

The eastern boundary of the site is marked by Oxcroft Lane, which is a narrow country lane that becomes single vehicle width travelling northwards from the site for approximately 3km. Sutherland Farm is located immediately east of Oxcroft Lane and the application site. This is a poultry farm and can on occasion produce odours.

The western boundary is defined by the rear boundaries of existing ribbon development along Shuttlewood Road. The south west boundaries are located adjacent to countryside used as paddocks which separate the site from properties on Mill Lane and Mill Walk.

The southernmost part of the site shares a boundary with a former industrial site (the now cleared Courtaulds site) which has planning permission for residential development. Planning permission was granted in 2005 and whilst development commenced with the construction of the access road and paths to the site, development has now stalled for some years without the construction of any of the dwellings taking place. This site is also understood to be within the ownership of the Applicant.

The site is bounded by hedgerows, which are closely cropped and managed. In places

intermittent gaps exist between lengths of hedgerow. There is only one small part of the site in the south west corner which contains internal hedges and hedgerow trees which mark a former garden boundary. The upper parts of the site are generally level to the east and the west, although the topography slopes significantly into the head of a narrow valley with a low point in the centre of the northernmost part of the site.

At its north west corner the site extends to Shuttlewood Road along a gap between No 137 and Boleappleton Farm wide enough to accommodate a footpath or single width track.



PROPOSAL

Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points onto Oxcroft Lane. Potential limited access is also indicated from the new estate road provided on the Old Courtaulds site. An indicative layout has been provided (see above).

The site includes an old agricultural access from Shuttlewood Road between No 137 Shuttlewood Road and Boleappleton Farm to provide pedestrian and cycle access.

The Applicant acknowledges that an area of agricultural land to the south west of the site will be enclosed by the development. This area is not within the Applicant's ownership but the indicative layout plan submitted shows a potential road access though the current application

site to this land. 149 dwellings would result in a gross density of approx' 23 dwellings/ha.

The application is supported by the following reports:-

Transport Assessment
Travel Plan
Archaeological Assessment
Flood Risk and Drainage Assessment
Mining Assessment
Phase 1 and 2 Geo-environmental Assessment.
Odour Assessment

The Applicant argues that the Council does not have a 5 years supply of housing and that the proposals are in accordance with the National Planning Policy Framework with an opportunity to deliver a substantial amount of housing in a sustainable location on a site that is available, suitable and deliverable.

Developer Contributions

The following developer contributions are offered to be secured by S106 agreement:-

10% Affordable housing provision on site.

Highways:

Travel plan monitoring to the cost of £2500 per year for 5 years; network monitoring and off-site mitigation works to the value of £200,000 to include works to Welbeck Rd junction and Mill lane); the cost of any traffic regulation orders up to £15,000; also construction HGV routing set to an agreed route by contract.

The applicant would also agree in the S106 to use reasonable endeavours for 6 months to acquire Boleappleton Farm to provide a direct road link from the site to Shuttlewood Road (i.e. whilst the Applicant will try to provide a road link, subject to viability and third party agreement etc, there is no guarantee that such a link will be delivered). If this road link is delivered the need for other alternative off-site road works (i.e. the £200,000 worth) will be reviewed since they are not likely to be necessary as the new access route offers a preferable alternative.

Education:

A financial contribution of £136,788 towards the provision of 12 infant places at Bolsover Infant and Nursery School;

A financial contribution of £193,783 towards the provision of 12 junior places at Bolsover C of E Junior School; and

A financial contribution of £85,881 towards the provision of 5 secondary places at The Bolsover School.

Leisure/Public Open Space:

0.29ha public open space on site with LEAP Standard Play area on site;

A commuted maintenance sum for a 10 year period of £41,000 in the event of transfer to the Council;

A commuted sum of £133,802 to be provided in lieu of any formal on site outdoor sports

facilities to be spent within the Parish of Old Bolsover.

Also the following is offered by means of a planning condition, rather than S106 obligation:-
Scheme for the provision of public art on site.

AMENDMENTS

Further info received on archaeology, odours, deliverability, highways.

Revised access detail to Oxcroft Lane (7160/001 Rev C) submitted 28/07/15 showing the extent of hedgerow removal required for the accesses and visibility splays. The existing hedgerow is shown removed along two thirds of the frontage to Oxcroft Lane although replacement planting is indicated behind the splays.

01/12/15 Addendum to odour impact assessment submitted by the Applicant.

Concludes that:

Odour exposure is highly dependent on wind direction:

- on those occasions that the Proposed Development is directly downwind of the poultry farm (approximately 12% of hours in a year), the odour exposure would be either Medium or Large;
- on those occasions that the Proposed Development is downwind (but not directly downwind) of the poultry farm (an additional 4% of hours in a year over and above when directly downwind), the odour exposure would be mostly Negligible and occasionally Small; and
- on those occasions that the Proposed Development is upwind of the poultry farm (approximately 84% of hours in a year), the odour exposure would be Negligible.

But Medium and Large odour exposures are expected to be limited to when the Application Site is directly downwind of the source (Sutherland Farm) **and** when this happens to coincide with the farm being at its most odorous parts of the cycle. Accounting for the final clearout event (NOTE the mid cycle event has not been accounted for here in consultants conclusions) the probability of a moderate or substantial adverse effect being experienced is for less than 0.5 percent of the year.

Concludes on the basis of the low frequency of effect and probability the overall effect is considered 'slight adverse' and is "not significant" and the proposed development site is suitable for residential use from an odour perspective.

HISTORY (if relevant)

None relevant on site. On adjacent land to the south (former Courtaulds site) 03/00730/FULMAJ permission for 43 dwellings approved 02.08.2005.

CONSULTATIONS

BDC Planning Policy

24.11.15 Given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy, it is considered that the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

However, from an assessment of this proposal, whilst it is noted that the site is in a generally sustainable location it is considered that the proposal is yet to demonstrate that it would form a well connected extension to the settlement framework of Bolsover Town. Furthermore, based on the available evidence there are strong concerns that the proposal is not achievable within 5 years as required by the Five Year Supply guidelines.

Therefore, in light of these concerns, a decision to approve the application would not be supported from a policy perspective at this stage.

DCC Highways (This response is reported in detail having regard to the potential impacts)

11.09.15. The Highway Authority has concerns regarding the traffic impact of the development on the existing highway network. If development access is limited solely to Oxcroft Lane this will limit the choice of routes available to drivers and other road users. Given the limitations of Oxcroft Lane to the north of the site, Mill Lane to the south and the Welbeck Road area and its junction with Town End, the Highway Authority will be seeking mitigation where the impacts are considered to be severe; either by physical works secured by condition or via contributions to wider network improvements by means of Section 106 contributions to off-set the impact of traffic generated by the development on the existing highway network.

The Highway Authority is aware of the District Council Planning Officer's preference for a road link to be provided from Shuttlewood Road. Whilst the Highway Authority is entirely open to the idea of such a link (which would undoubtedly offer relief to off-site traffic impacts elsewhere), it is not the only form of mitigation available and other alternative measures could also be considered. It is noted that not all of the land needed to provide the link forms part of the current application site curtilage but this is not necessarily an unrealistic prospect and this link could, in theory, form a reasonable endeavours undertaking in a S106 Agreement with other alternative interventions being available in the event it could not be provided within a meaningful timescale.

The key (but by no means only) node on the network subject to impact will be the A632/Welbeck Road junction. This application and other significant committed development in the area will be expected to contribute a proportionate share of the cost of mitigating this impact and improving the junction. Based upon the work carried out in connection with the Local Plan Transport Topic Paper and other applications, this development's contribution is expected to be in the vicinity of £155,000 (plus Travel Plan monitoring).

The Highway Authority has also considered the more localised effects of the development, particularly the likelihood of development related traffic seeking to use Mill Lane to access Shuttlewood Road. This route is currently very lightly trafficked and the percentage increase in vehicle movement resulting from the development is consequently high. However, in overall terms the frequency of trips post development will still remain within the operational capacity of this route. **The Highway Authority would therefore not be in a position to**

offer a technical capacity based objection to the development due to the impact on Mill Lane. Similarly, the Highway Authority relies upon 3 year personal injury accident data to provide an evidence base for the safety of the local network. There have been no such events on Mill Lane or its immediate environs in this period and this would preclude a recommendation for refusal of planning permission on this particular issue.

However, Mill Lane is narrow in many places and has a number of tortuous bends. On-street parking further restricts the carriageway in places and there is limited footway provision. The junction with Shuttlewood Road is also restricted. The Highway Authority is therefore sympathetic to the Local Planning Authority's concerns about the quality of the Mill Lane street environment and the amenity of existing residents and users as a consequence of the additional development traffic and considers that the applicant should introduce a package of measures to help alleviate some of these concerns. The County Council would be prepared to examine a package of traffic management measures and physical improvements which could include some or all of the following (localised footway widening at the Shuttlewood Road junction, introduction of on-street parking management on both Shuttlewood Road and Mill Lane, localised carriageway widening and provision of margins on Mill Lane, traffic management measures to regulate two-way traffic movement along Mill Lane). You may consider it appropriate to include a condition within any consent requiring a scheme detailing these measures to be submitted as part of any future full or reserved matters planning submission and subsequently implemented prior to occupation of dwellings.

DCC suggest wording to include within a S106 obligation including measures to require highway network monitoring and funding for mitigation works where required to the value of £200,000 (which includes the Welbeck Road/Town End improvement costs above); Travel Plan monitoring contribution of £2500 per year over 5 years; contractual obligation over haulier routes.

Also conditions are recommended re:-

Mill Street works as set out above

Approval of temporary construction access detail

Site compound details

Wheel cleaning of construction vehicles

Construction Management Plan

Widening of Oxcroft Lane to 5.5m and 2m wide footway to west side.

The new accesses to Oxcroft Lane provided - width of 5.5m, with 2 x 2m footways, radii of 6m and visibility sightlines of 2.4m x 60. The area forward of the sightlines shall be levelled, constructed as footway and form part of the adoptable public highway.

Access gradient not to exceed 1:30 for the first 10m and 1:20 after.

Internal layout to accord with 6CS Design Guide and Manual for Streets.

Swept path details required with application for reserved matters.

Approval of sw drainage detail.

Provision of the new estate street.

Provision of secure cycle parking.

Provision of 2 parking spaces and garage size 6 x3m.

Bin stores at entrance to shared drives.

No gates within 5m of highway

Travel Plan to be submitted, approved and implemented.

Further response from DCC Highways 17.11.15.

Confirms that the Highway Authority is satisfied that the contribution of £200,000 is sufficient to accommodate the cumulative impact mitigation works originally identified and the additional potential works on Mill Lane and its junctions.

In addition, the Highway Authority requested the inclusion of a clause for a capped figure of £5,000 per TRO up to a maximum of 3 separate Orders.

Therefore, subject to the inclusion of these requirements in the S106 Agreement and the inclusion of the conditions and notes in my letter of 11 September 2015 in any consent, the proposal is acceptable in highway terms.

Town Council

10.3.15. Highway issues – local road infrastructure unsuitable for the volume of traffic generated by the development. Deficiencies in social facilities, school places and leisure facilities not sufficient for the demand. Loss of greenfield sites when brownfield sites are available.

DCC Archaeologist

08.06.15. The geophysical survey shows what appear likely to be archaeological features on the site, corresponding to the square enclosure documented in the Derbyshire HER and other associated features. These are likely to represent field systems and/or settlement enclosures of late prehistoric or Romano-British date. A planning condition is requested requiring further field evaluation to be undertaken in line with a written scheme of investigation before submission of a reserved matters application.

Derbyshire Wildlife Trust

14.05.15. Considers that the ecological appraisal has been undertaken in accordance with good practice. From consideration of the submitted ecological information we would advise that there are unlikely to be any protected species issues arising. We would consider the hedgerows that form the site boundaries to provide the main ecological interest on the site. All the hedgerows meet the definition of UK BAP priority habitat (Habitat of Principal Importance) and, as such, should be retained and enhanced as part of the development. We do not support the use of retained existing hedgerows to form the garden boundaries. Conditions are recommended re:-

Reserved matters application should follow the general parameters of layout, and landscaping set out on the illustrative Masterplan. In particular, undeveloped areas of green infrastructure located adjacent to the hedgerows within and along the boundaries of the site.

The landscaping associated with the proposed area of public open space should be designed to provide maximum benefits for biodiversity and should include the creation of wildflower grassland to be managed, along with the retained and created hedgerows, in accordance with a Landscape and Ecological Management Plan (LEMP) to be submitted to and approved in writing by the local planning authority prior to the commencement of works.

Environmental Health Officer (Odours)

30.03.15. Initial advice. The Applicant has submitted an odour impact assessment in line with the guidance set out in the NPPG regarding the adjacent chicken rearing sheds. Because of the concerns made below he does not feel that he is able to agree with the conclusions of the

Odour Impact Assessment. He advises that it may be possible to address these concerns if a further assessment is made based on the closer distances and not relying on the number of complaints received under the existing Environmental Permitting regime.

The Assessment concludes that “the odour effect at proposed receptors is likely to be “slight adverse”.” And the results of the sniff test carried out also indicated that “the likely odour effect at the development site would be “slight adverse”.”

The Assessment also concludes that because the farm is regulated by the Environment Agency under a Permit and there has only been one odour complaint attributable to Sutherland Farm in the last three years, the “Environmental Permitting pollution control regime is operating effectively and odour emissions are not generating significant impacts at existing residential locations” and consequently “the proposed development site is suitable for residential use.”

There are a number of points raised by the EHO:

1. The assessment has been based on a distance of 210m to the nearest residential property and for properties that fall within a 400m distance. The plan indicates that they have taken these measurements from the centre of the livestock buildings rather than the distance from the nearest intensively farmed buildings, which are ventilated along their length and which are less than 150m to the nearest proposed dwellings. The effect of distance on the dilution/dispersion of odours is significant and therefore this discrepancy is of concern.

The Odour Effects on the proposed residential development (for properties shown as between 210m and 400m) have been categorised as Low Risk of Exposure and Slight Adverse as the Likely Odour Effect. Using the criteria set out in the Odour Impact Assessment and considering the closer distances, I feel that these are more likely to be Medium Risk and Moderate Adverse Effect.

2. The ‘sniff test’ was carried out during week 3 of the poultry cycle as it was felt that this is the period when the farm would be most odorous. I do not accept that this is the most odorous part of the cycle, but would agree that from 3 weeks in to a cycle the odours start to become significant and can increase until the end of the cycle. It should also be noted that not only is the production odorous, but the cleaning of the sheds and transport of material will also create significant odours.

The reliance on the number of complaints received as an indication that the “Environmental Permitting pollution control regime is operating effectively and odour emissions are not generating significant impacts” is misleading in this context. The existing residential locations are at a much greater distance from the poultry unit than the new proposed dwellings, certainly outside the 400m that the assessment comments on. To bring a residential development so much closer to a poultry farm will mean that the residents will experience a greater degree of odour than the existing properties and is likely to result in complaints to the local authority. When complaints are received, they will have to be forwarded to the Environment Agency as the regulating authority and could not be dealt with under statutory nuisance legislation unless it constitutes a public nuisance.

Also, in terms of noise from construction the EHO advises that it may be advisable to control hours of operation for deliveries although any other noise issues could be dealt with by nuisance legislation.

15.05.15. The EHO has serious concerns regarding the approval of this planning application with regard to odours from the adjacent chicken farm. There are concerns with the methodology of the submitted odour assessment. The EHO considers that further odour

monitoring should be undertaken in conditions representing a worst case scenario: i.e. at the end of the chicken rearing cycle; when the wind direction is towards the development site; and monitoring should be undertaken from the nearest odours point.

Whilst we recognise odour is an issue which is regulated as part of the Environmental Permit, if the facility is using Best Available Technique in terms of odour control, there would be little that could be done (by the Council) if an odour nuisance was being caused, as this is an appropriate defence under the legislation. Obviously, this is not currently a significant issue due to the distance of the nearest receptors but with the distances proposed to housing, this could cause significant problems both for the farmer and the proposed residents. This is the regime working effectively and is why consideration should be given at the planning stage to identify whether the development is an acceptable use of the land. The IAQM guidance specifies that 'a lack of complaints does not necessarily prove that there is no annoyance or nuisance or loss of amenity'. We would also state that we are aware having worked in that location (Sherwood Lodge) for a number of years, there were numerous examples of when the odour could be detected at and around our offices during certain points in the cycle.

Whilst these may not have been at nuisance levels, it would indicate that there is likely to be a loss of amenity at the proposed development location.

I would also concur with the previous case officer view that the odour effect should be classed as moderate adverse and medium risk for the closest residents rather than low risk and slight adverse effect as the submitted odour assessment classes the odour as moderately offensive and the residents would be classed as high sensitivity receptors and the risk of odour potential is classed as medium based on the data provided within the odour assessment and the tables provided.

14.12.15 Further EHO advice following site visits and an additional odour assessment that has recently been carried out and submitted to provide further clarification with regard to the potential odour impact on the development from the adjacent chicken farm.

Advises that the additional odour assessment has been compiled in line with current guidance. However, the EHO has some concern that the revised assessment only considers the impact of the odour from the clearing out of the sheds and does not include the impact of the trucks that would be transporting the birds/waste from the site. There would be approximately 20 truck movements of chicken waste over the two days that the sheds were emptied. There was a clear odour from these movements that would be detectable at the nearest properties from this. In addition, the wind was relatively strong on both occasions that additional monitoring was undertaken which can underestimate the amount of odour the potential residents can be exposed to.

There is also no consideration of the odour from the thinning out of the birds at the midpoint of the cycle which would increase the amount of time that the residents may be affected by the odour.

We have also consulted the Environment Agency with respect to the poultry farm's A1 permit and they consider the farm to be well run in accordance with current Best Available Technique. This indicates that if there were to be an issue with respect to odour, there would be little that the farmer could alter to mitigate any potential issues.

I consider the overall assessment of this application to be borderline as to whether odour is considered to be significant or not due to the potential frequency that the odours will be experienced. I think that it has the potential to become significant, particularly if there are periods of very hot weather or very still weather conditions but for much of the year, the wind will be in the opposite direction. In addition, although the odour from the trucks will be

evident, this should only be for short intervals. It must be noted that even if complaints regarding odour are made by residents, there may be little that the Environment Agency can do if the poultry farm is operating in accordance with their permit conditions.

It is therefore our consideration that it is unlikely that the odour will reach levels where it would constitute a statutory nuisance due to the limited amount of days that the odour will be experienced (albeit the site is operated under a PPC permit). However, the odour will impact on the amenity for residents for a limited amount of time in year. This must be weighed against the need for development in this area.

There is also the potential for noise from the trucks to affect residents. It has been clarified during this process that the birds are moved in the early hours of the morning generally to minimise stress to the birds. Therefore, residents directly adjacent to the farm may be affected by these movements. We would therefore recommend that if planning permission is granted a condition requiring a scheme of noise assessment and sound insulation be attached.

Environmental Health Officer (Pollution Control)

31/03/15. A Phase 1/2 environmental assessment has been submitted to support the application but it is limited and is not considered to be sufficiently robust to fully categorise the site. Therefore, due to the proposed sensitive end use and the size of the site, we would recommend that the following planning condition be attached to any planning permission granted: Investigation of potential ground contamination and remediation if necessary.

Environment Agency

29/04/15 No objections.

23.10.2015. Whilst the EA has no objections they do have serious concerns regarding the reliability of the findings of the submitted Odour Impact Assessment:-

The operator has informed me that the birds at Sutherland Farm poultry unit were 14 days old on 5/11/14, which is the day that the sniff test odour assessment was carried out. We would not expect there to be any significant off-site odour when the birds are only 14 days old.

The Odour Impact Assessment report states that sniff testing was carried out on one day only. The Environment Agency's 'H4 Odour Management' guidance referred to in the report puts forward carrying out sniff testing over many days during the most odorous part of the cycle as well as during adverse weather conditions to assess 'worse case' scenarios and build up a picture of off-site odour over time. Therefore the reliability of the findings from only sniff testing on one day is also of concern.

Please note that Sutherland Farm has been regulated by the Environment Agency since the site was permitted in October 2007, and not since 2011 as stated in the Odour Impact Assessment report.

Yorkshire Water

24/03/15. Requests a condition:-

The development shall be carried out in accordance with the submitted Flooding and Drainage Assessment (reference 7160 revision A dated 04/02/2015), unless otherwise agreed in writing with the Local Planning Authority.

Urban Design Officer

5.5.15. Elements of the design of the indicative layout as currently shown are unacceptable. Although layout is not a formal consideration for this application, a number of issues have been identified that would need to be addressed at the reserved stages in the event that outline planning permission is granted. Ideally the submitted Masterplan layout should be revised as part of this application in order to form a sound basis for any reserved matters. Any permission should include an advisory note drawing the applicant's attention to the need for future detailed design work to be prepared in accordance with the Successful Places Interim SPD (Sustainable Housing Layout and Design) and regard to these comments.

Crime Prevention Design Advisor

10.3.15. Notes that there is no detail on what crime prevention measures are to be implemented into the design. Although there has only been an indicative layout submitted at this stage I would recommend that this detail is supplied by the applicant so that an early indication is given to what will be included in future submissions.

Coal Authority

27.2.15. No objections. Apply the standing advice advisory note.

DCC Planning (Strategic Infrastructure and Services)

23.03.15. The current and projected future number of pupils on roll shows that the normal area infant school could accommodate 1 of the additional 13 infant pupils generated by the proposed development. The normal area junior school would not have sufficient capacity to accommodate any of the 17 junior pupils generated by the proposed development. The normal area secondary school would have capacity to accommodate 17 of the 22 secondary pupils generated by the proposed development.

Seeks developer contributions by s106 for the following:

Access to high speed broadband services for future residents (in conjunction with service providers);

£136,788 towards 12 infant places at Bolsover Infant and Nursery School;

£193,783 towards 12 junior places at Bolsover C of E Junior School;

£85,881 towards 5 secondary places at The Bolsover School; and

New homes designed to Lifetime Homes standards.

NHS

17.3.15. Seeks a S106 contribution of £551 per dwelling for local doctors practices. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources. The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. Options available to the practices include increasing capacity at each premise by extending their existing premises or a new premise. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

Leisure Services Officer

28.09.15. Seeks: On site LEAP standard play area plus public open space totalling 0.29ha.

Contribution to off-site formal sports provision, in this case $£898 \times 149 = £133,802$.

A 10 year commuted maintenance sum in the region of £41,000.

Confirms he is happy with the Applicants offer.

Arts Officer

10.3.15. Seeks a contribution to public art with Bolsover of 1% of development costs.

PUBLICITY

Advertised in the press, 3 site notices posted, 58 properties consulted. 1 letter in support. 81 objections received.

Grounds of objection raised on the following issues (main issues raised in representations are categorised):-

Highway Issues (residents concerns)

There is no direct access from the proposed estate onto Shuttlewood Road, which is the direct route leading to the M1 and Chesterfield from this area. This will result in significant increases in traffic using Limekiln Road and Mill Lane to gain access to Hill Top to get to the M1 and Chesterfield. These roads are not equipped to be through roads and were never built for that purpose. Some traffic from the proposed new estate may use Oxcroft Lane but as this road is heavily laden with 'sleeping policemen' plus a detour on a one way system and then having to go through the town centre, drivers would inevitably choose the access roads of Limekiln and Mill Lane as an easier exit out of the town.

The existing & presumably only road network available next to this land will not be fit for purpose, and this should be key reason to refuse this particular application.

Considerable increase in traffic using very narrow Lanes with on-street parking and lacking footways is dangerous for vehicles and pedestrians.

Already concerned about increased traffic on Mill Lane following the arrival of 2 new commercial tenants; this would be the tipping point.

Existing home owners on the local roads will become increasingly frustrated.

Mill Lane will need a serious traffic management review.

There is no foot way for part of Mill Lane, single lane and it is already dangerous near Shuttlewood Road.

Resident has provided photographs of property damage to their front boundary wall on Mill Lane caused by a vehicle squeezing through.

Mill Lane should be a one way system.

Mill Lane will become a rat run.

Oxcroft Lane to the North of the development is only a single track road with few passing places, the road is popular with cyclists, horse riders and walkers and would with an increase in traffic become dangerous. Horse riders and vehicles cannot pass without pulling onto the grass verge or reversing to find a passing point.

Oxcroft Lane should be made access only and a no through road to motor vehicles.

Longlands and Welbeck Road will become busier, this will be a hazard to the children attending Welbeck Road School and to the elderly residents who use Welbeck Roads GP practices.

Traffic Lights erected at Bolsover Town End a few years ago already cause considerable congestion which would be greatly increased.

Limekiln Fields Road is narrow with cars parked on the road effectively making this a single track road and could not take the extra traffic.

Already a nightmare trying to get through the towns one way system at busy times.

This development should access on to Shuttlewood road not through this very tight one way system along Oxcroft Lane.

Bearing in mind the proposed Welbeck Road development (Bolsover North) of hundreds more houses on the same one way it is crazy to have further development on Oxcroft Lane.

Construction traffic through the town.

The submitted Transport Assessment is very optimistic and not realistic.

More parking spaces needed in the town centre to cope.

Similar applications have been refused in the past on the grounds that they did not have sufficient or safe access to Shuttlewood Road.

Proposed new footpath link to Shuttlewood Road could be used by criminals to escape where the Police cannot follow. If it is an emergency access general traffic may use it. Not safe for general traffic.

Concern that a future access on Shuttlewood Road would be sought. Resident feels this would be dangerous.

The phase 2 development will bring more traffic as well as the Old Courtaulds site permission.

Concern that construction vehicles will use Mill Lane.

Concern that future access will be taken from Mill Walk.

Impact on the living conditions of existing residents.

These local roads are never gritted in snowy weather.

The resident refers to planned road improvements to be undertaken as a result of the Morrison permission relied upon in the TA but there is no sign of this scheme progressing.

Contrary to policy GEN1 with unsafe access and highway network.

Would cause congestion locally and within Bolsover.

Noise from the extra traffic.

Emissions and air pollution from extra traffic.

A representation received from an adjacent landowner states "I own the adjoining property Boleappleton Farm Shuttlewood Road north of the proposed development site and feel that my property and land provides the ability for a proper link for access off Shuttlewood Road to the proposed site. I would like you to know that I am willing to discuss with the applicants the possibility of joining up to allow vehicle access off Shuttlewood Road."

Odours (residents concerns)

Concern for the new residents living closer to the Chicken Rearing Farm/Sheds than the resident does (resident lives on Shuttlewood Road and reports the smells coming from them to be terrible).

The statement in the odour assessment about only one complaint about the smell from the chicken sheds is very unfair. We have all had to put up with the awful smell from there when there has been an easterly wind but have accepted it as part of living in the countryside near farms. The resident would not want to live any nearer to the sheds especially in warm weather when having windows and doors open is impossible.

Local residents formerly complained about the smell to the Council on numerous occasions but have given up complaining to the DOE now that it is their responsibility because nothing is done by them. Therefore resident questions the time frame used in the Odour Assessment which only records one odour complaint.

Sometimes the smell lasts for 2 days.

Resident recalls one occasion in 2013 when the smell was so bad that the Infant School was closed because so many of the children were made to feel sick by the stench from the chicken farm.

Resident of Shuttlewood Road 450m distant states that odours from the Chicken Farm can be overpowering on occasions.

The owner of the Chicken Farm is concerned that the new dwellings will be too close to his operation in terms of odours and future conflict with the new residents. Confirms only one complaint in the last 3 years but says this is because there is a suitable separation distance at present. Closer development will increase the number of complaints. The distance from the shed to the proposed dwellings is 100m not 210 as stated in the submitted odour report and this is not manageable. The sniff testing was only undertaken for one day. The Odour report states that odours will only be blown towards the site for 16% of the time in any year – nevertheless queries whether this is acceptable to the future of the Chicken rearing business and the lives of future residents.

Policy Issues (residents' concerns)

Outside settlement framework and not designated for residential, contrary to local plan policy. Contrary to ENV3 and HOU3 and GEN8.

Contrary to ENV2 re protection of high grade agricultural land (Not correct since the site is grade 4).

Contrary to NPPF - Part 7: Good Design "Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Should use brownfield land before greenfield such as the adjacent Courtaulds site which has been left half started for years; the old Council refuse lorry depot; Coalite site.

Loss of countryside.

Urban Sprawl.

Premature to the plan making process.

Contrary to the Council's own guidelines adopted 11/2/15:-

Does not meet the sustainability criteria i.e. too far away from schools, the town centre and employment opportunities. The site fails to comply with the Sustainability criteria set out by the Council resulting in the development in this location encouraging the use of the motor car rather than people walking, contrary to planning guidance.

The guidelines state that the applicant should submit with their application an assessment demonstrating the sites availability, suitability for development now and timescales for development (house numbers per year) etc. Further the assessment should show how the proposals perform against the relevant saved policies in the Local Plan. No such assessment has been provided with the application.

The applicant has provided little or no evidence to support the sites deliverability. The applicant should be required to demonstrate that the site has a realistic prospect of being delivered within five years.

Carbon emissions – no sustainability statement and Low Carbon Emissions statement has been submitted with the application.

One point of access is poor design and fails to create proper connections to integrate the development with the settlement to the detriment of sustainable development.

The council should consider reducing the 5 year supply required based on 2012 household projections.

To get to Chesterfield by bus from Shuttlewood Road a change of bus is required in Bolsover

which makes bus travel impractical for most.

Marketability constraints - odours from the adjacent chicken farm, lack of amenities and a bus service are reasons why housing on the site could remain unsold for a considerable time.

Greenbelt (this is not correct).

Loss of agricultural land.

Obviously unsuitable land for development.

No need for more housing land in Bolsover.

The existing planning approval on the old Prew Smith site that has never been developed.

Will add to global warming.

This application is in reality seeking permission for a much larger housing site including additional phase 2 land to the southwest this equates to a development site of approximately 10ha and 250 dwellings.

Service Capacity (residents' concerns)

Schools overloaded.

Capacity issues and time it takes to get a doctor's appointment.

Lack of local amenities nearby e.g. shops no bus route on Oxcroft Lane.

The number of affordable houses is not specified.

The proposed public open space is also to be used for sustainable drainage so may not be usable for recreation.

General Issues (residents' concerns)

Loss of wildlife.

Impacts on wildlife including birds, owls and bats. Future street lighting will affect them.

Loss of hedgerow.

Loss of habitat for newts and wildflowers.

Brockley Wood is a nature reserve.

Loss of biodiversity.

Disruption to insect habitat.

Council riding rough shod over local countryside for monetary gain.

Suggests moving the position of the proposed public open space to be adjacent to Shuttlewood Road.

Overlooking and loss of privacy made worse by levels difference.

Loss of view of the countryside.

Loss of property value.

There has been no public consultation carried out by the Applicant on this major application.

Query inclusion of Boleappleton Farm on a TA plan.

Objects to the proposed foul water pumping station being on the west side of the development: Noise and odours.

Concerns over maintenance of the public open space.

Resident queries what is proposed for phase 2.

Loss of archaeological interest.

Capacity of the sewers.

Ruin the character of the area.

Impact on the historic character of the Oxcroft Estate Land Settlements.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 3 – Development Affected by Adverse Impacts from Existing or Permitted Uses

GEN 4 -- Development on Contaminated Land

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

GEN 8 – Settlement Frameworks

GEN 11 – Development Adjoining the Settlement Framework Boundary

GEN 17 – Public Art

HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development

HOU 6 – Affordable Housing

TRA 1 – Location of New Development

TRA 7 – Design for Accessibility by Bus

TRA 10 – Traffic Management

TRA 13 – Provision for Cyclists

TRA 15 – Design of Roads and Paths to Serve New Development

ENV 3 – Development in the Countryside

ENV 5 – Nature Conservation Interests

ENV 8 – Development Affecting Trees and Hedgerows

National Planning Policy Framework

Paragraph 14 – advises that permission should be granted for sustainable development.

Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

Paragraph 47 footnote states that “To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

Paragraph 49 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.”

Paragraph 32 states that: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:....

- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Paragraph 34 states that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

Paragraph 64 states that: “Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Paragraph 66 states that: “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.”

Paragraph 120 states that: “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

Paragraph 187” Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

Core Principles. 17 Planning should... not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...

Other (specify)

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in February 2015). Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design (2013).

A Building for Life 12 (BfL12) - The sign of a good place to live.

ASSESSMENT

The Principle of Development

The site lies outside, but partially adjacent to, the settlement framework as defined in the now aging Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. It is considered that the proposal does not meet these criteria

and the proposal is contrary to these policies and approval would be a departure to these policies of the development plan.

Despite the policy conflict however, Bolsover District Council is currently experiencing a shortfall in its 5 year supply of housing. Government guidance in the National Planning Policy Framework (NPPF) advises that in such circumstances, where the development plan is absent, silent or relevant policies are out of date (as is the case for the Bolsover District Local Plan), planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF (Para.14).

Therefore significant weight in favour of sustainable housing development arises from the NPPF policy provided that any other impacts/harms would not demonstrably outweigh the benefits.

The Council must be satisfied that the development will be sustainable. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise. With regard to the assessment criteria in the Council's Guidelines:-

- There are two bus services within the 400m recommended on Oxcroft Lane i.e. 200m from the site centre although the pedestrian link route at the northern corner will increase this distance in practice.*
- Schools are within a reasonable walking distance Bolsover Infant and Nursery School and Bolsover C of E Junior Schools are approximately 1,100 metres away. The Bolsover School (Secondary) is approximately 1,600 metres away.*
- Bolsover Town Centre is approximately 1,100 metres walking distance of the site which is considered reasonable.*
- A Major employment site is within a reasonable distance with Markham Vale 2500m.*
- Odours associated with Sutherland Farm are noted to be a local concern from time to time and count against the sustainability of the site.*

Overall therefore it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and significant weight in favour arises from the NPPF policy.

Whilst not a specific requirement of NPPF policy there are concerns as to whether this site is deliverable and whether it will actually contribute to the Council's 5 year supply in the event that permission is granted.

The application is not accompanied by a viability appraisal to evidence that development on the site is viable, although a statement on deliverability has been provided.

The Applicant says that they believe the scheme to be viable, subject to detailed design work to be discussed with the LPA at the reserved matters stage. The Applicant may not be intending to build on this site themselves but they say that they have received expressions of interest from a number of national house builders and that a number of these have also stated an interest in purchasing and delivering the smaller adjacent site benefiting from extant

permission. Although for commercial reasons, they are unable to identify interested parties at this stage. They say that the site is known to be attractive to developers due to the sites setting and the dearth of new build housing in the local market.

The Applicant anticipates that the first housing completions would start in 2017 with a completion of works in 2021.

BDC Planning Policy Team has concerns whether this site if approved would contribute to the Council's 5 year supply of housing. These concerns are based on the lack of progress on the adjacent consented site owned by the same Applicant. They advise in relation to the adjacent that "this site initially featured within and contributed to the Council's 5-year supply of residential sites. However, following the continuing lack of houses being delivered this situation has been reviewed. Based on information provided by Ackroyd and Abbott in October 2014 that they had decided to not progress the site until the housing market had improved and that they were considering selling the site to a third party, this site (ref. 03/00730/FULMAJ) was removed from the Council's 5-year supply. Based on information provided by Ackroyd and Abbott this year for the 2015 update to the 5-year supply, Ackroyd and Abbott have reconfirmed this situation and as a result the site will stay outside and not contribute to the Council's 5-year supply."

On the face of it there seems little point in granting permission for new housing outside the settlement framework if it will not contribute towards achieving a 5 year supply. However this is not the test which must be satisfied in Government policy in the NPPF. The test is whether the development would be sustainable and whether any other impacts/harms would demonstrably outweigh the benefits. However if a site is not deliverable the weight that should be given to the presumption in favour of sustainable development set out in the NPPF might be reduced.

The Applicant (Ackroyd and Abbott) has not had a very good housing delivery record within Bolsover District over recent years and whilst this is a matter of some concern there has clearly been a recession which has contributed to delays in delivery. Ultimately this is a greenfield site with no obvious abnormal costs (but see Highway Issues) and so there is no particular reason at this stage to conclude that the site will not be deliverable.

There is also a concern as to whether or not the proposal would result in a well connected logical extension to the settlement framework in accordance with the Council's guidelines. The application site excludes two fields to its south west side (referred to as phase 2 on the indicative plan) which are adjacent to the settlement framework and so it is considered that the proposal would not result in a continuous or a very logical settlement extension. The concern is that by excluding these fields the proposal will extend further out into the countryside than is necessary to deliver the 149 dwellings proposed and so it could result in an inefficient use of land and a less sustainable form of development.

The BDC Planning Policy Team advise that "based on the submitted information, given the irregular shape of the site, the current inefficient use of land and the current lack of vehicular link to Shuttlewood Road, it is considered that the proposed development would not form a well connected extension to the settlement framework of Bolsover Town."

The form/shape of the application site should certainly be seen as also committing these

additional fields which it surrounds for future development. This is because approval of this application would also extend the settlement framework around the phase 2 land. This situation could only be acceptable if an access can be provided to serve this phase 2 land otherwise this land could be sterilised. The supporting Transport Assessment only assesses the impacts of 149 dwellings on the application site itself and does not consider the impacts of the additional traffic generated from development on the phase 2 land (perhaps an additional 100 dwellings could be accommodated). Hence we do not yet know whether the existing road system has capacity to take the phase 2 dwellings accessed from Oxcroft Lane. However even if later assessment proves that the road system does not have capacity, a new access could be provided to Shuttlewood Road and whilst this would involve the cost of demolition of a dwelling to achieve this, it is considered that the phase 2 site is likely to be large enough to stand the cost.

Therefore whilst the form of the settlement extension proposed by no means ideal, the phase 2 land need not be sterilised in the long run and so the inefficient use of land (which affects the sustainability of the proposal) that would result from the proposal should be seen as a temporary problem which would only exist until a later a development scheme comes forward for that land in future years. It should be noted that a similar situation occurred on land off Mansfield Road Clowne where the Ben Bailey development linked to the High Ash Farm permission enclosing two additional fields which did not form part of either proposal.

In summary, despite the conflict with the out of date policies of the local plan it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and so significant weight in favour arises from the NPPF policy. The weight in favour however is marginally tempered by concerns over delivery.

Issues and Impacts

The main issues to consider for this application are the impacts resulting from the additional traffic created both on highway safety and on amenity, and odour issues resulting from the proximity of the nearby Chicken Farm.

Highway Safety

There are concerns about the potential impacts on highway safety. Of note is that the additional traffic on the local road system is by far the greatest issue of concern to local residents. A relatively high level of objection has been made to this application (81 objections).

The existing local highway system serving this site is considered to be poor whichever route or direction is chosen. Oxcroft Lane to the North of the development is only a single track road for 3km with few passing places. Oxcroft Lane to the South is over speed humps and emerges at Welbeck Rd/Town End junction which has capacity problems. Mill Lane in particular has issues being narrow in many places and has a number of tortuous bends. On-street parking further restricts the carriageway in places and there is limited footway provision. Evidence of property damage caused by vehicles squeezing down Mill Lane is clear to see on the frontage walls with further photographic evidence submitted in representations. The junction with Shuttlewood Road also has restricted visibility. This route is currently very lightly trafficked and the percentage increase in vehicle movement resulting from the development is

consequently high; there are about 25 vehicle movements per peak hour at present and (depending on the time and section of Mill Lane concerned) the TA predicts an increase in traffic at peak times of between 40% and 150%. Perhaps a doubling to one car per minute at peak times.

Of note is that the Highway Authority, who advise on matters of highway safety, do not object (subject to conditions and s106 obligations requiring off-site highway improvements to the road network including Mill Lane). They advise that in overall terms the frequency of trips post development will still remain within the operational capacity of this route and that the Highway Authority would therefore not be in a position to offer a technical capacity based objection to the development due to the impact on Mill Lane. They advise that the Highway Authority also relies upon 3 year personal injury accident data to provide an evidence base for the safety of the local network. There have been no such events on Mill Lane or its immediate environs in this period and this would preclude a recommendation for refusal of planning permission on this particular issue.

This advice from the Highway Authority is a material consideration which must be taken into account. Having regard to it, it is considered that a refusal on highway safety grounds could not be successfully defended at appeal, even though it is accepted that there would be some adverse impacts. Government advice in the NPPF says that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Traffic Impacts on Residential Amenity

In addition to impacts on highway safety the Council also needs to have regard to the impacts on the residential amenity of existing residents as a result of the increased traffic using the local road network.

It is considered that the main impacts would be on residents of Mill Lane and to a lesser extent Limekiln Fields Rd. Amenity impacts would include increased risk of damage to parked cars and property, increased vehicle/pedestrian conflict given the lack of footway on Mill Lane, increased fear of damage/harm, additional noise and disturbance, and potential loss of some on-street parking space if double yellow lines need to be extended to improve capacity for 2 way traffic. The level of public concern is also an indication that local residents believe that their amenity and safety will be adversely affected.

It is relatively rare for a material increase in traffic on the highway to result in overriding amenity concerns but in this particular case due to the very narrow road width once cars are parked on-street and the lack of footway the harm caused is considered to be material and should be weighed in the balance of issues.

Potential Road Link to Shuttlewood Road

As a result of the District Council's concerns over the increased use of the local highway system, the Applicant was encouraged at pre-application stage, to include in the proposals a road link from this site through to Shuttlewood Road. This would have allowed a more direct and better link to the M1 and Clowne via Shuttlewood Road without the use of other less suitable roads in Bolsover and would also have resulted in wider strategic benefits. Whilst the Applicant did try to agree the purchase of the land necessary these negotiations were not

ultimately successful. However provision of this road link is still considered to be a worthy goal and would potentially deal with all of the traffic concerns raised above to a satisfactory degree and dispense with the requirements for other off-site highway improvements. It is believed that land may still be available at Boleappleton Farm on the frontage of Shuttlewood Road which could allow the link to be provided. However that land is outside the current application site.

The Highway Authority would welcome the road link but do not go so far as to require it as being essential to make the current application acceptable in highway safety terms. As such it is not considered appropriate to require it by condition.

Under the circumstances the Applicant has agreed through negotiation and as a gesture of good will to a clause in a S106 obligation requiring them to use “reasonable endeavours” within the 6 months following a grant of planning permission to acquire Boleappleton Farm in order to provide the link. Committee Members should be aware that such a clause is by no means a guarantee that the road link would be provided since an agreement may not be reached with the owner, however it is hoped that it will and it is considered to be the best that can be achieved under this particular planning application. However since the delivery of the road link cannot be guaranteed the weight which can be given to this undertaking in the balance of issues is limited.

Paragraph 66 states that:- “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.”

Also in seeking to secure a link to Shuttlewood Road it is accepted that there would be amenity impacts on the occupants of the dwellings either side of any new junction with Shuttlewood Road. The link would need to be designed to mitigate the impacts which would be assessed as part of a separate future planning application for the junction. However with the right design it is considered that any residual impacts would be capable of being outweighed by the wider environmental and strategic benefits of a road link at this point.

Summary of Highway Issues

In summary the existing road network which serves this site is quite poor whichever route is taken. Nevertheless the Highway Authority do not advise refusal on technical highway safety grounds as with mitigation and off-site road improvements (required by S106) the roads technically have capacity to deal with the additional traffic predicted. There would however be material adverse impacts on the amenity enjoyed at existing dwellings particularly on Mill Lane. It is possible that a road link from the application site to Shuttlewood Road could be provided which would deal with the highway and amenity concerns raised and whilst the Applicant will undertake to try and acquire the land necessary there is no guarantee in this application that the road link will be delivered. In that event the fall back position is the use of the existing road network with some improvements/alterations funded by S106 but some harm to residential amenity.

Odours

The second main issue to consider for this application is the proximity of an intensive chicken

rearing farm to the proposed dwellings. The living conditions of the residents of the proposed dwellings could be affected and that complaints about the Chicken Farm from the new residents could increase the costs of running that business. Para'120 of the NPPF requires such effects on health and general amenity to be taken in to account and core principle 17 of the NPPF says that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. Policy GEN3 of the local plan will not allow development of a kind likely to suffer materially harmful environmental impacts from existing permitted uses unless it can be demonstrated that the impacts can be reduced to an acceptable level. This is to ensure that adjacent uses are not incompatible.

The chicken rearing farm (Shutherland Farm) is comprised of 4 large sheds. This is located directly to the east of the application site. The application site is approximately 100m away from the closest shed (200m as measured from a central point between the 4 sheds). By comparison the closest shed is approximately 300m from existing dwellings on Oxcroft Lane and 400m from dwellings on Shuttlewood Road. The former Courtaulds site which has planning permission for 43 dwellings is approximately 200m away (although that site was brownfield and within the settlement framework). Hence the proposal would result in a significant quantity of new dwellings much closer to this odour source than currently exists.

Committee Members may recall that from time to time odours from the chicken farm could be detected outside the former Council Offices at Sherwood Lodge approximately 1km away. Also the issue of odours from the chicken farm has been raised in many of the representations to this application from neighbours, most commonly from residents of Shuttlewood Road.

An odour impact assessment has been submitted with the application. It concludes that: a qualitative risk assessment indicate that the odour effect at proposed receptors is likely to be slight adverse; the results of a sniff test also indicate that the odour effect at proposed receptors is likely to be slight adverse; and that the farm has been regulated by the Environment Agency with only one odour complaint received in the last 3 years which, it is argued, shows that the pollution control regime is operating effectively and odour emissions are not generating significant impacts at existing residential property. It concludes that the development site is suitable for residential use.

The Environmental Health Officer's comments are set out above (in consultations). The EHO does not agree with the conclusions of the initial odour assessment submitted. The EHO has concerns regarding: how distance between the chicken sheds and proposed dwellings has been measured; the early period in the poultry cycle when the sniff test was undertaken (not a worst case); reliance on lack of complaints from existing dwellings is unsound because existing dwellings are much further away (at least 3 times further away). The EHO advises that to bring a residential development so much closer to a poultry farm will mean that the residents will experience a greater degree of odour than the existing properties and is likely to result in complaints. The EHO considers that further odour monitoring should be undertaken in conditions representing a worst case scenario.

The EHO also advises that based on the work done so far in the submitted assessment the odour effect should be classed as moderate adverse and medium risk for the closest residents rather than low risk and slight adverse effect as it concludes.

The Environment Agency has also raised concerns regarding the reliability of the findings of the submitted odour assessment.

The Applicant has been asked to undertake further odour monitoring to address the shortcomings in the initial assessment. The Applicant did not initially agreed to this on the basis that such monitoring was not required by the EHO in relation to the Bolsover North planning application which is a very similar distance from the chicken farm and so it is argued that the Council should take a consistent approach.

However in order to inform the decision making process and the extent of the impact the EHO and Planning Officer have made visits the site together with the Applicant's Consultant who was invited to attend. These visits were when the chicken farm was at odorous points of the poultry cycle, including when the birds are taken to market and when the sheds are cleaned out. The Applicant's Consultant has now updated their odour impact assessment following the additional monitoring.

The results of the additional monitoring are set out above in "Amendments" and "Consultations – EHO". The additional odour monitoring and assessment undertaken and the EHO's advice on it show that odour will impact on the amenity for residents of the proposed dwellings. This will include substantial adverse effects but only for a very small percentage of the time when wind direction and the farm activity coincide (unlikely to exceed 1.5% of the time). There would not be material effects for the majority of the time. This must be weighed against the benefits of delivering additional housing.

The second issue to consider in respect of odours is the potential impact of additional complaints from the new residents on the existing chicken farm as a business. For example there could be additional costs incurred by the business if complaints are received and the business is not already using the best available techniques. i.e. the owner could be forced to upgrade with new equipment or practices. Whilst the Council is no longer responsible for monitoring this site after the Environment Agency became the consenting authority in 2007, this business is believed to be well run already with modern procedures. It is likely therefore that it will be operating with best available techniques, or very close to it. To that extent the level of risk to the business is likely to be limited. However this also means that there may be little that can be done to mitigate the adverse effects on the occupants of the new dwellings if they do complain about the level of odours.

Visual and Landscape

The main visual impacts on the landscape in terms of public views will be from Oxcroft Lane due to obvious urban extension along a lane of rural character. Also views from public footpath 45 to the north west of the site. More distant views of Bolsover from the north west will also be affected due to the slope aspect. However landscape impact is not considered to be unacceptably high.

Private views from existing dwellings on Shuttlewood Road will also be affected. However loss of view is rarely a material planning consideration unless the impacts are particularly overbearing. This is an issue to be assessed at reserved matters stage.

Heritage and Archaeology

A planning condition is considered necessary requiring further archaeological field evaluation to be undertaken in line with a written scheme of investigation before submission of a reserved matters application.

Material impacts on the setting of other above ground heritage assets are unlikely. The site may be visible from the roof/upper windows of Bolsover Castle (Grade 1 listed). However at that distance and angle of view the proposal would appear as a relatively minor settlement extension and is unlikely to harm the Castle's setting.

Ecology

Whilst some hedgerow removal on the site frontage is required for access, visibility and footway provision the existing hedge is closely cropped and is quite gappy. Replacement hedge planting can be required.

There are unlikely to be any significant protected species issues or high value habitats affected. A condition is considered to be appropriate to require the reserved matters of layout and landscaping to retain existing trees and hedgerows where possible and to provide replacement planting where not possible and to maximise biodiversity and habitat creation in line with policy ENV5 and ENV8 of the Bolsover District Local Plan.

Potential Ground Issues

Considered unlikely to be contamination problems, however given the sensitive end use of the site a condition requiring an investigation of potential ground contamination and remediation if necessary is considered to be necessary.

Unlikely to be any material coal mining legacy issues.

Drainage

No significant issues subject to appropriate planning conditions.

Infrastructure Issues and S106

The applicant has agreed to several developer contributions sought by consultees to address the additional pressures on local infrastructure that would be created by the development.

These include contributions to expand the schools (infant, junior and secondary), to mitigate highway safety impacts, to provide 10% affordable housing in line with policy HOU6, and to provide on-site play space and a contribution to formal adult leisure provision within Bolsover as requested by the Leisure Services Officer in accordance with policy HOU5.

The request from the NHS for a S106 contribution of £551 per dwelling for expanding capacity at local doctor's practices has been put to the Applicant. However this has not been agreed by the Applicant. They say that the NHS is unable to confirm where the requested contribution will be spent, there is no formal confirmation of the scale of services required and they consider that the NHS has failed to provide robust evidence to justify a financial contribution towards the alleged effect of the growth due to the proposed development. They say that the contribution being sought by NHS England fails the tests of being both precise and reasonable as it cannot be demonstrated that the requests are fairly and reasonably related in scale or that they are directly related to the development in accordance with Paragraph 204 of the Framework and Reg. 122 of the CIL regulations. Furthermore the Council does not have a

relevant policy on the issue. A relevant appeal case has also been supplied as an example of where the Secretary of State has supported this argument.

It is considered that the Applicants argument on this matter is sound and that a health care contribution cannot be justified on this occasion.

Overall however it is considered that the application accounts for the additional pressures that it will create on local infrastructure and services.

Other Matters

Conservation Area: N/A

Crime and Disorder: Can be dealt with at reserved matters stage

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): See report

SSSI Impacts: N/A

Human Rights: No significant issues

The availability of alternative brownfield sites does not affect the presumption in favour of sustainable development in the absence of a 5 year supply.

Prematurity to the plan making process is not a reason to refuse.

The site is grade 4 agricultural land and so is not protected by the Councils policies.

Impact on property value is not a material planning consideration.

Independent Consultant's Advice on Highway Impacts (13.01.16)

The consultant (BGH) reviewed the highway aspects of the proposal including the submitted Transport Assessment (TA) and the consultation response dated 11th September 2015 provided by Derbyshire County Council. A site visit was undertaken. Particular attention was given to Mill Lane impacts.

A few shortcomings were identified with the Applicant's TA most significantly:

- The potential under-estimation of the additional traffic on Mill Lane resulting from the development, due to the simplistic method of distributing the trips and from the omission of the former Courtaulds site from the committed developments; and
- The assumption that the Morrisons Link Road is in place in the assessment of the A632/Welbeck Road traffic signal junction.

The Consultant (BGH) also comments on the Highway consultation response:

- States that a link road between Shuttlewood Road and Oxcroft Lane would mitigate any impact on Mill Lane and it would be beneficial for its provision not to be prejudiced by the development.
- The proposed contribution to mitigate the impact at the A632/Welbeck Road junction is substantial and is considered to be a significant gain from the development.
- The existing deficiencies of Mill Lane (narrow width, tortuous bends, parked cars, limited footway provision, and restricted visibility at the Shuttlewood Road junction) and the concerns of the residents and the Planning Committee are recognised. The existing flows on Mill Lane are very low - the highest two-way flow is about 60

vehicles/hour, i.e. an average of one vehicle/minute, at its western end. Even if an additional 60 vehicles/hour use Mill Lane as result of the development i.e. three times the flow assumed in the TA, the two-way flow at its western end will only double to 120 vehicles/hour i.e. an average of one vehicle every 30 seconds. Despite its deficiencies, Mill Lane is more than capable of carrying this low volume of traffic and capacity or safety issues are unlikely to arise. BGH therefore concur with the DCC Highways view that it would not be possible to sustain a technical objection to the proposed development based on capacity or road safety grounds.

- Notes that there will be some impact on residential amenity and a package of measures is therefore proposed to address some of the concerns.

Concludes that:

Based on the review of the TA and DCC's highways consultation response, BGH consider that, despite the shortcomings in the TA, it would not be possible to sustain a highways objection to the proposed development. There will be some adverse impact on the highway network and BGH consider that it would be beneficial to identify the mitigation measures on Mill Lane as part of the planning process. Subject to the S106 Agreement and the highway conditions set out in the officer's report to Planning Committee, it is considered that the highway impacts would be acceptable.

Conclusion

Despite the conflict with the countryside protection policies within the out of date local plan it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and so significant weight in favour arises from the NPPF policy. The weight in favour however is marginally tempered by concerns over deliverability. There is some reliance on future development on adjacent land to improve connectivity, but this has been accepted elsewhere.

In line with the NPPF permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There are three significant impacts which have been identified in this case: impacts on highway safety; on residential amenity as a result of increased traffic; and odour amenity problems likely to arise from time to time caused by the proximity of the commercial chicken rearing farm.

The existing road network which serves this site is quite poor whichever route is taken. Nevertheless the Highway Authority do not advise refusal on technical highway safety grounds as with mitigation and off-site road improvements (can be required by S106) the roads technically have capacity to deal with the additional traffic predicted. This view has been examined and supported by independent consultants employed by the Council to review the impacts. The proposal therefore complies with GEN1. There would however be material adverse impacts on the amenity enjoyed at existing dwellings, particularly on Mill Lane, caused by the increased traffic. This could be contrary to policy GEN 2 unless the impacts are outweighed by the social or economic benefits to the community or by wider environmental benefits such as the supply of housing.

The proximity of the commercial chicken rearing farm is a cause for concern since core

principle 17 of the NPPF says that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. The amenity of the occupants of the proposed dwellings will be adversely affected from time to time, though the frequency is likely to be low and on balance acceptable.

The recommendation is therefore a balance. However to justify refusal the NPPF requires the adverse impacts to significantly and demonstrably outweigh the benefits. The conclusion is that the harms do not demonstrably outweigh the benefits and on balance the proposal is considered to comply with the relevant development plan policies and the policies of the NPPF.

RECOMMENDATION

Defer pending completion of a S106 obligation (regarding the developer contributions and obligations as set out in the proposals section of this report in respect of: Highway mitigation works including to Mill Lane, affordable housing, education, and public open space/leisure provision, reasonable endeavours to acquire Boleappleton Farm to provide a direct road link from the site to Shuttlewood Road) and delegate the decision to the Joint Assistant Director of Planning in consultation with Chair and Vice Chair of Planning.

Any approval would need planning conditions such as:

Conditions

Approval of reserved matters before commencement.

Application for reserved matters to be made within 3 years and commencement triggers.

Archaeology Investigation.

Investigation of potential ground contamination and remediation if necessary.

Ground level detail to accompany reserved matters.

The development shall be carried out in accordance with the submitted Flooding and Drainage Assessment (reference 7160 revision A dated 04/02/2015), unless otherwise agreed in writing with the Local Planning Authority.

Reserved matters of layout and landscaping to retain existing trees and hedgerows where possible and to provide replacement planting where not possible and to maximise biodiversity and habitat creation.

The landscaping associated with the proposed area of public open space be designed to provide maximum benefits for biodiversity and include the creation of wildflower grassland to be managed, along with the retained and created hedgerows, in accordance with a Landscape and Ecological Management Plan (LEMP) to be submitted to and approved in writing by the local planning authority prior to the commencement of works.

Scheme of art works on site to be approved and implemented.

A scheme of noise assessment and sound insulation re properties closest to Oxcroft Lane.

Highway Conditions:

The reserved matters layout shall not prejudice the provision of a potential road link from the site to Shuttlewood Road.

Construction Management Plan.

Widening of Oxcroft Lane to 5.5m and 2m wide footway to west side.

The new accesses to Oxcroft Lane provided - width of 5.5m, with 2 x 2m footways, radii of 6m and visibility sightlines of 2.4m x 60. The area forward of the sightlines shall be levelled, constructed as footway and form part of the highway.

Access gradient not to exceed 1:30 for the first 10m and 1:20 after.

Approval of sw drainage detail.

Travel Plan to be submitted, approved and implemented.

Details of footpath link to Shuttlewood Road – treatment, Motor cycle barrier and boundaries.

Notes

Elements of the design of the submitted indicative layout are unacceptable. A number of issues have been identified that would need to be addressed at the reserved stages. The applicant's attention to the need for future detailed design work to be prepared in accordance with the Successful Places Interim SPD (Sustainable Housing Layout and Design), Building for Life and with regard to the Urban Design Officers comments dated 5.5.15.

Swept path details required with application for reserved matters

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

An invasive non-native species protocol should be submitted to and approved by the Derbyshire Wildlife Trust, detailing the containment, control and removal of Indian Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Two parking spaces per dwelling, garages to be at least 3m x 6m where counted as a space. Application for approval of reserved matters to include swept path for large vehicles.

Bin stores at entrance to shared drives.

PARISH Scarcliffe

APPLICATION Proposed 5MW solar farm and associated infrastructure including cctv, access tracks, cabins, storage room, and meter cabin.

LOCATION Land To The South And East Of Rylah Farm Rylah Hill Palterton

APPLICANT Mr Paul Brundell

APPLICATION NO. 15/00366/FUL **FILE NO.**

CASE OFFICER Mr Jim Wilmot

DATE RECEIVED 23rd July 2015

DATE VALID 2nd October 2015

Delegated Application referred to Committee by Assistant Director of Planning
Reason: Impacts on Heritage assets and visual amenity

SITE

The application site comprises agricultural land located at off Rylah Hill Palterton to the southwest of Palterton and south of Bolsover. The site consists of 2 open agricultural fields. The 2 fields are separated by a tree and scrub lined ditch which hugs the bottom of a dip between the two fields. The eastern boundary of this field adjoins an existing wooded area known as Fox Covert, with the southern boundary being formed from a localised ridge line which used to form the boundary of a wooded area.

The land that immediately surrounds the site is also mainly open and rural in nature being made up of a mixture of arable and pasture fields.

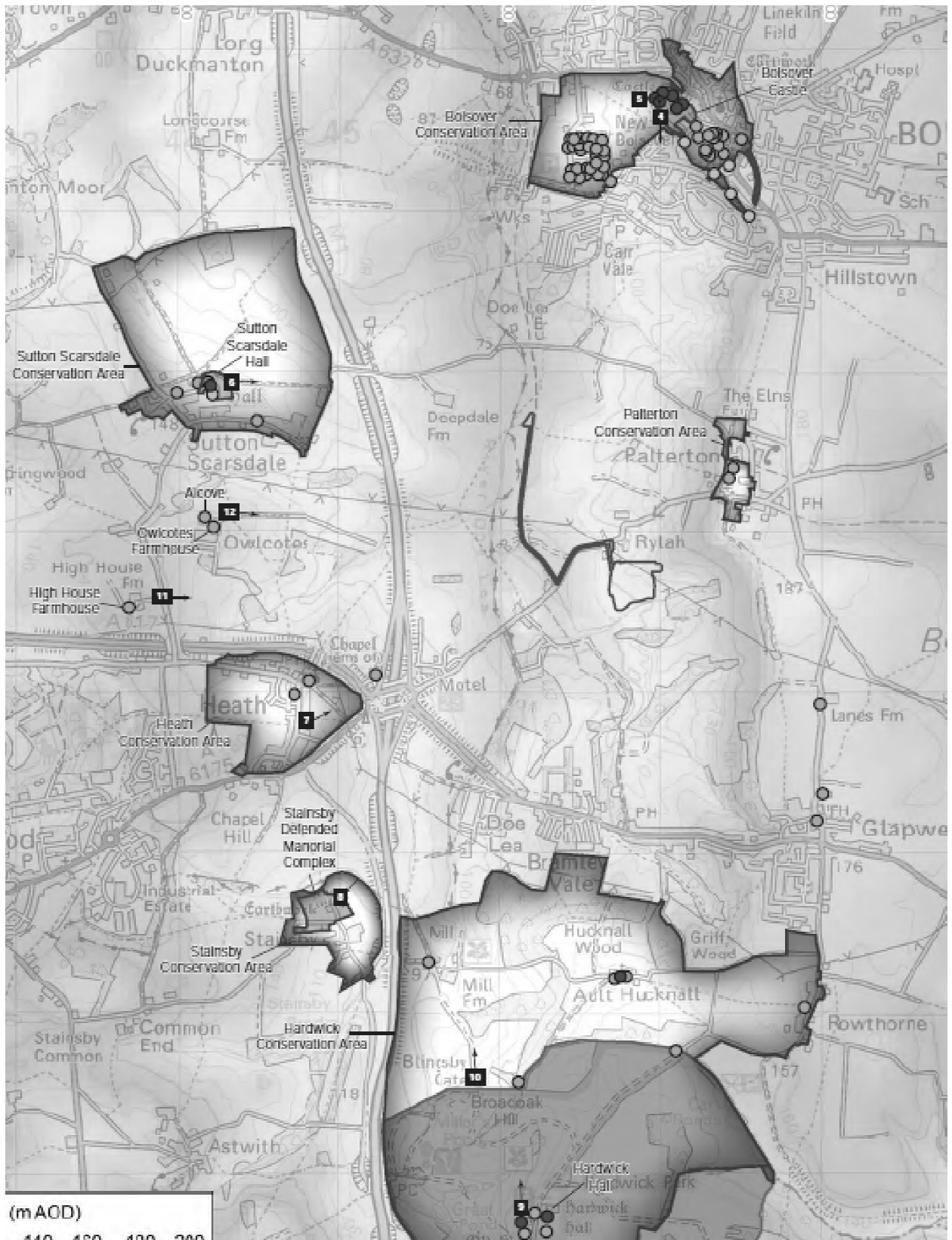
The total area of the application site is approximately 10.76ha. The site comprises elements of 2 separate pasture fields of agricultural land grade 3.

PROPOSAL

This full planning application is for a Solar PV Farm which is capable of generating approximately 5 MW of electricity per annum. Over the course of a year the proposal would generate equivalent to the average annual demand from 1,400 homes.

The project will consist of the following infrastructure:

- PV module array and racking system (approx. 20,000 modules) mounted to a maximum height of 2.5m above ground level;
- Metering and Transformer and storage buildings and 2 inverter cabins;
- Substation;
- Cabling;
- Security Fence (2.2m high);
- CCTV and infra-red lighting (on 2.5m high poles);
- New on-site access track;
- Temporary construction compound.



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The solar farm will be linked to the local electricity grid by means of underground cabling to a grid connection point under the highway and along the Stockley Trail footpath to the west of the site main site. Two cabins are proposed at the connection point just to the west of the Stockley Trail.

The consent sought is for a temporary period of 30 years.

The planning application is supported by the following documents: -

- The planning application form;
- The application plans and drawings;
- Planning Statement, incorporating a Statement of Community Involvement;
- Design and Access Statement;
- Construction Management and Transportation Management Plan;
- Preliminary Ecology Report
- Badger report
- Heritage Statement
- Geophysical Statement
- Landscape and Visual Impact Assessment;
- Flood Consequences Assessment;
- Agricultural Land Classification;
- Coal Mining Report;
- Glint and Glare Statement.

The Landscape Appraisal states the following in terms of the likely visual effects of the proposed development:

- - **“Landscape Receptors**
 - *The anticipated landscape effects of the proposed development on the site have been evaluated in relation to the statutory and non statutory landscape designations or classifications, the local landscape character assessment and the individual landscape elements and features.*
 - **Land Use**
 - *The effect of the solar farm on the land use of the main site area will be a negative change from open agricultural land to land covered with static PV panels. Although the proposals are for a limited time scale of 25 years this is still seen as long term and as such the proposals will have a **High, Moderate** to **Substantial Adverse** effect.*
 - **Landscape Character Types**
 - *The effect of the proposals on this character area will thus be of a high within the site due to the change but due to the screening by existing vegetation and topography within the wider area the change will be negligible. As such the overall change to the character area will likely be Negligible. A **Moderate** to*

Substantial Adverse effect is anticipated within the site, but in the wider area this is much reduced, and the overall effect would be **Slight Adverse**.

- **Cultural Heritage**
- Due to the temporary nature of the proposals and the lack or need to undertake any extensive alteration of the existing ground then any elements of heritage within the site will be **Negligible, No change**. Elements outside of the site will be contained within the separate Cultural Heritage
- **Landscape Features**
- The proposed development is designed to retain and augment the existing landscape features. All of the existing field hedgerows will be retained along with all of the surrounding woodlands and other existing vegetation associated with the localised valley and stream. Thus the effect on these features will be negligible but with the proposal to maintain and manage these features could be seen to be **Low, Slight, Beneficial** effect.
- **Landscape Condition**
- The effect of the proposed development on the condition or quality of the landscape is deemed to be neutral with a notable alteration of the land cover over a large proportion of the site balanced against the retention, conservation and enhancement of the beneficial features and landscape structure. Thus there will be **No Change / Negligible** effect
- **Landscape Value**
- The proposed solar farm although altering the current usage and being long term (25 years) is deemed to be neutral due to the existing value of the site being only Ordinary. As such there will be **No Change / Negligible effect**.
- **Topography**

The site occupies the lower slope of a west facing side of a localised scarp. Within the site there is also a secondary localised valley. Due to the nature of the proposals the need to carry out and changes to the topography of the site is extremely negligible and the panels are designed to follow the existing contours of the site. As such there will be **No Change / Negligible effect**

The LVIA considers the impacts on nearby footpaths and includes photographs and assessments made from representative view points on the relevant footpaths. The table below sets out the locations considered and how the LVIA assess the impact of these view points from the relevant footpaths as follows:

Footpath FP32 is 0.6 km south west of the site.

Nature of Change

The proposed site is partially screened by the existing land form and vegetation, however the lower and more southern section of the site can be seen from this location and thus there will be a partial view of the proposals. It is only the smaller field that can be seen surrounded by the wood and trees of Fox Covert and the reclaimed quarry. Due to the regular pattern and colour of the proposed solar farm the viewer will notice and be attracted towards the proposal, however due to the distance from the solar farm the panoramic view across the valley will not be compromised and the proposal will only be a minor element within the wider view and landscape.

Impact of Proposed Development on users

The visual receptors from this location will be the users of the above PROW and the landowner. Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity.

The magnitude of change will be Low and thus the effect will be Slight-Moderate Adverse.

Footpath FP22 is 1.2KM south east of the site.

Nature of Change

Due to the existing vegetation it is not possible to see the site from this location but even without the benefit of the immediate existing vegetation the site is located low down within the valley and as such would only have a very limited effect.

Impact of Proposed Development on users

The visual receptors from this location will be the users of the above public footpath and the Landowner. as identified in table Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity.

The magnitude of change is negligible and thus the effect of the proposals will result in No Change.

Footpath 1 is 1.4 km west south west the site

Nature of Change

It will be possible to see the proposed site from this location. Not all of the site will be visible and only a small portion of the upper section of the site and the higher section of the smaller field will be visible, but due to the regular pattern and colour of the proposed solar farm the viewer will be attracted towards the proposals.

Due to the limited extent of the possible view of the proposals the distance from them and the existing detractors such as the overhead pylons and motorway the nature of the change will be Low.

Impact of Proposed Development on users

The visual receptors from this location will in the main be users of the PROW and the landowner. Receptors are transient in nature and experienced for relatively short periods of time and as such have a Medium Sensitivity and as the magnitude of change is Low will result in a Slight-Moderate Adverse impact.

Users of the Motorway have a Low sensitivity and as the magnitude of change is Low then there will be a Slight Adverse impact.

Stockley Trail is 0.7 km east south east of the site.

Nature of Change

The site will be visible from this location although again it will only be a partial view. Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals.

The distance from the proposals and the lack of elevation both help to reduce this extent of the change and due to the existence of the pylons, which already detract from the view, the proposals will have a Low magnitude of change.

Impact of Proposed Development on users

As this is a locally designated trail and forms part of a recognised route the sensitivity of the receptor is higher than that of a normal PROW. Although these

receptors are transient in nature and for relatively short periods of time the sensitivity is High.

As such the combined with the magnitude of change the proposals will result in a Moderate Adverse effect.

Rylah Hill Lane is 0.4km east of the site

Nature of Change

The site will be visible from this location and is perhaps the view which will have the greatest nature of change. Not all of the site will be visible (the smaller field is hidden by the topography and existing vegetation, but the southern part of the larger field will be visible. although again it will only be a partial view. Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals and due to the close proximity to the proposals the nature of the change from this location will be Medium.

Impact of Proposed Development on users

As this is a locally designated trail and forms part of a recognised route the sensitivity of the receptor is higher than that of a normal PROW. Although these receptors are transient in nature and for relatively short periods of time the sensitivity is High. Rylah Hill Lane being a road has a sensitivity of Low due to the transient nature and the speed of the users. As such for the users of the trail the effect will Moderate-Substantial Adverse effect. For Motorists the effect will be Slight - Moderate Adverse effect.

Palterton Lane Footpath FP19 is located 2.1km to the South East of the site.

Nature Of Change

The site will be visible from this location and is perhaps the view which can see the greatest extent of the proposed solar farm but due to the distance from the site the nature of the change is greatly reduced.

Due to the regular pattern of the proposals and the colour of the panels the viewer will be attracted towards the proposals but due to the other detracting elements already within the view the nature of the change will be Low.

Impact of Proposed Development on users

There are two separate receptors from this location. The first are the users of the above PROW and due to their transient nature have a Medium sensitivity. The other receptors are the motorists how are using the lane and in accordance with the above table have a Low Sensitivity. As such users of the PROW will have Slight -Moderate Adverse effect but with motorists having a Slight Adverse effect.

AMENDMENTS

Revised archaeological assessment details received 18th November 2015

Addendum to Archaeological and Cultural Heritage Desk Based Assessment received 7th December 2015

HISTORY (if relevant) N/A

CONSULTATIONS

DCC Archaeologist – *“The application does not meet the information requirements of NPPF para 128 with regard to either below-ground archaeology or setting impacts. With regard to below-ground archaeology this omission could be addressed through a scheme of archaeological evaluation or a re-consideration of the proposed groundworks methodology to introduce a flexible approach where significant remains are present. The lack of information with regard to setting impacts could be addressed by detailed photomontage illustration of worst case views (without creative use of foreground trees) 1) to Bolsover Castle on the ridgeline; 2) to Bolsover Castle and the ridgeline from within the Sutton Scarsdale SM or Conservation Area; 3) to Hardwick Halls from Bolsover Castle; 4) impacting key visitor routes to Bolsover Castle/Sutton Scarsdale Hall, along with a more detailed discussion of significance and the impacts thereon within the heritage statement, including consideration of visitor routes to the key heritage assets. In its current form the application should be refused consent because of insufficient information relating to heritage assets (NPPF paras 128/129). The local planning authority may also feel that there is sufficient ground for refusal under NPPF paras 132/134, because of the level of significance of the heritage assets involved and because of the lack of sufficient justification/public benefit for the levels of harm proposed.”*19.10.15

Based on further submissions have withdrawn objection relating to below ground archaeology to condition requiring scheme of investigation and assessment and subsequent work in accordance with the scheme. Objections remain however in respect of harm to the setting of assets. 23.11.15

DCC Flood Risk – No objection standing advice for Green Category development issued. 20.10.15

Highways – Seeking site meeting with applicant to discuss the proposal further before commenting 28.10.15

Additional comments received 27th Jan 2016: No objections subject to conditions to cover a revised plan of the construction access arrangements; Construction Traffic Management Plan; Construction Method Statement (to cover : *the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works*); Traffic Management Scheme for construction and decommissioning; parking to be provided before any other works start; no gates for first 20m; prevention of glare; Traffic Management Plan including routing, signage etc for decommissioning site. Plus notes to applicant.

Environment Agency – No objection 8.10.15

Regeneration team – No objection 16.11.15

Historic England – Full comments

“This application seeks planning permission for the construction of a solar farm at the above site with an estimated duration of approx. 25 years. Having assessed the information provided we believe the proposal will have an impact on Bolsover Castle and Sutton Scarsdale Hall, both heritage assets of the highest significance. Our advice on the impact on this scheduled and listed buildings is given below, your

authority should assess the impact on Grade II listed buildings and conservation areas as well.

The History and Significance of Bolsover Castle

Bolsover Castle occupies the site of a medieval fortress, built by the Peverel family in the 11th Century, forming part of a wider planned settlement. After years of decline, the Castle was purchased by Charles Cavendish (Bess of Hardwick's youngest son) in 1612. With architect Robert Smythson, he began work to transform the site. This was later completed by his son, William, to include the Little Castle, the Terrace Range and, finally, the Riding house. At Bolsover, setting forms an intrinsic part of the significance of the assets within the Castle and its immediate environs.

Specifically, the Castle takes advantage of local topography which is dominated by a steep limestone escarpment, running north-south and Bolsover's strong defensive situation, elevated above the wide Doe Lea Valley. This was an important factor in construction of the early Castle and its associated settlement and this early appeal of the physical setting of Bolsover Castle continued through its development during the 17th century, offering the ideal location for a house to 'see and be seen'. The Little Castle takes advantage of the location, sited on a rocky promontory where a great tower associated with the site of an ancient royal castle might be expected, but probably never existed. Built as a lodge for retreat (a 'toy keep' housing tiers of luxurious state rooms), the architecture also was designed to exploit the topography, framing views out across the landscape, with the Star Chamber and Marble Closet both taking in views across the valley. The wall walk surrounding the Fountain Garden also takes in high level views across the landscape, between the Little Castle and the Terrace Range.

The building was entered from the main drive which runs parallel with the Terrace Range, bounded by a crenellated wall, outside of which the land falls away steeply. To the north end of the drive and projecting west of the line of the Terrace, is a viewing platform, in the form of a walled forecourt, again designed to take in views across the valley. The Terrace Range, today existing as a roofless shell, exploited long views from its windows out across the valley, framing a variety of panoramas. That the Terrace and Viewing Platform were designed to exploit the views across the vale is of great significance for Bolsover Castle.

The view back from Sutton Scarsdale towards Bolsover is also of exceptional significance, providing one of the iconic views of the Castle, dominating the valley, with the historic town of Bolsover stretching southwards along the top of the scarp. Although the 17th century landscape has been altered, through modern development and loss of historic field patterns, the area between Sutton Scarsdale and the Castle today is largely open, reflective of the original nature of the landscape and the experience of the return view from both properties is one of which has been experienced by visitors for centuries.

The History and Significance of Sutton Scarsdale Hall

Sutton Scarsdale Hall was substantially remodelled in 1724 by Francis Smith for the 4th Earl of Scarsdale, Nicholas Leake. Built in the Baroque style, the Hall is located on the site of an existing house and incorporates parts of this earlier building of around 1469, into its design. The architecture of the Hall can be compared to that of Chatsworth and was considered at the time to out shine it. Pevsner comments that the re-modelling would have made it 'easily the grandest mansion of its date in the county.' (Pevsner, 1953, page 335).

The topography and landscape allows the Hall to command views across the Doe Lea Valley, predominantly confined towards the east and north. Bolsover Castle,

sitting on its promontory, appears as a notable landmark. The grounds of the house were historically open, interspersed with tree-lined avenues and ponds. Today only remnants of formal planting remain, however the character of this area is still that of an open landscape setting. Modern developments to the north have had an impact - Markham Vale and the Coalite site can be viewed in the distance. The M1 is also a visible and audible element in the landscape.

Sutton Scarsdale Hall is of exceptional significance, recognised as a grade I listed building and a scheduled monument. Although it is not registered as a historic park and garden, the surrounding landscape associated with the original grounds to the Hall are designated as a Conservation Area.

In the case of both Bolsover Castle and Sutton Scarsdale Hall, setting makes a fundamental contribution to their significance, summarised as follows:

- Their purposeful positioning along the escarpments above the Doe Lea Valley to 'see and be seen.'
- This highly visible location demonstrates the social status and aspirations of the owners/builders - in the case of the Cavendish's, consolidating relatively new found wealth and status.
- The prominent visual relationship between the assets demonstrates the social rivalry between different families and members of families.
- Architecture is designed to deliberately frame views, directing the viewer across the Doe Lea Valley - particularly at Bolsover where there is a series of views both panoramic and tightly framed from the Little Castle and the Terrace Range.
- All assets look out over land which they did not own but still retained the open aspect in order to make use of a 'borrowed landscape' something which, in spite of changes to land management practices and some development, remains clearly visible today.

A Conservation Management Plan exists for Bolsover Castle (English Heritage 2012), and this includes a useful analysis of views which can be obtained out from the site. This is illustrated on page 194 of the plan. The Plan states that the 'Perception of Bolsover Castle, from both far and near, as a dominant element in the landscape is an exceptional aspect of its character and significance. 'The plan further comments that 'In broad terms, the Castle sits on and commands the edge of a steep escarpment, looking out over a broad, shallow valley, which is contained westwards by a rising series of low ridges. The prospect from the Castle over this dish-like valley is therefore panoramic, sweeping round in an arc from the north-west to the south (see Fig 102, CE).....

Some key long distance views from and to the Castle are significant because of its historic relationship with neighbouring properties. Building at Bolsover from 1612 was inspired by a sense of competition with a number of other impressive Elizabethan houses (Worsley 1991): Hardwick Hall, which stands on the edge of the same limestone scarp directly to the south of Bolsover and just visible (on a clear day) from it (G); and Oldcotes (or Owlcotes, as in the present place name) also built by 'Bess of Hardwick', Sir Charles Cavendish's mother, and Sutton Scarsdale Hall, by Sir Francis Leake, both directly visible across the Doe Lea valley, to south-west of Bolsover.'

The development site sits within that panoramic view to the south of Bolsover Castle between the Castle and Hardwick Hall. The landscape south of the Castle has not seen the modern development which is present to the north of the A619 Chesterfield Road and the further south you look the better preserved the historic pattern of small fields with hedgerow boundaries becomes. Thus when visitors look west and south

from Bolsover (and vice versa from Sutton Scarsdale) they have an increased ability to appreciate how the historic landscape surrounding these heritage assets looked. Because the development site is on the side of the Doe Lea Valley it will be visible from Sutton Scarsdale and, to a lesser degree, visible from Bolsover Castle. The precise impact on views from both Sutton Scarsdale and Bolsover is not well illustrated in the submitted documentation, being limited to informal photographs in the Archaeological and Cultural heritage desk based assessment and one LVIA. However enough information has been provided to demonstrate that in both cases the solar farm will be visible as a clearly modern intrusion in an open agricultural landscape. Because both Sutton Scarsdale and Bolsover Castle derive a key element of their significance from their setting this modern intrusion in this location, which remains largely free of such development, will cause harm to the significance of both highly graded listed buildings. Thus we do not agree with the conclusions of the Archaeological and Cultural assessment submitted in support of this application. As the application affects listed buildings the statutory requirement to give special regard to the desirability of preserving the listed building, its settings and any features of special interest must be taken into account by your authority in making its decision (s.66, 1990 Act).

Your authority should aim to achieve the objective of sustainable development which means development that achieves social, economic and environmental gains. Conservation of the historic environment is recognised as one of the 12 core principles of sustainable development in the NPPF.

In determining any planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF. We believe the proposal will cause harm to the significance of Bolsover Castle and Suttons Scarsdale Hall. Where the harm is judged to be less than substantial, harm it should be weighed against the public benefit of the proposal [paragraph 134]. A raft of recent appeal decisions have reinforced the view that less than substantial harm does not equate to acceptable harm.

Recommendation

We believe that the proposed solar farm will harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled. Ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard. 27.10.15

Further Comments

Our letter of 27 October 2015 refers to the proposed solar farm as causing less than substantial harm to the significance which both Sutton Scarsdale Hall and Bolsover Castle derive from their setting. As the landscape of the Doe Lea Valley undulates and enables long distance views over the landscape our experience is that solar farms have a clear visual impact. This can be demonstrated by looking at the small solar farm consented to the south of Longcourse Farm, visible from Sutton Scarsdale Hall, which is clearly visible as a modern development in the open agricultural landscape, whose character it erodes. How both Sutton Scarsdale Hall and Bolsover

Castle derive significance from their relationship to the landscape, each other and Hardwick Hall is described in detail in our previous letter.

Substantial harm is defined in the Planning Practice Guidance as being a high test, which is unlikely to arise in many cases. In identifying the impact as less than substantial harm, as defined by the NPPF, that does not imply that we consider the impact to result in acceptable harm. As you are aware the NPPF is clear that all harm requires 'clear and convincing' justification and that the public benefits must be weighed against the harm caused (para 132 and 134 of the NPPF).

This approach is reflected in a raft of recent appeal decisions. In the case of an appeal decision relating to housing at Wymondham, Norfolk (PINS ref APP/L2630/A/13/2196884) the Inspector concluded that the public benefit of meeting a deficient 5 year housing supply was insufficient to justify less than substantial harm to the setting of Wymondham Abbey and that harm should be given "considerable weight", creating a "strong presumption" against the grant of planning permission. In a similar case the benefits of 150 new homes were considered to not outweigh less than substantial harm to the setting of Grade II residential barn conversion and non designated rural landscape (Bishops Tachbrook, Warwick, APP/T3725/A/14/2216200). In light of the development at Longcourse Farm your authority should also consider the cumulative impact of adding further solar farms to the Doe Lea valley.

Recommendation

We believe that the proposed solar farm will clearly harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled.

However, ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard, and taking into account the possibility of delivering the same benefits on an alternative site which does not cause harm to the historic environment. 4.12.15

Further Comments

In determining this application we would continue to refer you to our previous letters of advice on this proposal (27 October 2015 and 4 December 2015) which provided detailed advice on the significance which Bolsover Castle and Sutton Scarsdale Hall derive from their setting.

The amended information presented consists of an addendum to the desk-based heritage statement and visualisations and seeks to argue that the development will not harm either Bolsover Castle or Sutton Scarsdale because it will not be visible from Bolsover Castle and only partially visible from Sutton Scarsdale.

The statement that the site will not be visible from Bolsover Castle appears at odds with information in the original heritage statement which concluded that the site would be visible in the long views from the Terrace at Bolsover Castle towards Hardwick Hall. We note that no visualisation of this view has been provided and would advise your authority that it is essential that clarity is provided on whether the site will be visible from Bolsover Castle or not. Irrespective of that it is important to note that that solar farm will be visible in views which encompass the Castle in its landscape from Sutton Scarsdale, in an area of landscape which retains its historic pattern of small field boundaries and is largely free from significant visual modern intrusion. Does this panoramic view also include Hardwick Hall in juxtaposition with

Bolsover Castle? We ask because the historic and current relationship between these great houses is an important part of their shared significance.

The Addendum and visualisations refer to newly constructed solar farms visible from both Sutton Scarsdale and Bolsover Castle as justification for constructing further farms. We do not support this assertion - the impact of these solar farms on the landscape surroundings to both these highly designated assets is now clear. In both cases the constructed farms have clearly harmed the significance these assets draw from their setting by being highly visible modern intrusions. Therefore the cumulative impact is particularly relevant here.

In both cases our experience is that the visualisations submitted in support of the applications did not adequately convey the impact of the farms as built. Thus we would urge caution in assessing the impact of the proposed farm at Palterton on the significance of Bolsover Castle and Sutton Scarsdale Hall on the basis of these visualisations only - I understand that your officer is to make a site visit which will inform your authority's assessment of impact.

Ultimately it remains the case that it is for your authority as the decision-maker to weigh up any harm against the public benefits associated with the proposal, considering if the same benefits could be delivered on an alternative site without any harm to the historic environment, as per the NPPF para 131 and 134. If your authority believe that the impacts could be mitigated by screen planting it will be essential to ensure that any planting is installed on site promptly and is of sufficient size to deliver that mitigation as soon as possible.

Recommendation

We believe that clarification on the information submitted is required as detailed above and we welcome the attendance of your officer at a site meeting.

We believe that the proposed solar farm will harm the significance of both Sutton Scarsdale Hall and Bolsover Castle, heritage assets of the highest significance, both listed at Grade I and scheduled.

Ultimately it is for your authority as the decision-maker to consider if public benefits associated with the proposal outweigh that harm, bearing in mind the statutory requirement to give special regard." 17.12.15

Derbyshire Wildlife Trust – No objection subject to conditions requiring a badger mitigation plan, further bat surveying if further tree felling or tree works are required, submission of a construction environmental management plan (biodiversity) and a Landscape and ecological mitigation plan and no site clearance or construction works between 1st March and 31st August unless ecologist has checked and for active bird nests and provided details to the satisfaction of the Council.12.11.15

Highways England – No objection subject to condition requiring permanent anti-reflective coating to panels and screening to minimise potential glint and glare impact for users of the M1 motorway. 14.10.15

Conservation Officer – (comments after additional information submitted)

The proposed development has a potential impact on a number of heritage assets namely:-

Listed buildings – Bolsover Castle Grade I & Scheduled Monument & Grade I Registered Park and Garden and associated listed buildings.

Sutton Scarsdale Hall Grade I & SM and associated listed buildings.

Hardwick Halls Grade I & SM & Grade I Registered Park and Garden and associated listed buildings.

Church of St John the Baptist, Ault Hucknall, Grade I and associated listed monuments.

Listed buildings in Glapwell.

Listed buildings within the following conservation areas and those located outside the boundaries of these areas:

Conservation area – Astwith, Stainsby, Bolsover, Hardwick and Rowthorne, Palterton, Hardstoft.

It does appear that the proposal will have a less than significant impact upon the settings of Bolsover Castle and Sutton Scarsdale Hall (it can be clearly seen from within the grounds and setting of Sutton Scarsdale Hall). Although the impact is likely to be less than the existing solar farms clearly visible from Sutton Scarsdale Hall we have to consider the cumulative effect of multiple solar sites surrounding these two important Grade I listed heritage assets. It seems that the applicant has not provided photo views from the castle to the proposal site and we were unable to see the view from the terrace at Bolsover Castle on Monday because of the fog/mist conditions. However I think it is likely that the site will be visible from the terrace at the castle and it would be preferable for the applicant to provide this photographic view as part of their application. In the absence of this perhaps another site visit on a clear day would be advisable.

It may be possible to mitigate the impact of the proposal site with planting but we would need a comprehensive landscape scheme and we would need to be sure that it would sufficiently screen the proposal site from Bolsover Castle and Sutton Scarsdale Hall.

Recommendation:

Clarification of whether the proposal site can be seen from the terrace at Bolsover Castle.

The proposal is likely to result in less than substantial harm to the heritage assets of Bolsover castle and Sutton Scarsdale Hall.

If the authority is minded to approve the application, a comprehensive landscape scheme should be submitted so that the authority can be sure that any proposed mitigation scheme will sufficiently screen the proposed solar farm from views taken from surrounding heritage assets. 8/01/16

National Trust –

Hardwick Hall represents one of the best intact examples of an Elizabethan House, built by one of the most powerful, wealthy and entrepreneurial women of the 16th century: Elizabeth, Countess of Shrewsbury, perhaps better known as Bess of Hardwick. Not only is Hardwick an outstanding architectural achievement, it contains a hugely significant collection of 16th century furniture and textiles. Not surprisingly, it attracts over 200,000 visitors annually from all over the UK and overseas.

Hardwick is a property designed to see and be seen. Located high on a ridgeline above the Doe Lea Valley, Hardwick Hall (along with the Old Hall) dominates the surrounding landscape with far reaching views both into and out of the property as well as more intimate views within the park and estate. The setting of the property is essentially rural in character. On pages 26-27 the report briefly addresses the potential for impacts on Hardwick Hall and associated heritage assets. As a point of detail it should be noted that the Old Hall is also a Scheduled Monument. There are a number of problems with the analysis provided in this section. Firstly, the statement that 'There are no views of the Site from the designated heritage assets (Photo 9 and 10)' cannot be validated based on the submitted information. In particular we wish to highlight the existence of a roof top viewing platform at Hardwick Hall. The ability to walk on the leads is a designed feature of Hardwick Hall

and plans are currently being formulated to reintroduce public access to this area. It is not possible to confirm from the application materials whether the development would be visible from the Hall roof which has far reaching views. We consider that the ZTV in Figure 05 should extend over a much larger area and should take account of the height above ground of receptors such as Hardwick Hall. From the Park we consider that it is unlikely that the development would be visible to any significant degree, although it may be visible from the grounds of Ault Hucknall church which is historically associated with Hardwick Estate. It is also possible that the solar PV field would be visible in views of the Halls and Park taken from other locations.

Equally problematic is the content of the second bullet point which implies that the setting of Hardwick and associated heritage assets is constrained to its immediate environs, primarily within the Registered Park and Conservation Area. This assessment does not properly reflect the nature of Hardwick's setting. The prominent and self-conscious positioning of the Halls on a dramatic ridgeline ensures that they can be seen for many miles beyond the boundary of the Hardwick and Rowthorne Conservation Area. In conclusion, in accordance with NPPF paragraph 128 we consider that historic significance and impacts, including any impacts on Hardwick Hall and associated heritage assets, need to be properly assessed so that these can be taken into account in the planning balance._27.10.15

Coal Authority –

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.

However the potential exists for unrecorded mine workings to be present within coalfield areas. In the interests of public safety, therefore, The Coal Authority would recommend that, should planning permission be granted for this proposal wording is included as an Informative Note within the Decision Notice 26.10.15

Environmental Health -

Due to the coal mining legacy, the presence of a disused quarry to the south of the site and two closed landfills within the vicinity of the site we would have concerns regarding the potential accumulation of ground gases in the proposed buildings at the site. Therefore, in the event that planning permission is granted, we would recommend that the following condition is attached:

- 1) Prior to development commencing, a gas risk assessment must be carried out for any buildings proposed for this development. This should be carried out in line with current guidance. The assessment shall include:
 - a) A survey of the extent, scale and nature of the current gas regime of the site;
 - b) An assessment of the potential risks to human health, property (existing or proposed), adjoining land and its receptors,
 - c) An appraisal of remedial options as appropriate and a proposal for the preferred remedial option.

Any gas protection measures must be carried out by a suitably qualified person and an independent verification report must be approved in writing by the Local Planning Authority.

- 2) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

This memorandum in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.

PUBLICITY By site notice, press advert and 9 neighbour letter. 1 letter of representation has been received as a result of publicity. This letter raises issues about land ownership and access rights (which are not planning considerations). The letter also raises concerns about highway safety and the volume of traffic necessary for the site to operate and questions the veracity of ecology reports submitted with the application.

POLICY

Bolsover District Local Plan (BDLP):

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN5 (Land Drainage);

GEN7 (Land Stability)

GEN8 (Settlement Frameworks);

TRA10 (Traffic Management);

TRA12 (Protection Of Existing Footpaths and Bridleways);

CON10 (Development Affecting the Setting of Listed Buildings);

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings);

ENV3 (Development in the Countryside); and

ENV5 (Nature Conservation Interests throughout the District);

ENV6 (Designation and Registered Nature Conservation Sites);

ENV8 (Development Affecting Trees and Hedgerows).

Hardstoft Conservation Area Appraisal and Management Plan 2010

Bolsover Conservation Area Appraisal and Management Plan 2010

Astwith Conservation Area Appraisal and Management Plan 2010

Bolsover Castle Conservation Management Plan (English Heritage 2012)

Other

S66 of the Listed Buildings & Conservation Areas Act 1990 – requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant planning permission.

S72 of the Listed Buildings & Conservation Areas Act 1990 – requires local planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

English Heritage Guidance – The Setting of Heritage Assets (2011) - Sets out the extent of setting in relation to listed buildings and the importance of views and setting both of and from heritage assets.

National Planning Policy Framework

Paragraph 14 comments on the importance of:
“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Paragraph 17 lays down twelve core planning principles that must be taken into account when plan-making and decision-taking. This paragraph states that planning must:

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.

Renewable energy generation is discussed at length in Part 10 and paragraph 97 comments that we need to “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”. It also states that Local Planning Authorities should have: “a positive strategy to promote energy from renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily”.

Paragraph 98 states that Local Planning Authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse emissions; and approve the application if the impacts are (or can be made) acceptable”.

Paragraph 28 comments that local plans should “promote the development and diversification of agricultural businesses”, thereby supporting rural communities.

Paragraph 128 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic

environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 131- In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 137 Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

National Planning Practice Guidance (NPPG) indicates that:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”

The NPPG goes on to state that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar

farm can be properly addressed within the landscape if planned sensitively”, indicating that particular factors a Local Planning Authority will need to consider including: -

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

ASSESSMENT

The main planning considerations in relation to this proposal are the principle of a ‘Solar Farm’ in the open countryside including impacts on ‘best and most versatile’ agricultural land and its impacts on the character and appearance of that countryside, heritage assets and their settings, and impacts on ecology and biodiversity interests. Other issues for consideration include impacts on flood risk/drainage issues, highway safety and residential amenity impacts.

The desire to deliver renewable energies as a means of seeking to address climate change issues is well documented and national planning policy is supportive of the principle of the provision of renewable energy projects, subject to ensuring acceptable levels of environmental impacts. Similarly adopted Local Plan policy

ENV3 (Development in the Countryside) states that planning permission will be granted for development which is required for the exploitation of sources of renewable energy subject to environmental criteria, the relevant ones of which include the sustainability of its location, and not being materially harmful to the landscape.

As the land is agricultural grade 3B there is no issues with the loss of any best and most versatile agricultural land.

Landscape Impacts including Residential Amenity:

A Landscape Appraisal has been submitted as part of a wider Landscape and Visual Impact Assessment (LVIA) undertaken. The assessment included use of Zone of Theoretical Visibility (ZTV) models covering a radius of 5km to help identify receptors that are most likely to be affected by the proposed development. Photographs and viewpoints have been included from 11 representative viewpoints. An addendum to the Archaeological and Cultural Heritage Desk Based Assessment was also submitted containing images from a further 6 viewpoints as well views of other solar farms visible from Sutton Scarsdale Hall.

In response to the Landscape Assessment the following measures have been introduced to reduce visibility of the scheme and to strengthen existing landscape features:

- Woodland block planting is proposed along the northern boundary and the northern end of the eastern boundary of the site, which will help to screen views of the development from the wider landscape and reduce the impact on views from Sutton Scarsdale Hall and Bolsover Castle and other viewpoints.
- Existing boundary hedgerow to be retained and gaps will be infilled with appropriate native species of local provenance and suited to the location, such as hawthorn. Decisions on planting will be agreed with the Council prior to the commencement of construction.
- Deer fencing will be used within the site perimeter which is in keeping with the rural location of the site.

The LVIA states that the proposals would not have a notable impact on any locally or nationally designated landscapes and considers the proposal against Derbyshire County Council's 'The Landscape Character of Derbyshire' (2014) document. The LVIA notes that the landscape impacts from the selected viewpoints will range from negligible/no change to moderate/adverse.

Distant views of the site will be available from properties and highway users on Palterton Lane on the approach to Palterton from Sutton Scarsdale. Whilst there is clearly an impact, these views will be across the M1 motorway and from some distance.

Rylah Farm is the nearest residential property to the proposed development. The property is adjacent to the highway and at a lower level than the development. There are existing hedgerows and planting which limit views of the site. The proposed additional planting, should further mitigate the visual intrusion of the development

itself. However the impact of the height of the proposed landscaping on this property would need to be considered in any landscaping submission.

There will be more prominent views of the site from Rylah Hill, Stockley Hill Farm Westley House, Stockley Farm and the Twin Oaks Hotel and on the approach from the M1 junction. The orientation of Stockley Farm and Stockley Hill Farm is such that it should not be visible in views from the main house elevations; Westley House main orientation is towards the site and will be more affected. Whilst the topography of the site means that the whole site may not necessarily be visible from these properties and the road, the areas that are visible will not and cannot be completely screened by any acceptable landscaping provision. Whilst the proposed development may be a prominent feature from these properties these concerns must be weighed against the government's position on renewable energy as set out in part 10 of the NPPF.

A judgement has to be made as to whether the impact on residential and visual amenity generally is acceptable in planning terms. The site will be seen in local views particularly from the higher ground to the south. It will be evident in terms of general landscape impacts. Subject to the additional planting proposals the visual impacts of the scheme can be mitigated but not eradicated.

Heritage Impacts:

In terms of historic assets, the studies show that the proposals will have visual impacts to designated heritage assets in the vicinity. Part of the development will be visible from Bolsover Castle and Sutton Scarsdale Hall and Hardwick Hall and Park. These are a group of the highest status assets, which will be affected.

A small part of the north western corner of the site is visible from the Castle, although this view is limited, and to the extreme southern point of the vista when viewed from the Castle. The Castle is about 3km from the site.

The viewshed model submitted with the addendum indicated that views from Hardwick (about 4km to the south) are similarly limited to views of the very north eastern corner of the proposed development.

The LVIA and addendum photographs and viewshed models indicate that views from Sutton Scarsdale Hall allow more of the site to be viewable from this vantage point (about 3km west of the site). The site is visible from the Hall and associated parkland at the extreme southern end of the panorama. It is noted that there are other solar farm developments and a wind turbine visible to the north of Sutton Scarsdale Hall in North East Derbyshire District Council and Chesterfield Borough Council land.

The Council needs to consider the cumulative impact of the existing and proposed development.

Historic England has commented that they consider that the impact of the proposed development on Sutton Scarsdale Hall and Bolsover Castle would amount to less than substantial harm.

The Council's Conservation Officer agrees that the development could result in less than substantial harm to Bolsover Castle, Sutton Scarsdale Hall and the Hardwick

Group of Buildings.

Any potential consequent adverse impact on historic assets clearly weighs heavily against the granting of planning permission. It is the statutory duty of the Local Planning Authority when considering such applications, to have special regard to the desirability of preserving the building and its setting and its features or historic interest, and this is also reflected in the policies applicable. The general presumption under this duty should be to avoid the harm if possible, but the harm can only be acceptable if the benefits clearly outweigh the harm.

The important elements of the setting of the main heritage assets are set out in the consultation responses, particularly from HE. The open agricultural character, comprising small fields, is considered to be an important element for all the assets. The proposal is industrial in nature and clearly alters the character of the site. The site is around 3km from Bolsover Castle and Hardwick Hall, which reduces the visual prominence of the site in that setting. There will also be some screening potentially from existing features. These views can be effectively mitigated by additional on-site landscaping, which can be controlled by condition.

The greatest impact is likely to be upon the setting of Sutton Scarsdale Hall. The site is visible in the distance from the Hall and surrounding parkland. The views of the site are to the extreme southern end of the panorama. The site is not in a direct line of sight in views of Bolsover Castle from Sutton Scarsdale Hall. Whilst the site is visible the LVIA and the addendum suggest that the topography of the site means that only the northern and western elements will be visible from the Sutton Scarsdale Hall. Whilst Historic England has questioned the reliability of such models, they have not provided contrary evidence to what has been submitted. Having viewed the site from Sutton Scarsdale it would appear that the topography should go some way to limiting views of the proposed development but it will still have a detrimental impact at the less than substantial level. Additional landscaping could further mitigate views of the site from Sutton Scarsdale and therefore lessen the impact. However the topography and landscaping will not screen views of the site completely.

There are significant existing renewable schemes in views to the north from Sutton Scarsdale Hall. These could be seen together with the proposed development only in the context of a sweeping panoramic view from the Hall; i.e. not in the same view if one stands facing northwards. The developments are opposite ends of a panoramic view of the setting. The cumulative impact is considered to be not significant because that part of this proposal that will be visible will still be seen within a rural landscape that is predominantly smaller agricultural fields, rather than the more intrusive development to the north which very much “draws the eye”.

Whilst the development does impact upon the setting of Sutton Scarsdale Hall at a less than substantial level, it is considered that the view is distant; of a small part of the site; and is only viewable from a limited view from the Hall; and is partially mitigated by existing planting. Views of the site will be mitigated to some extent by the proposed landscaping which can be required by condition.

In terms of archaeology, the applicant has submitted a desk-based assessment and geophysical survey. This suggests that the site is substantially disturbed, with backfilled opencast or made ground. The applicant’s coal mining report shows that

substantial parts of the site have been subject to disturbance from mining activity, including spoil-tips, a pond, and opencast extraction. In areas of lesser disturbance the geophysical survey has detected remains of a post-medieval field boundary and modern land drains, but nothing of likely archaeological significance. The archaeologist has advised that he concludes that the site is of minimal archaeological potential.

There is harm to the setting of the three main listed buildings discussed above at the less than substantial level. Some mitigation through additional planting can be achieved, but there remains a level of harm that must still be given substantial weight in the decision.

Ecology

In terms of ecology impacts, a preliminary Ecological Appraisal has been completed and submitted. The Derbyshire Wildlife Trust has requested conditions requiring a badger mitigation plan, bat surveying if further tree felling or tree works are required, submission of a construction environmental management plan (biodiversity) and a Landscape and Ecological mitigation plan. These can be required by condition and will address the ecological issues arising from the development. They have also requested a note about site clearance or construction works between 1st March and 31st August which could be added to any permission.

Drainage

The Flood Risk Assessment submitted with the planning application has been reviewed by the Flood Risk Team at Derbyshire County Council. They advise that if the recommendations of the Flood Risk Assessment are followed (chisel ploughing between rows; wild meadow planting; raising inverter pods etc 150mm off ground level) then there is no objection in principle to the proposed plans. Such works can be conditioned in any planning permission. The Environment Agency has not objected.

Ground Conditions

The Coal Authority Mining Report has identified the presence of deep coal seams which have been worked. There are no recorded shafts within the site. The deep seams are unlikely to affect the project as proposed. The Coal Authority has not objected but asked for a note to be added to any approval.

The Environmental Health Officer has similarly referred to former landfill, along with former mine workings that could result in potential ground gasses and recommends a condition relating to unexpected contamination along with a condition relating to ground gas assessment and where necessary, mitigation. This can be controlled through conditions.

Glare

A glint and glare assessment has been undertaken that concludes that no issues will arise from such impacts. Highways England has not objected subject to a condition requiring a permanent anti-reflective coating on the solar panels. This can be conditioned.

Traffic

It is proposed to route construction traffic to approach and leave via J29 of the M1. This is acceptable in highway terms. DCC Highways has requested conditions as set out above. As the site area has changed since the Construction Management Plan was produced it is not unreasonable to require detailed plans of the construction access and a revised Construction Traffic Management Plan to be approved. They also seek a Construction Method Statement to cover matters such as staff parking, loading and storage areas, wheel washing, controls over dust and dirt and waste disposal/recycling (the latter is not a highway issue) which can be covered by condition to ensure there is minimal impact on the safety of the highway. Gates set back is not required as there are permitted development rights and the management plan should deal with delivery of materials. Signage and traffic management measures are controlled under Highway powers and should not be duplicated. A separate traffic plan for decommissioning is not required; that should form part of the overall decommissioning scheme.

Other Matters

Listed Building: See assessment

Conservation Area: See assessment

Crime and Disorder: See assessment

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

CONCLUSION:

The proposal results in less than substantial harm to the heritage assets described above. Whilst it is considered that additional landscaping could reduce the harm it cannot eliminate it. Therefore, whilst this harm is considered to be at the lower level of the less than substantial range, it is nevertheless harmful and the S66 test- substantial weight to be given to the preservation of the setting of these high status assets- has to be applied to the decision.

The other impacts are the visual impact on this area of countryside and the impact on views from residential properties. As alien industrial type features solar farms are incongruous elements when viewed close up in a countryside context. The additional planting will not eradicate all views.

The benefit is the contribution to renewable energy supplies and the associated benefits to managing climate change. This is a material consideration in the decision.

Also the scheme complies with the aim of avoiding the loss of the best agricultural land.

This is a finely balanced decision. It is considered on balance by officers that the benefits outweigh the impacts, subject to compliance with the conditions. Overall whilst the proposal does not comply with the policies of the development plan other material considerations, including the policies of the NPPF, indicate that permission

should be granted.

RECOMMENDATION Approve subject to the following conditions given in ion précis form to be formulated in full by the Assistant Director of Planning: -

- C 1 The development shall be begun before the expiration of three years from the date of this permission.
- C 2 The generation of electricity from the development shall cease no later than 29 years after the first commercial generation of electricity from the development after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme approved under condition 4 below.
- C 3 The development operator shall, within one month of the first commercial generation of electricity from the development to the electricity grid, notify the local planning authority in writing of that date.
- C 4 No later than 3 years before the expiry of the planning permission hereby granted, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the methods and measures and timetable to secure the removal all elements of the development and related restoration site measures including highway safeguarding and routing. The scheme shall be implemented as approved.
- C 5 Notwithstanding the submitted fencing details, prior to the first commercial generation of electricity from the development to the electricity grid, fencing shall have been erected in accordance with revised details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- C 6 No development shall take place other than in accordance with a Written Scheme of Investigation for archaeological work which has first been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - 1. The programme and methodology of site investigation and recording
 - 2. The programme for post investigation assessment
 - 3. Provision to be made for analysis of the site investigation and recording
 - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- C 7 The development shall not be brought in to use until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the archaeological Written Scheme of Investigation approved under condition 6 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- C 8 Notwithstanding the submitted details in the landscape strategy plan (LVIA fig 07 received 5th August 2015), prior to the first commercial generation of electricity from the development to the electricity grid, landscaping planting shall have been completed in accordance with a revised landscape plan which shall first have been approved by the Local Planning Authority. The scheme shall include comprehensive landscaping provision to minimise inter-visibility between the site and Bolsover Castle and the Hardwick Hall Estate and minimise inter-visibility between the site and Sutton Scarsdale Hall Estate. The scheme shall also include landscaping to screen views of the customer cabin to be located adjacent to the Stockley Trail.
- C 9 Notwithstanding the submitted details in the landscape strategy plan (LVIA fig 07 received 5th August 2015), prior to the first commercial generation of electricity from the development to the electricity grid, a landscape management plan shall have first been submitted to and approved in writing by the Local Planning Authority.
- C 10 Prior to works for the erection of any buildings commencing, a gas risk assessment must be carried out for any buildings proposed for the development and remediation measures proposed where necessary. The assessment and remediation proposals (where shown to be necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to works on any buildings commencing. This should be carried out in line with current guidance. The assessment shall include:
- a) A survey of the extent, scale and nature of the current gas regime of the site;
 - b) An assessment of the potential risks to human health, property (existing or proposed), adjoining land and its receptors,
 - c) An appraisal of remedial options as appropriate and a proposal for the preferred remedial option.

Any gas protection measures must be carried out by a suitably qualified person and an independent verification report must be approved in writing by the Local Planning Authority prior to any buildings on the development being brought into use.

- C 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted an investigation and risk assessment in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and both documents (where necessary) must be approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. Following completion of measures identified in the approved remediation scheme a verification report must be

prepared, which is subject to the approval in writing of the Local Planning Authority prior to the operation of any structure located upon the affected land.

- C 12 Prior to its installation, that shall be before the first commercial generation of electricity from the development to the electricity grid, full details of the proposed CCTV system shall have been submitted to and approved in writing by the Local Planning Authority, to include details, including colours and materials, of all parts of the proposed CCTV system, including any supporting posts. Following its erection, the CCTV shall be maintained as approved for the lifetime of the development.
- C 13 The Invertor Pods, Substations, Storage Room and Meter housings shall be installed in accordance with the submitted drawings and coloured either RAL 6009 (Green), BS4800 14 C 39 or similar Green colours prior to the first commercial generation of electricity from the development to the electricity grid, except in the case of the DNO brick substation, where prior to its erection on site, details of the brick to be used shall have been submitted to and approved in writing by the Local Planning Authority prior to any works on that building progressing above foundation level.
- C 14 The development permitted by this planning permission shall be carried out in full accordance with Conclusions of the 'Stockley Hill Farm PV Flood Risk Assessment', prepared by JBA Consulting for Global Renewables Construction Ltd, dated July 2015 and shall be completed within 6months of the first generation of electricity from the site.
- C 15 The development permitted by this planning permission shall be carried out in full accordance with submitted Sections 4.10 - 4.12 of the Coal Mining Risk Assessment Report prepared by Earth Environmental & Geotechnical Ltd, dated May 2015.
- C 16 The development permitted by this planning permission shall be carried out in full accordance with the recommendations set out in section 6 of the Preliminary Ecological Appraisal – Badger Annexe dated July 2015.
- C17 No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority and the CEMP shall be implemented as approved.
- C 18 No development shall take place until a Ecological Mitigation and Management Plan, taking into account the Habitat Management Plan and to include details of all biodiversity enhancement measures, timescales for their implementation, as well as management and maintenance for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority and the Ecology Mitigation and Management Plan shall be implemented as approved.
- C 19 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to oil, fuel or chemical and water,

for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

- C 20 If at any time the development ceases to produce electricity and export it to the grid all the equipment, materials and buildings shall be removed and the land restored to a level field unless an alternative Decommissioning and Site Restoration Scheme has been submitted to and approved in writing by the Local Planning Authority. In those circumstances the approved scheme shall be implemented.

Note

1. Breeding birds - We would advise that no site clearance work / construction should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
2. In respect of condition 8, in considering any landscaping scheme the Local Planning Authority seeks to ensure the protection of the setting of specified listed buildings and will require the inclusion of extra heavy standard tree planting along the northern boundary of the site and additional screen planting to the western boundary and planting within the site . Offsite planting may be acceptable if it can be demonstrated that you have control over the land and that the planting is included in any maintenance plan (condition 9).
4. Conditions 10 and 11 in no way indicate that this site is currently considered to be contaminated, merely that the potential for contamination exists. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.
5. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any of the coal mining features are unexpectedly encountered during development, these should be reported

immediately to The Coal Authority on 0345 862 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

6. Notes about content of CEMP.



PARISH Scarcliffe

APPLICATION Retention of building for community use (renewal of a temporary permission)
LOCATION Hillstown Community Centre 12 Nesbit Street Hillstown Bolsover
APPLICANT Mr John King Hillstown Community Centre 12 Nesbit Street Hillstown
APPLICATION NO. 15/00398/FUL
CASE OFFICER Mr Chris Doy
DATE RECEIVED 6th August 2015

Delegated Application Referred to Committee by: Cllr M Crane
Reason: Condition of building and planning history

This application was deferred at the Committee 11th November 2015 to enable the applicants to prepare a repair schedule for the building. This would enable the Committee to consider an alternative approach to the issuing of a further temporary permission. The original report is reproduced in italics and the additional information is incorporated in normal type. The recommendation has been updated to reflect comments made at the Committee meeting and the additional information received.

SITE: *Current community centre set within established grounds. Access to the facility is off Nesbit Street to an existing car park. Playing fields and a play area and other recreational facilities are adjacent to and generally accessed from this site. There are accesses to the playing fields off Mansfield Road.*

PROPOSAL: *Retention of the Community Centre building, which has previously benefitted from temporary consents to operate which have now expired.*

AMENDMENTS

Schedule of repairs submitted 4th January. The applicants advise that they are a voluntary organisation and have to raise funds to undertake even essential tasks. They have received some funding to undertake works. The schedule of works proposed is:

Maintenance Items	Intended date of action
Appoint contractors to repair weatherboarding	April
Appoint contractors to repair flat roof	April
Appoint Painter for complete redecoration of exterior with specialist exterior paint	April
Appoint Painter for complete redecoration of interior (subject to available funds)	May/June
Jet wash car park	June/July
Re-line parking bays of required	June/July
Check signage for wear and tear-replace if necessary	September

Annual inspection by Insurance Company of interior and exterior of building to verify suitability for use and insurance cover	November

Also submitted is an Annual Exterior Building Maintenance Checklist to identify problems and schedule necessary repairs. The schedules will be reviewed by the Centre committee on a monthly basis.

HISTORY (if relevant)

09/00309/FUL Temporary Permission for Retention of existing Community Centre building for a period of 4 years: Approved 28/9/09

05/00181/FUL: Brick skin and portal frame and pitched roof to building, replacement windows and demolition and re-building of part of building to create permanent building: Approved 11/5/05

03/00570/RETRO: Retention of community centre: Approved until 31/10/2008

BOL9605/0189: Extension to car park: Approved 12/7/96

BOL9406/0232: Two extensions to form fitness suite and store: Temporary permission granted expiring 31/12/02

BOL 692/274: Erection of community centre: Temporary permission granted expiring 31/12/02

CONSULTATIONS

Parish Council: objection to the extension of time on the grounds that it is our clear understanding that the building has not got a valid and up to date structural engineers report and it may be unsafe for users. 20/10/15

DCC Highways: has no objections subject to continuing to impose any highway conditions previously imposed 24/9/15

PUBLICITY

Site notice posted and 13 neighbours notified by letter. 1 letter of support received stating that the community centre deserves all the help and encouragement they can get for trying to keep the community spirit of Hillstown alive.

Cllr Crane has supplied photo's showing the condition of the building.

POLICY

Bolsover District Local Plan (BDLP)

GEN1 Minimum Requirements for Development

GEN2 Impact of Development on the Environment

CLT1 Protection of Existing Buildings which Serve the Community

National Planning Policy Framework

Proposals that comply with policies in the development plan should be approved without delay unless a material consideration indicates otherwise. Decisions should be a balance of economic, social and environmental considerations. The policies are supportive of sustainable development.

ASSESSMENT

This is a well established community facility which has been in operation for many years,

firstly operated by the Parish Council but in the last three years by the Community Centre management group.

An adjacent public house (The Ace of Clubs) has recently been demolished following the grant of permission for housing development on the site. Whilst there are a number of community facilities within Bolsover town centre, including public houses, this building still provides a useful community focus in Hillstown. It also supports the provision and running of the playing fields adjacent. In principle therefore the continued use is considered to comply with policy CLT1.

There are no issues under investigation in relation to activity at the centre, which continues to operate without impacts on its immediate neighbours. As such it complies with the aims of policies GEN1 and GEN2.

The only reason that the permissions on this site have been temporary is that the building is formed from pre-fabricated buildings connected together. In general terms these buildings are not considered as suitable for long term retention as they have a tendency to deteriorate quicker than conventional buildings. They can last many years with proper maintenance. The reason for imposing the temporary condition in 2009 was: The building is of a temporary nature which is not considered suitable as a permanent community facility, to ensure the site is left in an acceptable condition in the interests of the amenity of the area and in compliance with policy GEN 2 of the Bolsover District Local Plan.

Also guidance in the past has indicated that Councils should not keep issuing temporary consents; best practice is to issue a permanent permission or if the development is unacceptable and the impact is so detrimental that it outweighs any benefits then consider refusal.

The original permission for the building was granted to Hillstown Community Centre Committee but was taken on later in that same year by Scarcliffe Parish Council and at the time of the last renewal in 2009 it was still run by the PC. The permission expired in 2013. In the last two times renewals of permission there has been a note on the decision notice to applicant to the following effect:

The applicant is advised that whilst the Local Planning Authority are supportive of the use of the site, the temporary building cannot remain indefinitely and it's replacement with a more appropriate permanent building should be included within the budget plan for the facility.

This is advisory only and not binding. The Committee however were keen to encourage the finding of a long term solution given the nature of the building.

Since those permissions were granted ownership of the building has changed. The building continues to provide a well used community facility which needs to be given significant weight in the decision.

The main consideration is whether the appearance of the building is satisfactory, and if not whether the appearance is so detrimental to the amenity of the locality as to justify refusal given the beneficial use of the building. There are some areas of flaking paint and damage to the exterior fabric. The appearance is however not considered so detrimental as to justify

refusal. To ensure that the building does not deteriorate to a point that is severely detrimental to amenity it is recommended that a condition be attached to any permission for an exterior maintenance schedule to be agreed and implemented (principally related to maintaining the paintwork as physical damage on any building is not normally controlled under planning regulations). If the building is being generally satisfactorily maintained and its appearance does not detract from the appearance of the area then there is no reason to continue to grant temporary permissions. Subject to such a condition the proposal therefore is in line with the policies of the Bolsover District Local Plan and the thrust of policies in the NPPF. (All buildings need of general ongoing maintenance and it is not usual for the LPA to control this element; in this case it is the nature of the fabric of the building which is likely over time to require more attention than a conventionally constructed one that is considered to justify this approach).

The structural integrity of the building is not a planning matter; it is for the operators of the building to ensure the safety of users and comply with the applicable regulations and obtain any necessary insurance.

The maintenance proposals appear to be a reasonable and timely attempt to respond to the concerns raised. The proposed annual inspection covers essential matters and offers a different way to ensure the maintenance of the external fabric of the building on a more regular basis than a temporary permission (which would normally be for about 5 years and so reviewed every 5 years only). Subject to the suggested condition there will be a more regular regime for repair and if necessary repairs are not implemented the use should cease and the building be removed from the site.

Other Matters

Listed Building: n/a

Conservation Area: n/a

Crime and Disorder: no issues raised.

Equalities: can be beneficial to have locally available facilities

Access for Disabled: ramp access available

Trees (Preservation and Planting): n/a

SSSI Impacts: n/a

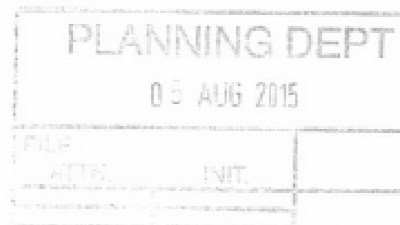
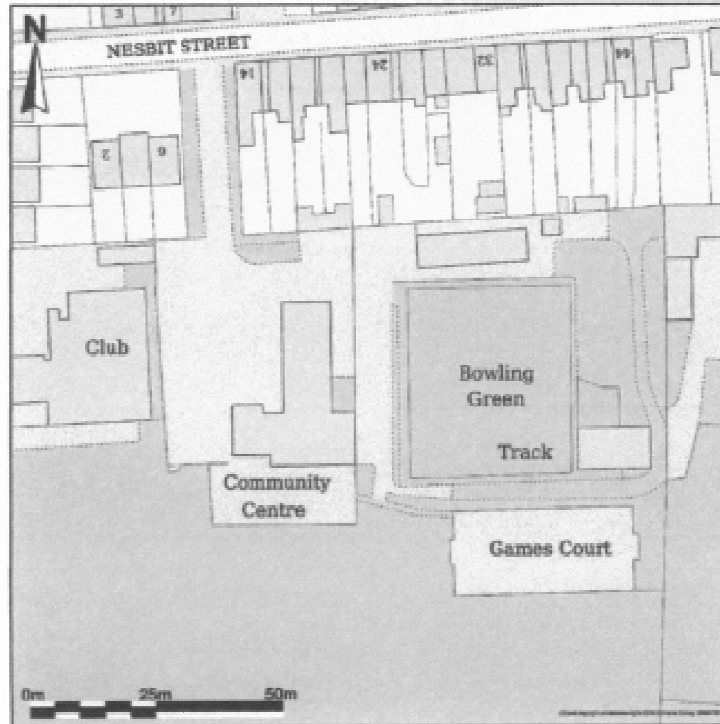
Biodiversity: n/a

Human Rights: no issues raised.

RECOMMENDATION: Approve subject to the condition:

1. The schedule for the maintenance of the exterior of the building shall be implemented within the timescales submitted to the Local Planning Authority. An annual inspection of the exterior of the building shall be carried out in accordance with the Checklist submitted and any faults identified shall be subject to a repair schedule which shall have been submitted to the LPA for approval and shall be implemented as approved. If the Checklist and associated approved schedule is not implemented then the use of the premises shall cease and the building shall be removed from the site and the land restored to a hard surfaced area level with the adjacent parking area.

**Hillstown Community Centre, 12 Nesbit Street, Bolsover,
Chesterfield, S44 6LW**



Map shows area bounded by: 447917.28,369579.28,448058.72,369720.72 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Bolsover District Council

Planning Committee

10th February 2016

Proposed Preferred Strategic Options for the New Local Plan

Report of the Joint Assistant Director of Planning and Environmental Health

Purpose of the Report

- To outline the Local Plan Steering Group's proposed Preferred Strategic Options for the Local Plan for Bolsover District.
- To seek approval for the Preferred Strategic Options for the Local Plan for Bolsover District to enable work to progress towards the publication of a draft Local Plan in September 2016.

1 Report Details

Background

- 1.1 Members will be aware that the Council's Local Development Scheme timetable outlines the following key milestones for the preparation of the Local Plan for Bolsover District:
- i. Initial Consultation on what the Plan should contain (Oct / Nov 2014)
 - ii. Consultation on Identified Strategic Options (Oct / Nov 2015)
 - iii. Consultation on the Draft Plan (Sept / Oct 2016)
 - iv. Consultation on Publication Plan (June / July 2017)
 - v. Submission (Nov 2017)
 - vi. Adoption (Sept 2018)
- 1.2 Members will also recall Planning Committee's decision in October 2015 to undertake public consultation on the following Identified Strategic Options for the Local Plan for Bolsover District:

Housing Target Options:

- Option A – A housing target of 2,775 (185 dwellings a year) - below objectively assessed need and based on past delivery levels;
- Option B – A housing target of 3,600 (240 dwellings a year) - that meets the identified objectively assessed need;
- Option C – A housing target of 5,250 (350 dwellings a year) - that exceeds objectively assessed need.

Employment Target Options:

- Option A – An employment target based on the lower end of the recommended range (approximately 65 hectares);
- Option B – An employment target based on the amount of land with planning permission (approximately 80 hectares);
- Option C – An employment target based on the highest end of the recommended range (approximately 100 hectares).

Suggested Strategic Site Options (each for consideration):

- Bolsover North – a mixed use development, incorporating approximately 900 dwellings, a relocated Infant School, an Extra Care Facility, a new town park and associated highway, greenway and cycle route improvements;
- Former Coalite Chemical Works – a mixed use development, incorporating 70,000 sq.m. of employment land, a transport hub, an energy centre and a visitor centre / museum in Bolsover District, and approximately 800 dwellings and a local centre in North East Derbyshire District;
- Clowne North – a mixed use development, incorporating 78 hectares of employment land, potentially 1,800 dwellings and land for educational and recreational uses;
- Former Whitwell Colliery site – a mixed use development, incorporating 5.2 hectares of employment land, potentially 390 dwellings and a country park.

Spatial Options for Distributing Growth:

- Option A – Focus on the more sustainable settlements

This option would direct additional growth to the District's more sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities. However, given the high levels of growth already approved in Shirebrook, Creswell, Tibshelf and Barlborough, this option would direct additional growth to those other sustainable settlements that do not have the same level of existing commitments or have the potential to accommodate more. These were:

- South Normanton
- Bolsover
- Clowne
- Pinxton
- Whitwell

- Option B – Focus on the most viable settlements

This option would direct additional growth to the District's most viable settlements in order to take advantage of the expected attractiveness of available sites to house builders. Again, this would take account of the high levels of growth already approved in other settlements but would focus additional large scale development to the following viable settlements:

- Clowne

- Bolsover
- South Normanton
- Barlborough

- Option C – Focus on those settlements with key regeneration needs

This option would direct additional growth to the District's settlements with large or a large number of brownfield sites or deprivation hotspots and where complementary greenfield land could help to transform the local housing market. Again, this would take account of the high levels of growth already approved in other settlements but would focus additional large scale development to only the following four settlements:

- Bolsover
- Shirebrook
- Creswell
- Whitwell

- Option D – Focus on an East-West growth corridor

This option would direct the additional growth to those settlements along the A617 from Shirebrook to M1 J29 in order to help explore the business case for funding for a new Shirebrook Regeneration Road, namely:

- Shirebrook
- New Houghton
- Glapwell
- Bramley Vale / Doe Lea

- 1.3 Members will be aware that behind these options lie the committed residential and employment supply position at 30th September 2015 (see tables below). The Council has taken a positive approach to the determination of applications for planning permission in light of the Council's recent lack of a 5-year supply of deliverable housing sites. As a result, this positive approach has led to the Council already having sufficient permissions to account for a large proportion of the District's potential housing and employment supply requirements in the Local Plan for Bolsover District.
- 1.4 However, despite this favourable supply position, the Council still finds itself without a 5-year supply of deliverable housing sites. This unexpected situation is due to a large number of the residential sites, which were granted planning permission on the expectation that they will contribute to the 5-year supply, have not been able to deliver the approved new homes.
- 1.5 Nevertheless, based on the committed residential and employment supply position at 30th September 2015 (see tables below), certain settlements already have substantial levels of growth approved which the Local Plan Steering Group has taken into account as part of its considerations regarding the proposed Preferred Strategic Options.

Expected housing growth at 30th September 2015 based on current permissions (residential commitments)

	Households at 2011	Total Completions	Total Households	Growth rate to date	Total Commitments	Potential growth rate
Bolsover	4,730	120	4,850	2.5%	730	18.0%
Shirebrook	4,639	41	4,680	0.9%	866	19.6%
South Normanton	4,570	184	4,754	4.0%	143	7.2%
Clowne	3,279	124	3,403	3.8%	267	11.9%
Creswell	2,330	8	2,338	0.3%	287	12.7%
Pinxton	1,862	5	1,867	0.3%	11	0.9%
Whitwell	1,634	18	1,652	1.1%	11	1.8%
Tibshelf	1,507	10	1,517	0.7%	170	11.9%
Barlborough	1,204	1	1,205	0.1%	150	12.5%
Blackwell	687	0	687	0.0%	0	0.0%
Newton	669	49	718	7.3%	40	13.3%
Glapwell	681	2	683	0.3%	33	5.1%
New Houghton	596	-3	593	-0.5%	52	8.2%
Langwith	474	1	475	0.2%	0	0.2%
Whaley Thorns	450	3	453	0.7%	0	0.7%
Pleasley	425	12	437	2.8%	23	8.2%
Shuttlewood	393	2	395	0.5%	146	37.7%
Bramley Vale / Doe Lea	304	51	355	16.8%	0	16.8%
Hodthorpe	290	3	293	1.0%	* 101	35.9%
Westhouses	279	0	279	0.0%	0	0.0%
Stanfree	249	2	251	0.8%	0	0.8%
Hilcote	193	1	194	0.5%	0	0.5%
Palterton	163	-12	151	-7.4%	0	-7.4%
Scarcliffe	151	3	154	2.0%	0	2.0%
Countryside		8			0	
Totals	31,759	633	32,392	2.0%	3,030	11.5%

* resolution at July 2015 Planning Committee to grant permission for 101 dwellings in Hodthorpe but decision notice not yet issued.

1.6 As this table demonstrates, based on residential sites that have already been granted, the following settlements are already expected to see substantial growth:

- Shuttlewood – approximately 38% growth in households
- Hodthorpe – approximately 35% growth in households
- Shirebrook – approximately 20% growth in households
- Bolsover – approximately 20% growth in households
- Bramley Vale / Doe Lea – approximately 17% growth in households

Expected employment growth at 30th September 2015 based on current permissions (employment commitments)

	With permission	BDLP Allocation (2000)	Total Commitment
Bolsover	36.23	4.07	40.30
Shirebrook	12.86	5.56	18.42
South Normanton	10.68	15.53	26.21
Clowne	0.00	0.00	0.00
Creswell	0.00	3.08	3.08
Pinxton	0.00	2.95	2.95
Whitwell	0.00	8.17	8.17
Tibshelf	0.00	0.00	0.00
Barlborough	6.71	0.42	7.13
Blackwell	0.00	0.00	0.00
Newton	0.00	0.00	0.00
Glapwell	0.00	0.00	0.00
New Houghton	0.00	0.00	0.00
Langwith	0.00	0.00	0.00
Whaley Thorns	0.00	1.67	1.67
Pleasley	0.00	0.00	0.00
Shuttlewood	0.00	0.00	0.00
Bramley Vale / Doe Lea	0.00	0.00	0.00
Hodthorpe	0.00	0.00	0.00
Westhouses	0.00	0.00	0.00
Stanfree	0.00	0.00	0.00
Hilcote	0.00	0.00	0.00
Palterton	0.00	0.00	0.00
Scarcliffe	0.00	0.00	0.00
Countryside	22.25	0.00	22.25
Totals	88.73 ha	41.45 ha	130.18 ha

1.7 As this table demonstrates, based on employment sites that have already been granted and excluding the unimplemented allocations in the adopted Local Plan, the following settlements are already expected to see substantial growth:

- Bolsover – approximately 36 hectares worth of new employment land
- Shirebrook – approximately 13 hectares worth of new employment land
- South Normanton – approximately 11 hectares worth of new employment land
- Barlborough – approximately 7 hectares worth of new employment land

1.8 Public consultation took place on the Identified Strategic Options between 30th October and 11th December 2015 and involved public drop-in exhibitions across the District. In total, 94 submissions were received from:

- 16 statutory consultees
- 6 national organisations
- 1 Parish / Town Council
- 6 local community groups / organisations
- 23 land owners or by their agents
- 42 members of the public

and accounted for 877 individual representations across all of the options.

- 1.9 All representations have now been considered and reported to the Local Plan Steering Group. At its meeting on 25th January 2016, the Local Plan Steering Group considered detailed reports outlining the relative performance / merits of all of the Identified Strategic Options in light of the Local Plan Vision and Objectives, the finding of the Sustainability Appraisal, consultation responses and the National Planning Policy Framework soundness tests before agreeing to a set of recommendations to Planning Committee on the selection of Preferred Strategic Options for the Local Plan for Bolsover District.
- 1.10 This report sets out a summary of the information supporting the selection of the Preferred Strategic Options. More detailed information is available in the full reports presented to the Local Plan Steering Group at its meeting on 25th January 2016, which are attached as Appendix 1 to this report.

Issues for Consideration

- 1.11 Based on the consideration of all of the issues around selecting preferred options for the Local Plan for Bolsover District, the Local Plan Steering Group at its meeting on 25th January 2016 identified its preferred options based upon the reasoning set out below, noting that these options would be recommended to Planning Committee for approval, and if approved would inform the next stage in the development of the Local Plan.
- Preferred Housing Target – that Option B target of 3,600 dwellings (240 dwellings per annum) over the plan period is selected.

Reasoning: Councils are expected to co-operate to ensure that the level of Objectively Assessed Need (OAN) is met within the Housing Market Area. The Council's evidence in this area, the Strategic Housing Market Assessment (November 2013), identifies 240 dwellings per annum as the OAN for Bolsover District and therefore this provides the minimum the Council will be expected to provide at Examination. Pursuing Option B has been supported by the three other Housing Market Area authorities, as well as Sheffield City Council and Rotherham Metropolitan Borough Council and generally during the consultation exercise. Pursuing Option B is also identified as the best performing option in the Sustainability Appraisal report. Despite this strong support, evidence provided by recent housing build-out rates indicates that achieving 240 dwellings per annum, and thus a 5-year supply, will still represent a challenging level of growth for Bolsover District.

Note: further work is required to understand the relationship between the preferred housing and employment targets as part of the development of the next stage of the Local Plan.

- Preferred Employment Target – that a range between approximately 80 and approximately 100 hectares over the plan period is selected.

Reasoning: Councils are expected to positively plan for employment growth within their local plans. The Council's evidence in this area, the Economic Development Needs Assessment (October 2015), identifies a need for between 65 and 100 hectares of employment land for Bolsover District over the Local Plan plan period. In light of the Council's Growth Strategy, there is justification for a target at the higher end of this range. Based on consultation feedback, pursuing options at the higher end of the range may cause concern with some neighbouring authorities and issues / concerns raised need to be fully explored and addressed under the Duty to Co-operate. In the Sustainability Appraisal report, pursuing options at the higher end of the range are identified as delivering the greatest economic benefits, depending on potential adverse effects resulting from site allocations to deliver the target.

Note: further work is required to understand the relationship between the preferred housing and employment targets as part of the development of the next stage of the Local Plan. Further work also identified to understand deliverability of existing sites.

- Suggested Strategic Sites: Bolsover North – that this site is supported for further consideration as part of the Local Plan Preferred Option.

Reasoning: given the Council's ambitions for growth, the Bolsover North site would at this stage appear to represent a strategic development that could significantly help to deliver the Council's Local Plan Vision and Objectives.

Note: further work is required to understand the deliverability of the site in more detail as part of the development of the next stage of the Local Plan.

- Suggested Strategic Sites: former Coalite site – that this site is supported for further consideration as part of the Local Plan Preferred Option.

Reasoning: the former Coalite site is a committed site within the Council's employment land supply that should significantly help to deliver the Council's Local Plan Vision and Objectives.

Note: further work is required to understand the deliverability of the site in more detail as part of the development of the next stage of the Local Plan.

- Suggested Strategic Sites: Clowne North – that this site is supported for further consideration as part of the Local Plan Preferred Option.

Reasoning: given the Council's ambitions for growth, the Clowne North site would at this stage appear to represent a strategic development that

could significantly help to deliver the Council's Local Plan Vision and Objectives.

Note: further work is required to understand the deliverability of the site in more detail as part of the development of the next stage of the Local Plan.

- Suggested Strategic Sites: former Whitwell Colliery – that this site is supported for further consideration as part of the Local Plan Preferred Option.

Reasoning: given the Council's desire to see the regeneration of the remaining large brownfield sites in the District, the former Whitwell Colliery site would at this stage appear to represent a strategic development that could help to deliver the Council's Local Plan Vision and Objectives.

Note: further work is required to understand the deliverability of the site in more detail as part of the development of the next stage of the Local Plan.

- Preferred Spatial Strategy Option – that Option A with elements of Options C and B for the Spatial Strategy Option is selected.

Reasoning: this preferred Spatial Strategy Option has a strong focus on sustainable development with an appropriate balance between achieving more difficult regeneration aims and securing immediately viable developments. Given the soundness tests that the spatial strategy will be subject to at the Examination, at this stage this option appears to represent the most appropriate Spatial Strategy Option to deliver the Council's Local Plan Vision and Objectives in accordance with the Local Plan preparation timetable.

Note: further work is required to understand the deliverability of this spatial strategy in more detail, in particular in terms of infrastructure planning and individual site deliverability, as part of the development of the next stage of the Local Plan.

1.12 These recommendations provide a Preferred Spatial Strategy Option that would direct additional growth to the District's more sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities, but ensuring that a larger share goes to settlements such as Clowne where viability is better and to Whitwell and Bolsover where key brownfield sites exist. This option would seek to take advantage of the preferred suggested strategic sites as the principal locations of growth in Bolsover, Clowne and Whitwell, with smaller sites being sought to deliver growth in the other more sustainable settlements of South Normanton and Pinxton and focussing on achieving the committed growth in the District's other settlements. Where no committed growth currently exists, major development would be resisted in order to support the Council's Preferred Spatial Strategy Option but minor infill development would be accepted.

1.13 In reaching these recommendations, the Local Plan Steering Group noted the desired benefits of Spatial Strategy Option D – Focus on an East-West growth corridor and in particular the wish to see a Shirebrook Regeneration Route.

However, the Group also noted that pursuit of Option D would require further work to identify sufficient available sites to deliver the strategy, including a further call for sites exercise, which would delay development of the Plan. In addition to this, even if sufficient available sites could be identified, based on the Council's evidence on development viability it is noted that sites in Shirebrook in particular suffer from poor viability at the present time putting the delivery of this spatial strategy at risk. Taking all this into account alongside consultation feedback and the significant challenges identified within the Sustainability Appraisal the Local Plan Steering Group noted that making this option central to the Local Plan for Bolsover District would be likely to mean that the Council would fail to get its Local Plan adopted in a timely way. This would undermine the Council's aim to get a Plan in place at the earliest opportunity and make it increasingly vulnerable to intervention by the Secretary of State if it cannot be seen to be capable of publishing its plan in 2017.

- 1.14 However, it was noted that the District's road network is largely rural and would benefit from significant investment, particularly around Shirebrook. As a result, the Local Plan Steering Group recommended that the matter should be further investigated and have requested the matter is taken up as a wider Council regeneration initiative.

2 Conclusions and Reasons for Recommendation

- 2.1 Following consultation on the Identified Strategic Options, the Council now needs to select its Preferred Options for the Local Plan for Bolsover District to enable work to progress towards the scheduled publication of a draft Local Plan for public consultation in September 2016. In accordance with its role in the Council's Constitution, the Local Plan Steering Group has been overseeing the preparation of the new Local Plan and has made its recommendations to Planning Committee on what the Preferred Options for the Local Plan for Bolsover District should be and these are set out in paragraph 1.11.

- 2.2 In light of this, it is recommended that Planning Committee considers the recommendations from the Local Plan Steering Group on what the Preferred Strategic Options should be and approves these as the basis for the preparation of the Local Plan for Bolsover District. The following preferred options are recommended:

- Housing Target – 3,600 dwellings over the plan period (240 dwellings per annum);
- Employment Target – a range between approximately 80 and approximately 100 hectares over the plan period;
- Strategic Sites – Bolsover North, former Coalite site, Clowne North and former Whitwell Colliery site;
- Spatial Strategy – Option A with elements of Options C and B for the Spatial Strategy Option.

- 2.3 It is considered that this combination of options provides the Council with a clear strategy and firm foundation upon which to base its Local Plan, that can be demonstrated to be both ambitious and realistic, combining the objectives to deliver growth in a sustainable and managed way, balancing the need to have a range of suitable development sites that can provide a viable supply in the short term and bring forward regeneration of key sites in the medium to longer term.

- 2.4 Once Preferred Strategic Options for the Local Plan for Bolsover District are approved, work will commence on examining and testing them in more detail so that the Council can be suitably confident that the Preferred Strategic Options can be delivered and brought back to Planning Committee in advance of the publication of the draft Local Plan for Bolsover District.

3 Consultation and Equality Impact

- 3.1 The content of this report is based upon the recommendations of the Local Plan Steering Group following consideration of the findings of public consultation alongside other detailed considerations. All Members have been consulted during the preparation of the Local Plan, were invited to participate at public consultation events and comment on the Identified Strategic Options.
- 3.2 An Equality Impact Assessment will be required in advance of publishing a new Local Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 Planning Committee could decide to not approve the Local Plan Steering Group's recommended Preferred Strategic Options for the Local Plan for Bolsover District. However, this would mean that the Council's timetable for producing the Local Plan would be delayed, and the key corporate priority of submitting the Local Plan (Strategic Policies and Site Allocations) for examination by the Planning Inspectorate by November 2017 would be unlikely to be met.

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 the Planning Committee:

- approves the recommendations of the Local Plan Steering Group in respect of the Preferred Strategic Options for the Local Plan for Bolsover District as follows:
 - Housing Target – 3,600 dwellings over the plan period (240 dwellings per annum);
 - Employment Target – a range between approximately 80 and approximately 100 hectares over the plan period;
 - Strategic Sites – Bolsover North, former Coalite site, Clowne North and former Whitwell Colliery site;
 - Spatial Strategy – Option A with elements of Options C and B for the Spatial Strategy Option.

and

- notes that this will form the basis of the next stages in the development of the Local Plan for Bolsover District.

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 new Local Plan will identify suitable areas for development to help to deliver the Council's Growth Agenda. It will assist both developers and local residents by providing certainty about the way the district will develop over the Plan period. It therefore contributes to the following Corporate Aims and their identified priority actions:</p> <ul style="list-style-type: none"> • Unlocking Our Growth Potential (main aim); • Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.

8 Document Information

Appendix No	Title
1	Reports presented to the Local Plan Steering Group at its meeting on 25 th January 2016.

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)	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of Meeting 25th January, 2016

Report on the Proposed Vision for the Local Plan for Bolsover District

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

Purpose of the Report

- To provide a summary of the responses made in the recent consultation on the proposed Vision for the Local Plan for Bolsover District.
- To provide a summary of the findings of the independent Sustainability Appraisal of the Vision.
- To advise members of the next steps in the development of the Vision.

1 Report Details

Background

- 1.1 One of the topics consulted on in the recent public consultation was the 'Vision' for the Local Plan. The Vision sets out what the Local Plan for Bolsover District aims to achieve, and how the district will be in 2033.
- 1.2 This report contains a summary of the representations made to the Vision together with a summary of how the Vision performs against the Objectives set out in the independent Sustainability Appraisal

Consultation Responses

- 1.3 Few verbal comments were made on the Vision at the eight 'drop-in' sessions in the district.
- 1.4 A total of 61 written comments were received on the Vision. Whilst most were supportive, some of the support was conditional on various changes to the wording. It should be noted that not everyone supporting or objecting to the Vision gave a reason for doing so. A number of respondents made similar overarching points in relation to both the Vision and the Objectives.
- 1.5 To reflect government guidance¹, the Vision was split into three sections to reflect the roles the planning system is expected to perform, and which form the three dimensions to sustainable development:
 - An Economic Role;

¹ As set out primarily at paragraph 7 of the National Planning Policy Framework

- A Social Role; and,
- An Environmental Role.

1.6 Comments received referred either to the Vision as a whole or to a specific dimension, and the section below has been structured to reflect this.

Overarching Comments

1.7 In terms of comments made in respect of the Vision as a whole most responses were supportive. Reasons given for supporting the Vision included:

- that the Vision was compliant with national guidance;
- that the vision was split into the three dimensions of sustainable development;
- that the vision makes clear that the economic development, employment and housing needs of the district will be met in the future;
- that the delivery of sustainable development, particularly through the delivery of a range of new homes in the most sustainable towns was welcomed;
- that the Vision's positive aspiration was supported;

1.8 General comments made on the Vision as a whole included:

- that the district needs some stimulation and a Vision going forward;
- that the protection of heritage assets is welcomed;
- that short amounts of regular brisk walking can markedly improve health and plans should be designed around sustainable travel and walking communities;
- that it is important that the natural and built environment is preserved and enhanced;
- that the overall Vision is suitably focussed on improving the local economy, but with consideration of the broader impact of development;
- that a full appraisal of the now almost certain impact of the known 14M high embankment of HS2 needs a non parochial inter-authority approach;
- that reference to Bolsover being 'a growing district' should be qualified by adding 'within infrastructure constraints';
- that reference to Bolsover undergoing a visual transformation should be qualified by adding 'whilst safeguarding important local environments';
- that more emphasis is needed on the protection of community buildings; that the distinctiveness and history of local built environments should be supported by the plan;
- that a new shopping centre should be added (Shirebrook?); that cleanliness should be improved (Shirebrook?);
- that more businesses would make the area self contained with less out commuting by residents;
- that whilst the vision references the provision of new social infrastructure and this is clearly supported, there is an underlying requirement to support existing social infrastructure such as local shops and community facilities which continue to close as a result of rural decline and a lack of growth to maintain their viability.

1.9 Objections to the Vision as a whole were:

- that the Vision is over reliant on the remediation and development of brownfield sites for housing, and that an overreliance on previously developed land (brownfield) sites will result in further under delivery and a failure of the strategy. Part of the solution to this would be to review the Green Belt in areas such as Barlborough to allow the release of new housing in viable and sustainable locations;
- that the Plan makes no mention of a Green Belt Review;
- that the Vision appears to be focussed on new and growing employment opportunities, whilst neglecting established employers;
- the Vision does not fully address the issue of decline in the medium and smaller settlements:
- that it is crucial to spell out in the headline vision what sustainable patterns are and what they are not - the vision must promote and define walkable settlements as the only acceptable form of sustainable development;
- that no attention seems to be focused on the destruction of green field sites and agricultural land which again seems to be pandering to developers and not residents;
- that the Local Plan should encourage farmers to plant allergen producing crops away from settlements;
- that increased open spaces and increased housing are mutually exclusive. The ideas of incorporating a little green oasis in the middle of housing development will not work– people need more than this;
- that whilst the overall vision is supported, the Council needs to be more ambitious with regard to boosting economic development and with this will come the need for more houses to serve raised economic activity. Whilst environmental principles cannot be sacrificed in the pursuit of unsustainable development the Council will need to be ambitious if it is to maximise its economic potential;
- that reference should be made to safeguarding the following natural capital assets: air and air quality protection; water resources provision concern; minerals assets safeguarding; soil and agricultural asset safeguarding.

The Economic Role

- 1.11 In terms of the economic role set out in the Vision, the main reasons given in support were: more businesses would make the area self contained, reducing out commuting by residents, and increasing spending power; and that it would support the remediation of brownfield sites.
- 1.12 The main comments on the economic role were: that safeguards should be applied to tourist development in the proximity to Rough Close works in the interest of health and safety; the Vision should refer to economic regeneration to create and support low carbon sustainable jobs based around green technologies; that reference should be made to supporting and facilitating growth for existing employers in the area.

The Social Role

- 1.13 In terms of the social role set out in the Vision, the main reasons given in support were: that new infrastructure will have been planned and delivered at the same time as new developments;

- 1.14 The main comments on the social role were: that the role that new development (housing growth) can play in supporting existing infrastructure and sustainability should be explicitly identified under the Social Role; that a reference to community health and the importance of access to the natural environment as part of a healthier population should be included; that the need for housing should be qualified by referring to 'in appropriate locations'; that the social role of the vision should be expanded to reflected a positive approach to regeneration; that the social role be expanded to support local services and facilities at risk by introducing new measures, including housing growth to maintain and support their essential role in their communities.

The Environmental Role

- 1.15 In terms of the environmental role set out in the Vision comments were: that a specific reference should be made to trees and woodland given their potential role in carbon sequestration, shading, and increased contribution to flood alleviation;

Comments from Specific Consultation Bodies

- 1.16 **Derbyshire County Council** state 'The Economic and Social Role sections are supported as these make appropriate reference to the fact that the economic development, employment and housing needs of the District will be met in the future and that new infrastructure, such as schools, roads and health facilities will have been planned and delivered at the same time as new developments. It is of concern, however, that no mention is made in the Vision of the aim that the principle of the North East Derbyshire Green Belt will have been maintained and that it will have been protected from harmful development. The lack of reference to, and consideration of, the Green Belt is a key concern generally'.
- 1.17 **The Environment Agency** considers that the vision has identified the main environmental issues and opportunities for the District. However, they feel that it could be much more ambitious and bolder in terms of the improvements to the natural environment that will be achieved by 2033. They consider that the Vision could be bolstered by a number of (mainly) minor amendments to its wording, and a couple of new paragraphs under the Environmental Role. The two new proposed paragraphs would refer to protecting rivers and waterbodies to improve their ecological status, and the incorporation of Sustainable Drainage Systems (SuDS) in new developments to help the district become more resilient to climate change.
- 1.18 **Historic England** welcomes the reference to the protection of heritage assets in the draft vision.
- 1.19 **The Local Nature Partnership** state that the Vision has been thoughtfully considered and partitioned into the three aspect of sustainability, and that they welcome this approach. However, they consider that the Environmental role excludes key natural capital safe-guarding, and request that reference is made to safeguarding the following assets to support the economy and social aims: mineral assets; soil, agricultural assets (agricultural land classification grade 1/ 2); water resource/provision; and air and air quality safeguarding)

- 1.20 **Rotherham Metropolitan Borough Council supports** the proposed Local Plan Vision, and in particular welcomes the recognition of the role that the District plays as part of the wider City Region.

Sustainability Appraisal

- 1.21 Members will be aware that the Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an inspector at the Local Plan Examination.
- 1.22 Since the Steering Group last considered options for a Vision for the Local Plan at their meeting on 25th September an initial Sustainability Appraisal Report has been prepared (October 2015), which has assessed the compatibility of the Vision with the 15 objectives set out within the Sustainability Appraisal.
- 1.23 The Vision has been assessed as being compatible with the majority of the Sustainability Appraisal objectives. However, the Vision does leave room for uncertainties as potential conflicts could arise between growth, resource use and environmental factors. The effects are highly dependent on whether growth is achieved under consideration of economic, social and environmental sustainability and in this regard, the appraisal recommends that the Vision places more explicit emphasis on the promotion of sustainable development as an underpinning theme.
- 1.24 Given these uncertainties the Sustainability Appraisal recommends that the Vision places more explicit emphasis on the promotion of sustainable development as an underpinning theme. Additionally, it is considered that the Vision could usefully make specific reference to:
- the sustainable use of resources and minimisation of waste;
 - locating development in accessible locations that reduce the need to travel;
 - climate change mitigation and adaptation, including the promotion of renewable energy sources; and
 - supporting regeneration and tackling deprivation.

2 Conclusions and Reasons for Recommendation

- 2.1 The development of the Vision is an iterative process, and it is proposed that it will be refined as the Plan is developed. Whilst most of the responses were supportive of the Vision, there is scope to amend the wording of the Vision moving forward to take account of some of the issues raised during consultation and to better reflect the findings of the Sustainability Appraisal.

3 **Implications**

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 **Recommendations**

- 4.1 That the Local Plan Steering Group:

- a) notes the feedback on the Vision from consultation and the independent Sustainability Appraisal and that this feedback will be taken into account when the Vision is refined as part of the next stages of the development of the Local Plan.

5 **Document Information**

Appendix No	Title
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)	
Report Author	Contact Number
Helen Fairfax	2299

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of Meeting 25th January 2016

Report on the Proposed Objectives for the Local Plan for Bolsover District

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

Purpose of the Report

- To provide a summary of the responses made in the recent consultation on the proposed Objectives for the Local Plan for Bolsover District.
- To provide a summary of the findings of the independent Sustainability Appraisal of the Objectives.
- To advise members of the next steps in the development of the Objectives.

1 Report Details

Background

- 1.2 One of the topics consulted on in the recent public consultation was the 'Objectives' for the Local Plan. These are a suite of 16 overarching guiding Objectives that will help to achieve the Vision by providing the reasoned justification for the policies and proposals in the Local Plan.
- 1.2 This report contains a summary of the general/overarching comments made to the objectives, and summaries of the comments made to each of the 16 individual objectives. It also contains a summary of how the 16 Local Plan Objectives perform against the Objectives set out in the independent Sustainability Appraisal

Overarching Consultation Responses

- 1.3 Few verbal comments were made on the Objectives at the eight 'drop-in' sessions in the district.
- 1.4 A total of 161 written comments were received on the Objectives. No significant objections were made. That is no-one suggested that an objective needed to be deleted to comply with national guidance, or fit in with their plans or policy objectives. However, a number of respondents put forward comments suggesting minor textual changes which could contribute to making the Objectives more robust. In addition, two respondents² asked for additional Objectives to be included in future iterations of the Local Plan for Bolsover District.

² Derbyshire County Council and the Environment Agency. See Section on comments from Specific Consultation Bodies below.

- 1.5 It should be noted that not everyone supporting or objecting to the Objectives gave a reason for doing so. A number of respondents made similar overarching points in relation to both the Vision and the Objectives.
- 1.6 In terms of comments made in respect of the Objectives as a whole, most responses were supportive. Key comments made in support were: that the Objectives appeared to be robust; support for delivering sustainable development and growth; that the Objectives were compliant with government guidance.
- 1.7 Key objections and suggestions to expand the Objectives were: that the Objectives needed to contain a specific reference to the Green Belt and the need to protect it from inappropriate development; that there was a need to include green measures, e.g. solar power for houses; references to how natural greenspace and trees could contribute to a number of the objectives, including urban air quality should be included; that the Objectives should include safeguarding natural assets; that there needed to be a reference to meeting the needs of Gypsies and Travellers as well as the settled population; that the focus of growth should be on enhancing natural growth, commensurate with the size of existing settlements.

Responses to individual Objectives.

- 1.8 The individual responses generated a mixture of support, objections, comment, and suggestions to change the wording and/or expanding the Objective.

Objective A

Objective A: Sustainable Growth
To support sustainable growth and the prudent use of resources through:
<input type="checkbox"/> sustainable patterns of development; <input type="checkbox"/> a careful consideration of the impacts of proposed development; <input type="checkbox"/> provision of appropriate infrastructure to support development.

- 1.9 Objective A attracted responses in support and objection, comments, and requests for additional wording. Key points made were: that not all new development needed new infrastructure, and that new development could support existing infrastructure and add to the vitality of places. Suggestions were made to expand the Objective by: including a reference to the provision of education, adult care, and waste infrastructure in the reasons for the objective; including a reference to seeking positive opportunities to include new trees and greenspaces; to recognise the multiple benefits of blue and green infrastructure in new developments.

Objective B

Objective B: Climate Change
To mitigate against and adapt to climate change through:

- the increased use of renewable energy resources;
- energy reduction to minimise pollution including greenhouse gas emissions;
- minimising carbon emissions in new development;
- promoting sustainable design;
- avoiding unnecessary pressure on flood risk areas;
- protecting and supporting the ability of wildlife to respond to change.

1.10 Objective B attracted responses in support and objection, comments, and requests for additional wording. Key points made were: that the issues raised could often be mitigated allowing sites to be developed; that the measures sought to overcome the effect of climate change should be in line with national standards, and should not lead to additional costs for developers. Suggestions were made to expand the Objective by making references to: promote sustainable design and drainage; avoiding unnecessary pressure & inappropriate development in flood risk areas to avoid flooding; recognising the role of trees in mitigating the effects of climate change, including alleviating the risk of certain types of flooding; tackling commuting and congestion on the M1 by promoting walkable settlements.

Objective C

Objective C: Countryside, Landscape Character & Wildlife
To protect and enhance the quality and character of the countryside, its landscapes and villages.
Ensuring that development which takes place to meet identified rural development needs contributes positively to countryside character.
Protecting and enhancing the character and quality of local landscapes.
Protecting and enhancing wildlife and habitats.

1.11 Objective C attracted responses in support; objection, comments, and requests for additional wording. Key points made were: that maintaining the countryside should not mean that development should not take place adjoining existing settlements; special landscapes that are protected should be made clear in the plan, and clearly justified; landscapes should provide adaptations to the climate change and the ecosystems they can provide; there was potential in many development sites to secure long term improvements to landscapes; that there should be a green buffer on the edges of settlements leading into the countryside. Suggestions were made to expand the Objective to: make it more robust, and referring specifically to rivers and streams; include protecting the limestone ridge; include protecting ancient woodlands/veteran trees; by making a reference to historic landscape character.

Objective D

Objective D: Historic Environment

To safeguard, enhance, and where necessary regenerate the District's distinctive historic environment, including the wider settings associated with the District's outstanding heritage assets.

- 1.12 Objective D attracted only responses of support and/or comment. The main comment related principally to Conservation Areas. It noted that the effective application of the Objective was dependent upon the availability of clear and agreed evidence of the importance of any specific 'heritage asset'. A key tool in the protection of heritage assets is the designation of Conservation Areas. There is incomplete coverage of Conservation Area Appraisal and Management Plans across the district; a number of areas do not have a Management Plan; a number of the Conservation Areas are out of date. Without a review of Conservation Areas, and Appraisals and Management Plans it is unlikely that this Objective can be met, or that that the Local Plan will fully reflect government guidance on this issue.

Objective E

Objective E: Regeneration

To support the regeneration needs of urban and rural settlements.

To support suitable deliverable opportunities for the comprehensive redevelopment of brownfield sites.

- 1.13 Objective E attracted responses in support, objection, comments, and requests for additional wording. Key points made were: that the objective was in line with both existing and emerging national policy; that overreliance on brownfield sites will result in further under delivery and a failure of the strategy as it would not be viable or deliverable; that there are not sufficient brownfield sites to accommodate all of the development within the district: and, therefore a mixture of greenfield and brownfield sites will be needed for the Council to secure its Growth Agenda. Suggestions were made to expand the wording of the Objective to: recognise that some brownfield sites contain habitats of high ecological value; to reflect the need to contribute to Water Framework Directives; to reflect the important economic benefits which trees and woods can provide.

Objective F

Objective F: Tourism

To increase the attraction of Bolsover District as a tourist attraction through the protection of identified international and national assets, and supporting the growth of suitable tourist facilities.

- 1.14 Objective F attracted only responses of support and/or comment. Key points made were: a recognition of the value of tourism in expanding the economic base of the district is welcome; that the development of suitable tourist facilities close to national

cycle routes and areas of local interest is in accordance with national policy; that any new tourist development should avoid encroaching in Rough Close Works in South Normanton; the important role that tourism could play in maintaining the vitality of rural areas including farm diversification. A suggestion was made to expand the wording of the Objective to reflect the important economic benefits trees and woods can provide.

Objective G

Objective G: Infrastructure
To provide the necessary infrastructure to support new development.

- 1.15 Objective G attracted responses in support, comments, and requests for additional wording. Key points made were: that the Objective was welcome as a means of ensuring that there is adequate physical infrastructure in place to support proposed developments; work will need to be undertaken with the county council to understand a range of infrastructure needs; the objective would be better if it was more explicit about the full range of infrastructure provision needed in the District. Suggestions were made to expand the wording of the Objective to refer to: supporting new infrastructure in instances where it is required; improvement to infrastructure will not include new roads to serve remote development since this encourages car dependency and is an unsustainable development pattern.

Objective H

Objective H: Sustainable Transport
To reduce the need for people to travel by car through: <ul style="list-style-type: none"> <input type="checkbox"/> Directing growth towards the most sustainable settlements; <input type="checkbox"/> Providing more employment in the District; <input type="checkbox"/> Working with others to improve public transport (bus and rail) services in the District

- 1.16 Objective H attracted responses in support, objection, comments, and requests for additional wording. Most of the comments focussed on the impact that this Objective would have on the distribution of development in the district. Key comments were: that although the principle of improving public transport services was supported, this was not an aspiration that could always be delivered as the network is not extensive or frequent in many locations; this means that growth should be focussed on settlements which are accessible to the main employment and service centres within and outside the district; that there is no mention of cycling in the Objective, and there should be a push for cycle routes throughout the district. A suggestion was made to expand the wording of the Objective to refer to locating new homes between existing service and employment centres and the M1.

Objective I

Objective I: Green Spaces and Green Infrastructure

To recognise the value of open space within communities and to protect, and where possible expand an integrated network of green infrastructure as set out in the Council's Green Infrastructure Study.

- 1.17 Objective I attracted responses in support, comments, and requests for additional wording. Key points made were: That the recognition of the value of open space within communities and intention to expand the green infrastructure network is supported; that this can be supported and delivered through major development proposals; that there is increasing evidence that access to woodland and greenspace is important in enabling people to get healthy exercise and also in improving their mental health and well being. Suggestions were made to expand the wording of the Objective by recognising the multiple benefits of greenspace, and that open space exists beyond communities.

Objective J

Objective J: Rural Areas

To support rural areas by protecting the character of rural settlements, and ensuring that development outside the main settlements reflects the existing size of villages whilst sustaining local services; supporting the diversification of rural businesses; and making provision for affordable housing.

- 1.18 Objective J attracted responses in support, comments, and requests for additional wording. Key points made were that: the highlighting of the distinctive rural character to much of Bolsover District was welcomed, as is the objective to conserve the distinctive character of rural areas; there is a balance to be achieved between promoting development to reflect the existing size of settlements and sustaining local services. Suggestions were made to expand the wording of the Objective by including a reference that local village infilling will seek to make the most efficient use of land commensurate with local character; and that existing numerical constraints on housing numbers in infill developments will no longer be applied.

Objective K: Health and Well Being

To improve health outcomes, and increase life expectancy for residents by addressing the economic and environmental factors underpinning health and well being.
Through working with healthcare partners to deliver new and improved health and social care facilities.
By improving access to the countryside and leisure and cultural activities.

- 1.19 Objective K attracted only responses of support and comments. Key points were that: the Objective along with the preparation of a Built Sports Facility Strategy and Playing Pitch Strategy would support the objectives and policy development; that the recognition of the importance of access to cultural activities which support well being is supported. A suggestion was made to expand the wording of the Objective

by adding 'to provide opportunities for people to enjoy the natural environment and value the biodiversity it supports'.

Objective L: Economic Prosperity

To promote economic prosperity by encouraging the growth of high value manufacturing businesses, business services, tourism, appropriate rural diversification initiatives and the cultural and creative industries.
Recognising that environmental quality can help to attract inward investment.

- 1.20 Objective L attracted only responses of support and comments. Key points were that the definition should be expanded to include retail, and the hospitality industry, and that existing businesses should be supported by facilitating any necessary growth and expansion.

Objective M: Employment Opportunities

To create employment opportunities within the District through supporting the development of new enterprises and the growth of existing businesses.
To help to deliver a diverse range of sites that are attractive to new investors in the District and also to enable the growth of existing businesses.

- 1.21 Objective M attracted only responses of support and comments. Key points made were that: the Council should seek to not just address the need but strive for quality and choice across the district in order to create sustainable employment opportunities which reduced out commuting for a wider range and higher quality employment; that the Objective should be more ambitious to build a strong and competitive economy and achieve a better balance of housing and employment provision in the district.

Objective N: Meeting Housing Needs

To provide housing that addresses the needs of all sectors of the community.
To help to build / expand communities rather than just providing new housing.

- 1.22 Objective N attracted responses in support, objection, comments; and requests for additional wording. Key points made were; that new housing brings many benefits to a local population and that a NIMBY approach towards expanding villages currently in decline is only likely to exacerbate local problems of closing shops, schools and contracting public transport services; that to boost the supply of sites the Council needs to plan for viable and sustainable sites; the approach to future growth should consider local constraints such as hazardous consultation zones; that housing choice should be promoted by increasing the number of park homes in the district and promoting extended family living choice by permitting higher densities on existing dwelling plots (and that this should be included in the Objective). Suggestions were made to expand the wording of the Objective to include: providing housing to facilitate economic growth; and a commitment to provide housing that meets the fully objectively assessed needs of all sections of the community.

Objective O: Place Making

To ensure that place making is at the heart of the delivery of high quality well designed neighbourhoods and developments, and reflects the aspirations of local people.
To ensure that development takes place in a way that protects local amenity and does not undermine environmental quality.

- 1.23 Objective N attracted responses in support, comments, and requests for additional wording. Key points made were that the Objective should refer to local distinctiveness; that a lack of up to date Conservation Area Appraisals and Management plans represents a genuine (and avoidable) risk to the quality and speed of decision making within the planning system, and that consideration should be given to the allocation of resources to update that important part of the Local Plan evidence base. A suggestion was made to expand the wording of the Objective refer to: having regard to neighbouring land uses when considering location for new development and avoid incompatible uses.

Objective P: Town Centres

To sustain and improve retail, service, and leisure provision in town and local centres, and create distinctive places.

- 1.24 Objective P attracted responses of support and a request to expand the Objective by referring to the need to enhance the vitality and viability of town and local centres with improved retail, leisure and service provision.

Comments from Specific Consultation Bodies

- 1.25 As part of the consultation on the Identified Strategic Options, the Council consulted all of the 'specific consultation bodies'³. These bodies made the following comments on the Objectives:
- 1.26 **Derbyshire County Council's** response contains a mixture of support and objections as follows:

Object to the fact that none of the Objectives make any specific reference to the Green Belt or the need to protect it from inappropriate development. They consider that this should be included as a specific objective in either Objective A: Sustainable Development or Objective I: Green Spaces and Green Infrastructure.

Welcomes the approach in Objective A: Sustainable Growth, although they note that no mention of the provision of education, adult care or waste infrastructure is made in the reasons for the objective.

Strongly supports the acknowledgement in Objective G that development does not take place in isolation and the Bolsover needs to ensure the provision of the necessary physical and social infrastructure. However they consider that the

³ As defined in The Town and Country Planning (Local Planning) (England) Regulations 2012

objective would be better if it was more explicit about the full range of infrastructure provision that may be necessitated by new development within the District.

Welcomes the Approach in Objective I: Green Spaces and Green Infrastructure

Comments on Objective N: Meeting Housing needs that Local Plan will seek to meet the Council's fully assessed needs of all sections of the community. This is referred to in the reasons for the Objective, but the County Council considers that this should be **in** the Objective.

Comments on Objective P: Town Centres that the Objective should refer to sustaining and enhancing the vitality and viability of town and local centres to reflect national guidance.

- 1.27 **The Environment Agency** welcomes the proposed Objectives but has asked for minor amendments to seven of the Objectives to make them more robust. In addition, they have requested a new stand alone objective relating to the Water Framework Directive. The suggested text is: 'To ensure that development takes place in such a way as to ensure the objectives of the Water Framework directive are achieved and that there is no deterioration in the ecological status of rivers and water bodies in the district'
- 1.28 **Highways England** welcomes Objective G: Infrastructure as a means of ensuring that there is adequate physical infrastructure (such as roads) in place to support proposed developments. They also welcome Objective H: Sustainable Transport as it aims to reduce the need for people to travel by car.
- 1.29 **Historic England** welcomes Objective D: Historic Environment, and comments that the Council might wish to refer to local distinctiveness in Objective O; Place Making.
- 1.30 **The Local Nature Partnership** supports the objectives listed, but request that reference is made to safeguarding the following assets to support the economy and social aims: mineral assets; soil, agricultural assets (agricultural land classification grade 1/ 2); water resource/provision; and air and air quality safeguarding)
- 1.31 **Rotherham Metropolitan Borough Council** supports the proposed Local Plan Objectives

Sustainability Appraisal

- 1.32 The Sustainability Appraisal found the proposed Local Plan Objectives to be broadly supportive of the Sustainability Appraisal Objectives, with some positives identified in each Objective (although the **number** of positives in respect of each Objective did vary).
- 1.33 This does not mean that tensions do not exist between the two sets of objectives. However, where tensions have been identified, this primarily relates to the aspiration to meet local needs and deliver economic prosperity, whilst at the same time seeking to protect and enhance the District's environmental assets and minimise resource use, waste and greenhouse gas emissions.

- 1.34 The Sustainability Appraisal concludes that where potential incompatibilities have been identified, tensions between the objectives can be resolved if development takes place in accordance with all of the Local Plan Objectives. As such, an incompatibility is not necessarily an insurmountable issue but one that may need to be considered in the development of policies that comprise the Local Plan.

2 Conclusions and Reasons for Recommendation

- 2.1 The development of the Objectives is an iterative process, and it is proposed that they will be refined as the Plan is developed. Whilst most of the responses were supportive of the Objectives, there is scope to amend the wording of the Objectives moving forward to take account of some of the issues raised during consultation and to better reflect the findings of the Sustainability Appraisal.

3 Implications

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 Recommendations

- 4.1 That the Local Plan Steering Group:
- a) Notes the feedback on the Objectives from consultation and the independent Sustainability Appraisal and that this feedback will be taken into account when the Objectives are refined as part of the next stages of the development of the Local Plan.

5 Document Information

Appendix No	Title
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)	

Report Author	Contact Number
Helen Fairfax	2299

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of Meeting 25th January 2016

Report on Housing Target Options

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

Purpose of the Report

- To outline the considerations relating to the selection of a preferred housing target following the outcome of recent consultation on the Identified Strategic Options for the Local Plan.
- To provide Members with a recommendation on what preferred housing target should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Consultation on the Identified Strategic Options set out three alternative options for a housing target (see table below). The consultation document also allowed for the option of 'none of the above'. Effectively this allowed respondents to put forward alternative targets and why these might be appropriate.

Housing Target Options			
	Option A	Option B	Option C
Total number of dwellings for Local Plan period	2,775	3,600	5250
Number of dwellings per	185	240	350

year			
Comments	target based on the level of housing that has been built in the district in recent years	target based on the likely future needs of the district (the objectively assessed need or OAN) as assessed independently in the Strategic Housing Market Assessment	target based on a higher levels of housing growth than the district is assessed as needing

1.2 This report outlines the range of considerations that the Council will need to take into account when determining a preferred option for a housing target for the Local Plan. These are:

- Local Plan Vision and Objectives
- Findings of the sustainability appraisal and how this has influenced the preferred employment target.
- Consultation responses.

Local Plan Vision and Objectives

1.3 In addition to seeking views on a new housing target for the district the recent consultation also put forward a Local Plan Vision. The Vision sets out what the Local Plan for Bolsover District aims to achieve, and how the district will be in 2033.

1.4 This section of the report considers how each of the three proposed housing targets relates to the overarching aims in the Vision and Objectives. None of the targets are wholly incompatible with the aims of the Vision and Objectives; however, some are a better fit with them than others.

1.5 The Vision is split into three sections to reflect the roles that the planning system is expected to perform and which form the three dimensions to sustainable development (Economic Role: Social Role & Environmental Role).

1.6 The economic role sets out the Council's aspirations for growth, and to extend the number and range of jobs in the district. It proposes that brownfield sites will have been remediated, and settlements enhanced. At first glance it would seem that this part of the Vision (which reflects the Council's Growth Agenda) would be best reflected in a higher housing target (Option C or another higher target). However, the Vision also reflects a desire to remediate brownfield sites. If there is a significant oversupply of housing land against demand it allows developers to cherry pick the

sites that are easier to develop, whilst avoiding more difficult but important brownfield sites. Therefore in respect of the economic dimension of the vision, a lower target is unlikely to achieve the growth the Vision aspires to, whilst a higher target runs the risk of failing to achieve the remediation of brownfield sites. Therefore in respect of this role Option B (240 dpa) would appear to be the best fit.

- 1.7 The social role sets out the Council's aspirations for the delivery of a range of housing and new infrastructure to accommodate it together with improved access to outdoor recreation space and a network of footpaths. Arguably the more housing developed the greater the opportunities for providing a greater range of housing, and if viability was not the issue that it is for the district, more housing could provide greater opportunities for funding for improved recreation space and creation/improved footpaths. A higher target could also potentially provide more funding for new infrastructure. However, this is rather simplistic because more housing would also create a need for new infrastructure. A lower target would be unlikely to meet the needs of everyone in the district. Therefore in respect of this role Option B would again appear to be the best fit.
- 1.8 The Environmental Role sets out the Council's aspiration to protect environmental and historic assets; improve and extend greenspaces and green infrastructure and wildlife assets; and high quality developments to help address climate change and reduce the potential for anti-social behaviour. The housing target is considered to be likely to have less impact on this role than the economic and social roles. A first glance it would seem that this role is best achieved by low levels of housing development. However, planned large scale developments can provide an opportunity to deliver new open space and green infrastructure and high quality developments.
- 1.9 A suite of Objectives sit below the Vision and set out how the Vision will be achieved. The direct relationship between the housing targets and specific Objectives is limited. However the housing target is likely to affect the following Objectives: Objective E Regeneration; Objective G: Infrastructure; and Objective N: Meeting Housing Needs. Housing target Option B (240 dpa) is the most likely to contribute to meeting Objective E: Regeneration for the reasons set out in paragraph 1.6 above. In relation to Objective G: Infrastructure housing target Option C (350 dpa) is most likely to generate the profits to help provide new infrastructure. However paradoxically it is the also the option that is most likely to generate the most need for new infrastructure Depending on the location of new development Option A (185 dpa) or Option B (240 dpa) are less likely to give rise to the need for new infrastructure. In relation to meeting Objective N: Meeting Housing Needs, Options B (240 dpa) or Option C (350 dpa) has the potential to provide a wide range of housing and comply with national guidance. However, Option B (240 dpa) probably has the greater potential to provide housing that assimilates with existing housing.
- 1.10 Overall it is considered that Option B (240dpa) provides a balance between low levels of development which would be contrary to the Council's Growth Agenda and aspirations for growth, and high levels of growth that would be more likely to have a significant/adverse impact on the environment.

Findings of the Sustainability Appraisal

- 1.11 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an inspector at the Local Plan Examination.
- 1.12 Since the Steering Group last considered options for a housing target at their meeting on 4th August 2015, an initial Sustainability Appraisal Report has been prepared (October 2015).
- 1.13 The Sustainability Appraisal notes that the range and type of effects associated with all three housing target options are similar with significant positive effects identified in respect of housing, the economy and regeneration but negative effects expected in respect of biodiversity, air quality, climate change and resource use. Significant negative effects have been identified in respect of water for all options reflecting existing wastewater treatment capacity constraints in the District. In broad terms, the magnitude of both positive and negative effects is commensurate with the level of housing proposed.
- 1.14 The findings of the appraisal indicate that Option B (a housing target of 240 dwellings per year) is the best performing option when considered against the Sustainability Appraisal objectives. This option is expected to meet the District's objectively assessed need for housing whilst generally avoiding significant adverse socio-economic and environmental effects. Reflecting the scale of housing provision proposed (and so the associated land take), the potential for negative (including significant negative) effects is greatest under Option C (a housing target of 340 dwellings per year). Option A (a housing target of 185 dwellings per year) takes forward a lower housing target which could minimise the potential for negative effects across a number of the Sustainability Appraisal objectives used in this appraisal; however, Option 1A would not meet the District's objectively assessed need for housing.

Feedback from the drop-in sessions

- 1.16 Verbal feedback from the drop in sessions suggested that most people commenting on this issue favoured either Option B or Option A. People supporting Option A felt that this option was achievable; would not stress existing infrastructure/services; and would preserve as much agricultural/ greenfield land as possible. People supporting Option B felt that the District should provide for its own housing needs, but not the residual needs of other areas. Whilst they wanted to retain local services and facilities, and accepted that in some instances limited growth was a way of achieving this; they too wanted to preserve as much agricultural/ greenfield land as possible, and avoid stressing existing infrastructure. Reasons expressed for rejecting Option C were that it was too much growth for a rural area; would require unprecedented growth levels; and the loss of agricultural/greenfield land.

Feedback from written representations

1.17 A total of 107 written comments were received on a housing target. It should be noted that not everyone supporting or objecting to each of the Options made comments or gave reasons for their preference.

Option A (185 dwellings a year)

1.18 This option attracted 23 comments. The comments made fell into four main groups:

- People objecting to Option A as being too high;
- People objecting to Option A as being too low;
- People supporting Option A; and
- People objecting to Option A because they favoured one of the other options.

1.19 Key reasons given for Option A being considered too high were: that there is no need for an excessive number of new homes to be built; and that the idea of targets does not take into account the individual characteristics of an area.

1.20 Key reasons given for Option A being considered too low were: that it does not meet the minimum requirement of Objectively Assessed Needs; that it is not in compliance with government guidance⁴; that it would be unlikely to meet the needs of the community; that it is not realistic and therefore not a proper option for the Local Plan or the Sustainability Appraisal; that it would be difficult to justify despite being trend related; and that this target would have a high probability of being found unsound by a Planning Inspector unless robust evidence of constraints was provided.

1.21 Key reasons given for supporting Option A were: that it matches most closely the natural growth of the area: that it is sustainable; that it would help to retain the character of settlements in the district; that the current situation is that there is not going to be significant demand for new housing; that large areas of land had been purchased by builders over the last 10 years, but that this had been land banked rather than developed; and, that Options B & C are unrealistic based on past building rates.

Option B (240 dwellings a year)

1.22 This option attracted 41 comments. The comments made fell into three main groups:

- People objecting to Option B as being too high;
- People objecting to Option B as being too low;
- People supporting Option B

1.23 Key reasons given for Option B being considered too high were: that it was unrealistic based on past building rates.

⁴ Paragraph 47 of the National Planning Policy Framework requires local planning authorities to 'boost significantly the supply of housing'.

- 1.24 Key reasons given for Option B being considered too low were: that it was insufficiently positive.
- 1.25 Key reasons given for supporting Option B were: that it was reasonable, but challenging in the light of past completion rates; that it would enable small scale residential development (on brownfield sites) to be progressed; that it was important to meet the housing need identified over the housing market area: that it was the most achievable option; that it is the most sustainable and realistic option, underpinned by available evidence; that to provide housing beyond this level and increase the need for commuting would go against environmental priorities; that the target would meet demand without putting too much pressure on green sites
- 1.26 It is worth noting that all of the local authorities commenting on the housing target⁵ favoured this Option. Of particular relevance, given that a number of respondents justified their preferences for a higher target on the need to accommodate unmet need from Sheffield⁶ is the response from the City Council, which states: *'Given the issues of viability, past delivery and an understanding of the recent work carried out by Edge Analytics on demographic modelling across the Sheffield City Region, Option B seems appropriate if challenging. We may need to discuss the potential for other districts within the SCR to address some of Sheffield's housing need. However, the housing market relationship between Sheffield and Bolsover is weaker than we have with some other districts. Sheffield's SHMA indicates a net loss of around 70 households per year to Bolsover, compared to 520 to Rotherham, 370 to Barnsley and 330 to North East Derbyshire. **Therefore we suggest Option B, rather than a high housing target significantly above the level of identified need (Option C) specifically in order to meet any of Sheffield's housing needs'**.*

Option C (350 dwellings a year)

- 1.27 This option attracted 24 comments. The comments made fell into three main groups:
- People objecting to Option C as being too high;
 - People objecting to Option C as being too low;
 - People supporting Option C.
- 1.28 Key reasons given for Option C being considered too high were: that it is unrealistic based on past build rates; that would be very unlikely to be deliverable or realistic as either a plan wide housing target or as the basis for the District's five year housing land requirement; that it represents unprecedented housing growth; that it is unrealistic to assume that this level of delivery could be achieved in Bolsover and sustained through the plan period; that it would result in over development
- 1.29 Key reasons given for Option C being considered too low were: that it was less than the target in the former East Midlands Regional Plan; that there would be a need to accommodate unmet needs from other authorities.

⁵ Rotherham Metropolitan Borough Council; Bassetlaw District Council; Mansfield District Council; Chesterfield Borough Council; Sheffield City Council; and Derbyshire County Council.

⁶ See paragraph 1.30 below

1.30 Key reasons given for supporting Option C were: that Sheffield cannot meet its own needs and is likely to require that nearby authorities assist with this; that this is the most realistic option; the Option is in line with the requirement in national guidance ‘to boost significantly the supply of housing’; that the Plan should seek to maximise housing supply in the district in order to facilitate sustainable future growth; that this will significantly increase the supply of housing and will therefore, add to, and increase, the supply for affordable homes; that it is sufficiently positive.

None of the Above

1.31 The ‘none of the above/alternative rationale’ category attracted 19 comments. Key comments and suggestions were:

- That the target should be 251 dwellings a year to meet the top of the sensitivity test figure in the Strategic Housing Market Assessment;
- That the target should be 300 dwellings a year. This would comply with national guidance to ‘boost significantly the supply of housing’;
- That a higher target is needed to accommodate an element of overspill needs from outside the district such as Sheffield City (*No neighbouring authority, including Sheffield City has asked Bolsover to meet any of its unmet needs*) ;
- That the target should reflect the former East Midlands Regional Plan (*the Plan was revoked nearly three years ago. The statistics underpinning it are now more than a decade out of date*);
- That the housing target should reflect planned employment growth;
- That the overall housing target should be increased to help the delivery of more affordable housing;
- That the Strategic Housing Market Assessment is out of date (*it is barely two years old*);
- Proper account has not been taken of the effect of suppression on household formation (*the SHMA specifically considers this*);
- The target needs to take account of possible in migration from the EU and Turkey (*the SHMA does this*).

Comments from Specific Consultation Bodies

1.32 As part of the consultation on the Identified Strategic Bodies, the Council consulted all of the ‘specific consultation bodies’⁷. These bodies made the following comments on the options for a housing target:

1.33 **Bassetlaw District Council** comments that following from previous conversations Bassetlaw would continue to support Option B (240 dpa): A housing target that meets the identified objectively assessed need, or Option C (350): A housing target that exceeds objectively assessed need.

⁷ As defined in The Town and Country Planning (Local Planning) (England) Regulations 2012

- 1.34 **Chesterfield Borough Council** welcomes clarity that Bolsover continue to view the North Derbyshire and North Nottinghamshire HMA as the most appropriate housing market area, and supports Option B (240 dpa).
- 1.35 **Derbyshire County Council** comments that meeting Objectively Assessed Housing needs should be a minimum key requirement of the Plan. They note viability is a key concern for the district, and that in this context a target of 350 dpa (Option C) would be very unlikely to be deliverable or realistic as either a plan wide housing target or the basis for the District's five year housing land requirement. The County Council support a target of 240 dpa (Option B), but suggest a plan-wide target of 250 dpa might be worthy of consideration by the Council if this was thought to be deliverable given viability considerations.

The County Council response also expresses concern that there is no assessment of how the employment land requirements relate to the housing target options, and considers that Bolsover Council may need to undertake further work to explore the relationship between housing and employment land needs to understand the implications of the preferred targets on each other.

- 1.36 **Highways England** does not express a preference for a housing target but comments that the impact of housing development on the highway network increases the more houses that are built, but notes that Option C (350 dpa) would require a significant amount of new houses with the consequent potential impact on the highway network this would entail.
- 1.37 **Mansfield District Council** comments that Option A (185dpa) would be difficult to justify despite being trend related; that Option B (240dpa) appears reasonable but challenging in light of past completion rates. In terms of Option C (350 dpa) BDC rightly recognises that this would require unprecedented levels of housing growth, difficult to achieve in view of the BDC housing market conditions and the limited viability within the housing market. They suggest that this approach could not be justified as being deliverable given market conditions
- 1.38 **North East Derbyshire District Council** comments that Option A (185 dpa) would not accord with the Local Enterprise Partnership's ambitions for growth or the Council's own Growth Strategy. If this was to be identified as the preferred option it would require BDC to demonstrate clearly that there was insufficient capacity within Bolsover District to accommodate Bolsover's objectively assessed housing need; Option C (350 dpa) would appear to raise issues of deliverability in relation to current and recent performance; Option B would meet Bolsover's objectively assessed need, and its share of housing need across the Housing Market Area. It is therefore the one that NEDDC is most able to support.
- 1.39 **Rotherham Metropolitan Borough Council** comments that whilst recognising the challenging implications for housing delivery, on the evidence provided Option B (240 dpa) provides an appropriate housing target which meets objectively assessed needs

1.40 **Sheffield City Council's**⁸ comments are set out in full at paragraph 1.26 above. They suggest Option B (240 dpa) rather than Option C (350 dpa) specifically in order to meet any of Sheffield's housing needs.

1.41 **The Coal Authority, Environment Agency, Natural England, Historic England, Nottinghamshire County Council, and Severn Trent** also responded to the consultation but did not make specific representations on the proposed housing target.

2 Conclusions and Reasons for Recommendation

2.1 Developing an appropriate housing target is not a straightforward matter. Council's are expected to co-operate to ensure that the level of objectively assessed need is met within the Housing Market Area. Where this is not possible local authorities are expected to work together to accommodate any unmet need. There is also an expectation that local authorities should accept the needs of other authorities where this is appropriate and they are able to do so. At the present time no neighbouring authority has suggested that they will be making such a request to Bolsover Council. In addition, Sheffield City Council has suggested Option B as the most appropriate target, rather than a high target specifically in order to meet any of Sheffield's unmet housing needs.

2.2 Essentially, a realistic housing target is a balance between under providing, and possibly stifling much needed development in the district; and over providing, where the market is unable to deliver the target and the Council is unable to demonstrate a five year supply of deliverable housing.

2.3 Overall, both the respondents to the Consultation and the initial independent Sustainability Appraisal favour Option B – a housing target of 240 dpa (3,600 over the Local Plan period).

2.4 However, to ensure compliance with national guidance it will be necessary to undertake additional evidence base work to better understand the relationship between the preferred housing and employment targets.

3 Implications

Finance and Risk Implications

3.1 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

3.2 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.

⁸ Whilst SCC is not a specific consultation body, it is part of the wider SCR, and therefore useful to consider their views in this section of the report

Human Resources Implications

- 3.3 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.

4 Recommendations

4.1 That the Local Plan Steering Group:

- a) considers the contents of this report;
- b) supports the proposal to take forward Option B (240 dwellings per annum) as the Housing Target for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee;
- c) notes that further work is required to understand the relationship between the preferred housing and employment targets as part of the development of the next stage of the Local Plan.

5 Document Information

Appendix No	Title
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)	
Report Author	Contact Number
Helen Fairfax	2299

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

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

Purpose of the Report

- To outline the considerations relating to the selection of a preferred employment land target following the outcome of recent consultation on the Identified Strategic Options for the Local Plan;
- To provide Members with a recommendation on what preferred employment land target should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Consultation on the Identified Strategic Options consultation set out three alternative options for an employment target.

Employment Target Options			
	Option A	Option B	Option C
Total that would be allocated during Local Plan period (2018 - 2033)	65 hectares of new employment land	80 hectares of new employment land	100 hectares of new employment land

Comments	Bottom of range & below current supply of land with planning permission	Mid-range and approximately the current supply of land with planning permission	Top of range & above current supply of land with planning permission. Predicated upon inclusion of a minimum of 2 large logistic sites within the supply of land.
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1.2 This report outlines the range of considerations that the Council will need to take into account when determining a preferred option for an employment target for the Local Plan. These are:

- Local Plan Vision and Objectives
- Findings of the sustainability appraisal and how this has influenced the preferred employment target.
- Consultation responses.

Local Plan Vision and Objectives

1.3 The Local Plan Vision approved by members and published in October 2015 for public consultation includes an economic role, that states -

“By 2033, Bolsover District will be an attractive location for new and growing businesses. The economy of the District will have benefited from wider initiatives in the Sheffield City Region and D2N2 as well as more local initiatives to improve the quantity, range and quality of jobs in the district. Employment opportunities will have expanded into growing sectors such as advanced manufacturing, logistics and knowledge based sectors. The increased employment opportunities in the District mean that people will have access to a greater number and range of jobs without having to commute outside the District.”

It is considered that a high target would best deliver this vision particularly in terms of improving the quantity, range and quality of jobs, within quite land intensive types of uses such as manufacturing and logistics.

1.4 The Local Plan Objectives approved by members and published in October 2015 for public consultation included two objectives that are of most relevance to choosing an employment target.

Objective L: Economic Prosperity

To promote economic prosperity by encouraging the growth of high value manufacturing businesses, business services, tourism, appropriate rural

diversification initiatives and the cultural and creative industries. Recognising that environmental quality can help to attract inward investment.

Objective M: Employment Opportunities

To create employment opportunities within the District through supporting the development of new enterprises and the growth of existing businesses. To help to deliver a diverse range of sites that are attractive to new investors in the District and also to enable the growth of existing businesses.

It is considered that a high target would best help to deliver economic prosperity, create employment opportunities, and provide a diverse range of sites.

Findings of Sustainability Appraisal

- 1.5 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.6 Overall, the Sustainability Appraisal report advises that there are no 'significant' negative impacts with any of the options, but also that there are no 'significant' positive impacts either. As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that **Option 3** (an employment land target of approximately 100 ha per annum) would deliver the greatest economic benefits of the three options appraised, although this benefit would need to be balanced against any potential adverse effects resulting from the future choice of site allocations to deliver the target. So potentially, there could be greater negative environmental impacts depending on which sites were selected to meet the target. Sites will be subject to a further Sustainability Appraisal, and if sites were selected that potentially would have negative environmental impacts, the Council would need to show how these negative impacts could be mitigated.

Summary of consultation responses

- 1.7 In response to the Council's question "*Which employment target option do you think is the most appropriate for Bolsover District?*" 71 representations were received from a total of 51 respondents ranging from local residents and organisations, national organisations and local authorities, and other interested individuals. The summary below details the main points of the representations received. Not all respondents provided a comment. Representations have been grouped into three categories: local residents; community groups, national organisations and agents; and neighbouring authorities.

Option A – 65 hectares

- 1.8 The table below shows the number of representations made in respect of the lowest target, Option A – 65 hectares. There were 17 representations made with almost equal numbers supporting and objecting.

Option A	Support	Object
Local Residents	6	4
Community Groups, National Organisations & Agents	1	3
Neighbouring Authorities	2	1
Total	9	8

Comments from Local Residents

1.9 Local Residents supporting this target considered that:

- *“Over-development may be detrimental to the historic and heritage values of the district.”*
- *“There was no guarantee that having more industrial space would benefit local people.”*
- *“The focus should be on developing areas to meet demand rather than in anticipation of potential demand.”*

One local resident, objecting to the target considered that the district did not need lots of warehouse space, and another local resident thought that the target was inadequate.

Comment from Community Groups, National Organisations and Agents

1.10 A & D Architecture considered that the target was insufficiently positive.

Comments from Neighbouring Authorities

1.11 Sheffield City Council consider that Option A should be chosen because it is the option that is closest to Bolsover’s Flute forecasts scenario of 45 hectares within Bolsover’s Economic Development Needs Assessment (EDNA). Sheffield has used its own Flute forecasts to inform its Citywide Options consultation document, and Bolsover doing the same would show a consistent approach.

Mansfield District Council considers that Option A would be sufficient (whilst also stating that they do not object to Option B).

Derbyshire County Council objected to this target on the basis that it would be unrealistic as it would be a target below the existing committed land supply and would not be particularly ambitious.

Option B – 80 hectares

1.12 The table below shows the number of representations made in respect of target Option B – 80 hectares. There were 30 representations made with 27 supporting and 3 objecting.

Option B	Support	Object
Local Residents	15	0

Community Groups, National Organisations & Agents	9	2
Neighbouring Authorities	3	1
Total	27	3

Comments from Local Residents

1.13 Local residents supporting the target considered that:

- *“The extra 15 hectares (over option A) for warehouses and distribution would seem to be the safer middle option to support extra growth without impacting too much on the district's character.”*
- *“If improvements are needed what funding is available to deal with the road networks ability to deal with this increase?”*
- *“Support but only if Brownfield land is used.”*
- *“This option also makes use of all that is already available and therefore provides most opportunity with least disruption.”*
- *“Option B provides the best fit between amiable workforce, land availability and future demand”*

1.14 Comments from Community Groups, National Organisations and Agents

- Clowne Community Association consider that *“The Clowne/ Barlborough employment/ population area level of planned growth at Barlborough Links of 7ha is deemed appropriate for the plan period.”*
- The National trust considers that *“Option B offers a sensible mid-range allowing developers some flexibility in site selection and ensuring that the Council does not need to de-allocate sites.”*
- A&D Architecture objected to this option on the basis that it was insufficiently positive.

1.15 Comments from Neighbouring Authorities

- Chesterfield Borough Council consider that the 80 ha seems the most appropriate but also state that *“the document does not explain the reasons why the council consider past take up rates to be so significant, and what the evidence is to suggest that these rates may continue over the next 15 or so years, and that it would be interesting to understand how a potential over provision of employment land in Bolsover would affect neighbouring areas.”*
- Derbyshire County Council consider that *“Option B is based on the amount of committed land supply, so that would appear to be a minimum*

requirement to base future needs upon but again would not be ambitious although more realistic in terms of deliverability.”

- Mansfield District Council considers that *“the fact that land with existing planning permission to provide for option B exists, also seems a reasonable approach.”*
- Rotherham Metropolitan Borough Council consider that *“Options B or C would provide the most appropriate employment land target, subject to evidence base demonstrating that proposed employment and housing requirements are appropriately aligned.”*

Option C - 100 hectares

- 1.16 The table below shows the number of representations made in respect of the higher target Option C – 100 hectares. There were 21 representations made with 14 supporting and 7 objecting.

Option C	Support	Object
Local Residents	7	4
Community Groups, National Organisations & Agents	6	2
Neighbouring Authorities	1	1
Total	14	7

Local Residents

- 1.17 A local resident supporting the target considered that:

- *“We desperately need the infrastructure and employment locally to support the local community;”*

1.18 Community Groups, National Organisations & Agents

- Kember Loudon Williams consider that *“Option C is the only option that is considered to provide sufficient employment provision that is required to meet the need resulting from the housing delivery over the Plan period.”*
- Coverland (local company) consider that a higher target growth rate will assist in seeking to remedy the discrepancy that jobs densities in the District are lower than in the region and country as a whole.
- The Planning and Design Group consider that Option C is *“the most suitable approach to positively draw and maintain employment into the District and be reflective of the national drive to assist the role of business as a catalyst of growth and progress within local planning authority boundaries.”*
- Anthony Aspbury consider that *“With optimistic forecasts for employment growth in the District, Option C is the most logical option to support as it will*

provide a range of choice, enable one or more strategic options to be considered and potentially reduce the levels of out-commuting from the District.”

1.19 Neighbouring Authorities

- Rotherham Metropolitan Borough Council suggests that *“Options B or C would provide the most appropriate employment land target, subject to evidence base demonstrating that proposed employment and housing requirements are appropriately aligned.”*
- Derbyshire County Council support the evidence as presented in the EDNA, and agree that the existing four large sites should be investigated fully before any new large single allocation are brought forward to avoid a potential oversupply of employment land.

1.20 None of these Options

Three respondents supported none of the options.

- Heaton Planning representing Waystone, consider that *“the Council's approach to economic development / the employment target options are not positively prepared, justified or consistent with national policy. All of the employment options put forward by the Council in the Identified Strategic options document comprise significantly lower levels of employment land than previously proposed. (185 and 250). There is very little explanation as to how and why these scenarios were selected and, indeed, why other scenarios were not. It is therefore very difficult to comment on the appropriateness of the employment target options. Given that one of the Local Plan's objectives is to create employment opportunities and deliver a diverse range of sites to attract new investors, we do not consider that any of the proposed employment targets are sufficiently ambitious or consistent with the approach to building a 'strong and competitive economy' advocated in the NPPF”.*
- Signet Planning consider that *“there is a need to acknowledge that there are two distinct employment areas in the district – the south (around South Normanton / Pinxton and the A38 / M1 that is more focussed towards the south, Nottingham and Derby and the rest of the district that is more focussed towards the Sheffield City Region and the North. Any employment strategy must deliver in both areas and as a consequence a high allocation may be required. The Council needs to take advantage of the economic benefits that may accrue from HS2. Whilst there is no station in Bolsover District, the district is well placed geographically to assist in its construction and future maintenance.”*

It should be noted that neither of these respondents have suggested an alternative target.

Neighbouring Authorities

- 1.21 Given that the Council considers that the delivery of employment land across the district's Functional Economic Market Area (FEMA) is one of its key strategic matters in the context of the Duty to Co-operate, it is important to consider responses from neighbouring authorities, including those within the FEMA about the employment target options. The following table summarises the responses from neighbouring Sheffield City Region authorities about the employment target.

Neighbouring Authorities within Bolsover's FEMA.			
Local Authority	65 ha	80 ha	100 ha
Chesterfield		✓	?
Mansfield	✓	✓	
Ashfield	No comments received about employment target		
Amber Valley			
North East Derbyshire			
Bassetlaw			

Other Authorities			
Local Authority	65 ha	80 ha	100 ha
Sheffield	✓	X	X
Rotherham		✓	✓

X = Object ✓ = Support ? = Questioned Merits

- 1.22 Four of the authorities that are considered to be included within the Council's Functional Economic Market Area: Ashfield District Council, Amber Valley Borough Council, Bassetlaw District Council and North East Derbyshire District Council's have not responded to Question 4. Neither of the two local authorities who responded (Chesterfield Borough Council or Mansfield District Council) supported the higher option (100 ha), but they did appear to be comfortable with the middle option (80 ha). Whilst Rotherham Metropolitan Borough Council is not considered to be within the district's FEMA, it is part of the Sheffield City Region, and it would support the higher target subject to evidence concerning the alignment of housing with employment. Sheffield City Council considers that Options B & C provide too high a target. It is suggested therefore that if the Council wishes to pursue a higher target it will be necessary to address concerns raised, such as
- Better understanding the relationship between housing and employment targets.
 - Justification of sites that could support large retail logistics
 - The impact on neighbouring authorities.

Towards a preferred Employment Target

- 1.23 Whichever target the Council decides upon it must be deliverable. In order to best demonstrate that the target is positively prepared, justified and consistent with national policy, and align with the Council's growth agenda, it is proposed that the

Council should select as high a target as possible. However, the exact target the Council selects will depend upon resolving a number of uncertainties relating to the deliverability of a number of key sites (see below).

Coalite

- 1.24 A large part (26 ha) of the Council's current supply is made up by the planning permission at Coalite. However, further work is required in order that the Council can be confident about the site's deliverability over the plan period.

Clowne North

- 1.25 The proponents of Clowne North are proposing 78 hectares of employment land. Until a decision is made about: the principle of employment land in this location; the quantum of development; and whether the proposal stacks up as a strategic site proposal, the Council is not in a position to know whether land at Clowne North could form part of a higher target. For clarity, the whole 78 hectares would constitute an over provision of employment land when added to existing commitments that would not be in line with the Council's evidence (EDNA). Such a scale of development would need to be clearly justified in light of its contribution to the wider city region growth ambitions and over a longer timescale beyond the plan period.

Wincobank Farm, South Normanton

- 1.26 This 12 hectare site was allocated within the Adopted Local Plan (2000) as a reserve site for large firms. Originally, 26 hectares, with 14 hectares now developed, the site in terms of its size, shape and location is a possible candidate as a site for a large logistics operation. To date there has been no contact with landowners or agents to discuss how the site could be brought forward. This needs to take place.

Allocated sites in the Adopted Local Plan (2000).

- 1.27 There are about 30 hectares of smaller sites that have been allocated within the Adopted Local Plan (2000) and are undeveloped and seem to have low market interest. Most of these sites are undeveloped plots within established industrial estates. The EDNA provides the Council with an independent assessment of these and the Council will still need to decide whether these should continue to be allocated in the new local plan.
- 1.28 With a fair degree of uncertainty surrounding the deliverability of these sites, the Planning Policy team will have to undertake further work in terms of contacting landowners and site proponents about how and when they propose to bring their site forward, and then take a view on the information received regarding whether or not the Council can be convinced of the sites' deliverability over the plan period.

- 1.29 If, after further investigative work, none of these larger sites can be shown to be deliverable during the plan period, then it would be prudent to select a lower target, nearer to Option A – 65 hectares.

2 Conclusions and Reasons for Recommendation

- 2.1 The feedback from consultation showed that overall the middle target option received most support, 25, and least objections, 3. The higher target Option received the next highest number of supports 13, along with 7 objections. The lowest target option received 9 supports and 8 objections.
- 2.2 A high target would best achieve the local plan vision and two of the local plan objectives.
- 2.3 At this stage, without knowing which sites the Council will select, the Sustainability Appraisal does not raise any major concerns with any of the target options.
- 2.4 In terms of the tests of soundness, the Council's evidence, the Economic Development Needs Assessment (2015) has followed National Planning Practice Guidance and recommends a need for between 65 and 100 hectares of employment land. Therefore a target at the higher end of this range would be 'justified', and also be 'positively prepared' and 'consistent with national policy' that wants to encourage a strong and competitive economy; and would also be in accordance with the Council's growth agenda.
- 2.5 A higher target may cause concern with some of the District's neighbours. The issues / concerns raised need to be fully explored and addressed under the duty to co-operate. It is expected that further work will need to be commissioned in order to better understand the relationship between the housing and employment targets and the impact upon the Council's neighbours.
- 2.6 The Council already has 75 hectares with planning permission, and some of these are sites of 10 hectares or more that will take a few years to build out. So, early on in the plan period, the Council's current supply is already 75% of the way towards the higher target. However, further work will be required between now and the Autumn to ascertain which sites the Council can include within its deliverable supply. Uncertainties currently exist over the deliverability of Coalite, Clowne North, Wincobank Farm and many smaller allocations within the Adopted Local Plan (2000). Therefore only when greater certainty exists over the deliverability of these sites, can the Council have greater certainty about the precise level of the higher target. However, in order to guide the next stage of the plan preparation, it is recommended that the Local Plan Steering Group continue to support a target of between 80 and 100 hectares (Options B and C).

3 Implications

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 Recommendations

- 4.1 That the Local Plan Steering Group:

- a) considers the contents of this report;
- b) supports the proposal to take forward a range between approximately 80 and approximately 100 hectares as the Employment Target for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee;
- c) notes that further work is required to understand: the relationship between the preferred housing and employment targets; and the deliverability of existing allocations and suggested sites, as part of the development of the next stage of the Local Plan.

5 Document Information

Appendix No	Title
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)	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

<p>Report on Suggested Strategic Sites – Bolsover North</p>
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Report of the Joint Assistant Director of Planning and Environmental Health
(Written by Planning Policy Manager)

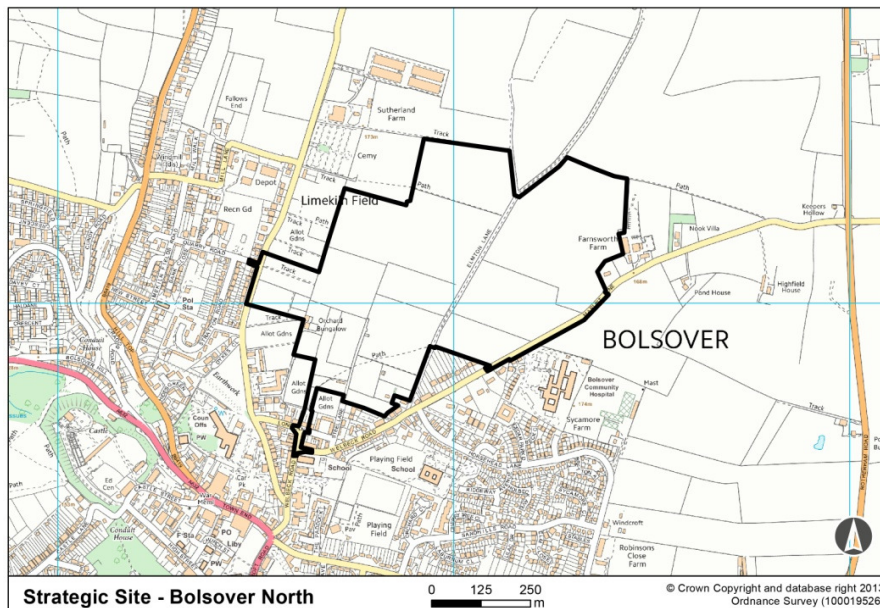
Purpose of the Report

- To outline the considerations relating to the Suggested Strategic Site of Bolsover North;
- To provide Members with a recommendation on whether the site should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Members will recall that one of the suggested strategic sites included in the Local Plan for Bolsover District: Identified Strategic Options consultation document was Bolsover North.
- 1.2 For information, the suggested Bolsover North strategic site (the suggested site boundary is shown below) is a mixed use development, incorporating approximately 900 dwellings, a relocated Infant School, an Extra Care Facility, a new town park and associated highway, greenway and cycle route improvements.



1.3 This report outlines the range of considerations that the Council will need to take into account when determining whether this suggested strategic site should influence the Council’s spatial strategy for the Local Plan. These are:

- Local Plan Vision and Objectives;
- Findings of the sustainability appraisal;
- Consultation responses.

Local Plan Vision and Objectives

1.4 The Local Plan Vision approved by Members and published in October 2015 for public consultation identified the Council’s desire for Bolsover District to be “a growing district, undergoing an economic and visual transformation”; that “a range of new housing will have met the needs of a growing and aging population”; that “new infrastructure such as schools, roads, health facilities and open space provision will have been planned and delivered at the same time as new developments”; and that places will be created in which “people want to live” and that “reinforced the distinctive character of settlements in the District”.

1.5 Supporting this Vision are the published 16 Local Plan Objectives. Whilst all are relevant, Objective A: Sustainable Growth, Objective G: Infrastructure and Objective N: Meeting Housing Needs relate most to the identified statements within the Vision and support the Council’s desire for new housing growth and infrastructure provision. These are particularly derived from the Council’s Growth Strategy and its Economic Development and Housing Strategy.

1.6 As reported to Members earlier on the agenda, a relatively large number of representations were received on the Local Plan Vision and Objectives. However, none of these fundamentally undermine the elements of the Vision and the Objectives stated.

1.7 Whilst it is considered that the Local Plan Vision could be delivered by pursuing a number of strategies that would not necessarily include the suggested Bolsover North site, it is noted that the Bolsover North proposal would provide the opportunity

to grow the residential offer of Bolsover, one of the District's most sustainable settlements.

- 1.8 Members will be aware that the Bolsover North proposal has previously been considered by the Council in respect of the plan making work on the former Local Plan Strategy. Related to this, an application for outline planning permission for this site is currently awaiting determination (ref. 14/00080/OUTEA) and it is expected that this application will be reported to Planning Committee no earlier than March. Based on this background, it is known that the Bolsover North proposal is proposed by two house building companies and that it would be built out in at least six phases over 13 years from approval of reserved matters and that the proposal is sufficiently viable to deliver the majority of its infrastructure requirements.
- 1.9 On this basis, whilst it would be expected that the application will be determined prior to the submission of the Council's Local Plan for Examination and thus could become a reasonably fixed point within the strategy, at this stage it is considered that the Bolsover North site has the potential to contribute strongly to the delivery of the Local Plan Vision's statements regarding housing growth and infrastructure provision.

Findings of Sustainability Appraisal

- 1.10 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.11 As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that positive and significant positive effects have been identified for the Bolsover North site in the areas of housing, economy, education, regeneration and health. However, significant negative effects have been identified in respect of water (due to a lack of wastewater treatment capacity in the District) and for resource use (due to being in minerals consultation areas). As this residential proposal would result in the substantial loss of greenfield land, significant negative effects have been identified in respect of land use.
- 1.12 To help mitigate the potential negative effects and to enhance the positive effects associated with the implementation of this suggested strategic site, the Sustainability Appraisal Report identifies a range of measures for the Council to consider pursuing. These measures include in particular the provision of protection for existing wildlife sites, creation of new green biodiversity corridors, policies to ensure setting of heritage assets are protected, proposals for new uses for buildings at risk, green travel plans, sustainable drainage schemes and careful design requirements on settlement edges.
- 1.13 On this basis, it is considered that the Bolsover North site has a number of benefits but also a number of negative effects that would need to be addressed if pursued. However, as indicated above, measures have been identified as to how these negative effects could be addressed and these measures would form part of the discussions with the site proponent and should inform how the detailed proposals are developed if the Bolsover North site is supported at this stage.

Summary of consultation responses

- 1.14 In response to the Council's question on whether the suggested Bolsover North strategic site should influence the Council's spatial strategy either in whole or in part, 38 representations were received from a range of local residents and organisations, national organisations and local authorities, the site proponent and the proponents of other potentially competing sites, and other interested individuals.

Feedback from local residents

- 1.15 Feedback from local residents accounted for 27 of the 38 representations received and was predominantly in the form of objections (15 representations) to the suggested Bolsover North site influencing the Council's spatial strategy, although there was also some support for it also (12 representations). This feedback is summarised below:

Local objection -

- because the site is greenfield, priority should be given to brownfield sites;
- will destroy good quality agricultural land;
- the site is far too big for Bolsover;
- existing road network is poor, schools and health centre can't cope now, infrastructure will need to improve to accommodate the development;
- drainage concerns on the east of Steel Lane;
- best of the options but spoilt by not including employment uses;
- smaller stalled sites should be built on first.

Local support -

- support for spreading growth around the District and trying to give all communities something;
- opportunities for healthier living, extra care facility;
- development in line with town's needs but smaller sites needed too;
- this appears to come closest to building a complete sustainable community.

Feedback from national organisations and local authorities

- 1.16 Feedback from national organisations and local authorities was predominantly in the form of comments on the suggested Bolsover North site that the Council should take account of when determining whether to include the suggested strategic site within its Local Plan in principle, or comments that raise issues that would need to be addressed when examining the detail of the proposal to support an allocation. This feedback is summarised below:

Strategic issues -

- Highways England - the site approximately 3 miles from M1 J29a and thus its impacts on M1 J29a are likely to be limited but will contribute to cumulative impacts which may need to be reviewed in the context of previous M1 J29a assessments.

- Derbyshire County Council - this proposal is supported but some details need to be addressed (through application), in particular the proposal's relationship to the highway link associated with former Morrisons proposal.

Site issues -

- Historic England - Bolsover Conservation Area is nearby and currently categorised 'at risk' and therefore it would be helpful to consider how growth in the town could help address this issue.
- Environment Agency - the site is located on land adjacent to Sutherland Farm, an intensive poultry farm that is permitted and regulated by the Environment Agency. As a result, we are concerned that there will be houses in close proximity to the boundary of the intensive poultry farm, which has the potential to generate amenity issues for future occupants of the new houses. However, we are aware that the potential amenity issues should be addressed through determination of the planning application.

Feedback from the site proponent

- 1.17 The Bolsover North Consortium via their agent, set out their justification for the inclusion of Bolsover North and a number of infrastructure improvements that they consider their proposal could deliver. This feedback is summarised below:

Justification for the site's inclusion is:

- the package of community benefits and mitigation measures will ensure that an attractive and sustainable urban extension will be created delivering a range of homes as well as offering good and save access to a range of conveniently situated facilities and services;
- there are no insurmountable issues that cannot be overcome and the site is deliverable in the short term, with two willing house builders that will ensure the development can be built out over the plan period and deliver much needed housing to Bolsover town and the district as a whole;
- whilst the site is greenfield in character, it is very close to key services and facilities as well as the Bolsover Town Centre - other benefits of the scheme are the provision of 1 hectare of land for a single form entry school, the development of a Town Park, both of which will have a significant, positive, social effect on the community;
- whilst the loss of greenfield land maybe considered to have a negative effect in sustainability terms, the green infrastructure open space provision and mitigation measures identified on the proposal together with biodiversity enhancement throughout the scheme seeks to ensure that the impact of the development will not be significant;
- if approved, the construction activity will generate 110 direct Full Time Equivalent jobs over the build period in addition to 308 FTE jobs created in the wider community, with further jobs created in relation to the school and extra care facility as well as by the additional household expenditure for residents - this means the Bolsover North proposal will have a positive effect on the economy;

- there is a strong certainty that this well-conceived and planned strategic option will deliver additional houses for Bolsover in the short term to support the level of growth required to fulfil the vision and objectives set out within the Local Plan.

Feedback from the other site proponents

1.18 Feedback from other site proponents was limited but, unsurprisingly, in the form of objections to the suggested Bolsover North proposal. This feedback is summarised below:

- concern about delivery and how long it will take - there are many smaller potential site options that don't have this potential constraint to overcome;
- priority should be given to brownfield sites.

Overall feedback from consultation exercise

1.19 Overall, based on the feedback received it is concluded that the Bolsover North site will not form a popular decision with a number of local residents and potentially rival site proponents. However, the consideration of whether to make the site, either in whole or in part, a key building block of the Council's spatial strategy will hinge primarily upon the strategic merits of the suggested site and whether the Council considers that inclusion of the Bolsover North site will aid its efforts to prepare a Local Plan that will meet the soundness tests at Examination.

1.20 In terms of the merits for the Bolsover North site, it is noted that the proponents of the site make a number of statements about why the site should be included and what it could help deliver for Bolsover and the District as a whole. Whilst these have been tested to a degree through past plan making work and consideration of the application, they are not disputed at this stage given that the site proponent is a known entity. However, should it be decided in principle that the site should be included, either in whole or in part, the information provided by the site proponent will be tested further to ensure that the site is deliverable and can sufficiently contribute to the Council's requirements

1.21 It is also clear from the consultation exercise that the Bolsover North site, if included, will be challenged by potentially rival sites on the grounds listed above. However, the listed grounds, in particular the one relating to deliverability, relate well to the type of testing the Council would put any site through. Therefore, should the Council decide at this stage it wants to include the Bolsover North site, in whole or in part, within its Local Plan, the Council will need to ensure that the site proponents can demonstrate their proposal is deliverable.

2 Conclusions and Reasons for Recommendation

2.1 The information set out in the report about the suggested strategic Bolsover North site indicates that:

- the suggested proposal could contribute well to the Council's Growth Strategy and Economic Development and Housing Strategy and align with the

established Local Plan Vision and Objectives, in particular for Objective A: Sustainable Growth, Objective G: Infrastructure and Objective N: Meeting Housing Needs, within one of the District's most sustainable settlements;

- within the Sustainability Appraisal process, a number of benefits and a number of negative effects have been identified that would need to be addressed if the site was supported in principle. However, measures have been identified as to how this could be done and the identified measures would form part of the discussions with the site proponent about the form of the development and would inform how the detailed proposals are developed if the Bolsover North site is supported at this stage;
- support for the site would not be popular with those people living near the site and would be challenged through the plan making process by proponents of other sites.

2.2 As stated in item 4c, the need for Bolsover North within the overall Preferred Option for the Local Plan is partially dependent on the consideration of the preferred option for the Housing Target, given the large quantum of housing this site could potentially deliver.

2.3 Members will recall that during the development of the potential options for consultation and for Sustainability Appraisal, the Steering Group had expressed some support for a medium Housing Target (Option B: 240 dwellings per year) and a high Employment Target (Option C: 100 hectares of employment land over the plan period). However, Members also wanted to provide the opportunity for public consultation on all the options prior to providing a steer to Planning Committee in relation to the selection of the Preferred Options for the Local Plan for Bolsover District.

2.4 In light of this position, advice from officers is that given the Council's ambitions for growth the Bolsover North site would at this stage appear to represent a strategic development that could significantly help to deliver the Council's Local Plan Vision and Objectives and should be taken forward for further consideration and investigation.

2.5 Should Members support the inclusion of Bolsover North in whole or in part within the Local Plan, then officers would set about examining and testing the site proposals in more detail, feeding back to Members at future meetings of the Steering Group on progress, so that the Council can be suitably confident that the site warrants inclusion in the draft Local Plan for Bolsover District, scheduled to be published in September 2016 for public consultation.

3 Implications

Finance and Risk Implications

3.1 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

3.2 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

3.3 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.

4 Recommendations

4.1 That the Local Plan Steering Group:

- a) considers the contents of this report and considers reports 4c, 4d and 4i on this agenda in relation to the preferred options for the Housing and Employment Targets and Spatial Strategy Options;
- b) supports the proposal to take forward the suggested strategic Bolsover North site for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee.

5 Document Information

Appendix No	Title
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)	
Consultation responses	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

Report on Suggested Strategic Sites – Former Coalite Chemical Works site

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

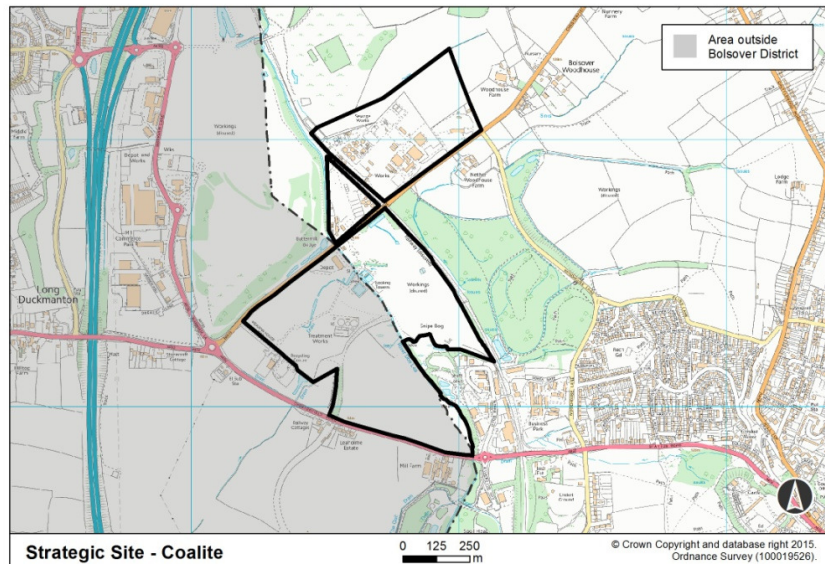
Purpose of the Report

- To outline the considerations relating to the Suggested Strategic Site of the former Coalite Chemical Works site;
- To provide Members with a recommendation on whether the site should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Members will recall that one of the suggested strategic sites included in the Local Plan for Bolsover District: Identified Strategic Options consultation document was the former Coalite Chemical Works site.
- 1.2 For information, the suggested the former Coalite site strategic site (the suggested site boundary is shown below) is a mixed use development, incorporating 70,000 sq.m. of employment land, a transport hub, an energy centre and a visitor centre / museum in Bolsover District, and approximately 800 dwellings and a local centre in North East District..



1.3 This report outlines the range of considerations that the Council will need to take into account when determining whether this suggested strategic site should influence the Council’s spatial strategy for the Local Plan. These are:

- Local Plan Vision and Objectives;
- Findings of the sustainability appraisal;
- Consultation responses.

Local Plan Vision and Objectives

- 1.4 The Local Plan Vision approved by Members and published in October 2015 for public consultation identified the Council’s desire for Bolsover District to be “an attractive location for new and growing businesses”; that there would be “local initiatives to improve the quantity, range and quality of jobs in the District”; that “the increased employment opportunities in the District mean that people will have access to a greater number and range of jobs without having to commute outside the District”, that “brownfield sites in the District will have been remediated”, that “a range of new housing will have met the needs of a growing and aging population” and that “increased open spaces, green infrastructure and biodiversity networks will have improved settlements and their settings”. The Local Plan Vision also identifies that “development will have taken place in the towns and larger villages”.
- 1.5 Supporting this Vision are the published 16 Local Plan Objectives. Whilst all are relevant, Objective E: Regeneration, Objective I: Green Spaces and Green Infrastructure, Objective M: Employment Opportunities, Objective N: Meeting Housing Needs and Objective O: Place Making relate most to the identified statements within the Vision and support the Council’s desire for the remediation of brownfield sites, new employment opportunities and improved green infrastructure.
- 1.6 As reported to Members earlier on the agenda, a relatively large number of representations were received on the Local Plan Vision and Objectives. However, none of these fundamentally undermine the elements of the Vision and the Objectives stated.

- 1.7 Whilst it is considered that the Local Plan Vision could be delivered by pursuing a number of strategies that would not necessarily include the suggested the former Coalite site, it is noted that the proposal would provide the opportunity to remediate one of the few remaining large scale brownfield sites in the District. Its location on the North-West edge of Bolsover means that the site is within one of the District's most sustainable settlements.
- 1.8 Members will be aware that the former Coalite proposal has previously been considered by the Council in respect of the plan making work on the former Local Plan Strategy. Related to this, the application for outline planning permission for the part of the site in Bolsover District has recently been determined (ref. 14/00089/OUTEA) and it is expected that the application for the part in North East Derbyshire District will be determined in due course. Based on this background, it is known that the now approved employment land in Bolsover District is speculative, with no end user is yet in place, but that significant decontamination is required in advance of development taking place.
- 1.9 Notwithstanding this, it is noted that the former Coalite site already forms part of the employment land commitments and therefore would be expected to contribute to the delivery of the Local Plan Vision's statements regarding regeneration, diversification of the District's economic base and provision of green infrastructure.

Findings of Sustainability Appraisal

- 1.10 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.11 As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that positive and significant positive effects have been identified for the former Coalite site in the areas of housing, economy, regeneration and health. However, significant negative effects have been identified in respect of water (due to a lack of wastewater treatment capacity in the District). As this mixed use residential and employment proposal would result in the redevelopment of brownfield land, significant positive effects have been identified in respect of land use.
- 1.12 To help mitigate the potential negative effects and to enhance the positive effects associated with the implementation of this suggested strategic site, the Sustainability Appraisal Report identifies a range of measures for the Council to consider pursuing. These measures include in particular the provision of protection for existing wildlife sites, creation of new green biodiversity corridors, policies to ensure setting of heritage assets are protected, proposals for new uses for buildings at risk, green travel plans, sustainable drainage schemes and careful design requirements on settlement edges.
- 1.13 On this basis, it is considered that the former Coalite site has a number of benefits but also a number of negative effects that would need to be addressed if pursued. However, as indicated above, measures have been identified as to how these negative effects could be addressed and these measures would form part of the

discussions with the site proponent and should inform how the detailed proposals are developed if the former Coalite site is re-supported at this stage.

Summary of consultation responses

- 1.14 In response to the Council's question on whether the suggested former Coalite strategic site should influence the Council's spatial strategy either in whole or in part, 50 representations were received from a range of local residents and organisations, national organisations and local authorities, the site proponent and the proponents of other potentially competing sites, and other interested individuals.

Feedback from local residents

- 1.15 Feedback from local residents accounted for 30 of the 50 representations received and was largely in the form of support (22 of the representations) for the suggested former Coalite site influencing the Council's spatial strategy, although a small number of objections were also received (8 representations). This feedback is summarised below:

Local support -

- because it is a brownfield site;
- because this blot on the landscape should be developed as quickly as possible, making the area an asset for the town;
- provided supporting infrastructure is put in place to support it;
- because it would reduce pressure on greenfield sites;
- because it would cause less disruption to the local road network.

Local objection -

- the geographic location of the site means it will need its own education and health services;
- transport links to the town centre are not good enough;
- the site might be suitable for commercial development, but not residential;
- the environmental problems of the site;
- the cost of remediation / decontamination will be prohibitive;
- the impact from HS2 makes this site undesirable;
- the site is too large, with little community benefit and will mirror Markham Vale which is unattractive;
- housing close to M1 would put new households at risk of harm from pollution and car based journeys would be likely.

Feedback from national organisations and local authorities

- 1.16 Feedback from national organisations and local authorities was predominantly in the form of comments on the suggested former Coalite site that the Council should take account of when determining whether to include the suggested strategic site within its Local Plan in principle, or comments that raise issues that would need to be addressed when examining the detail of the proposal to support an allocation. This feedback is summarised below:

Strategic issues -

- Highways England - the site will have impacts on J29A and as a result improvements have been required as conditions of any planning permission.
- Derbyshire County Council - we have strong concerns about landscape impact. Site has flooding issues although the transport impact can be managed. However, schools nearby are already under pressure.
- Chesterfield Borough Council - cross boundary issues need to be fully considered.
- North East Derbyshire District Council - cross boundary site. NEDDC position has been to safeguard the land from inappropriate, piecemeal development that would undermine the comprehensive remediation of the site. Due to the uncertainties associated with this, our approach was to ensure that the Local Plan would not be dependent on the site's delivery, so excluding it from how the housing or employment targets would be met during the plan period. Duty to Co-operate work needs to continue.

Site issues -

- Historic England - the development of this site is likely to impact on the setting of Bolsover Castle. This comment has been provided in respect of the two applications for outline planning permission but will need to be addressed through the Local Plan and at the reserved matters stage.
- The Coal Authority - the site is in an area of surface coal resource and as a consequence it has the potential to sterilise mineral resources that should be safeguarded in accordance with National Planning Policy Framework.
- Environment Agency - if progressed, site-specific policy should include reference to opportunities to enhance the River Doe Lea and its biodiversity, as well as achieving Water Framework Directive objectives.

Feedback from the site proponent

- 1.17 Bolsover Land Limited via their agent, set out their justification for the inclusion of the former Coalite site. This feedback is summarised below:

Justification for the site's inclusion is:

- the application, which has been approved by Members, will deliver 68,351sq.m of B2 / B8 industrial warehouse development, 19,464sq.m of open storage and a 1,095sq.m museum / visitor centre in Bolsover;
- the development will enable the delivery of a vacant brownfield site, and, perhaps most importantly, will ensure the remediation of the site;
- the redevelopment will have a significant positive effect on the economy given the scale of the employment land provision, which would attract inward investment, stimulate additional job growth and support proposals associated with the Sheffield City Region Strategic Economic Plan, the M1 Strategic Growth Corridor and the D2N2 Local Enterprise Partnership (2014) Strategic Economic Plan, which identifies the site as a specific development opportunity.

Feedback from the other site proponents

1.18 Feedback from other site proponents was, unsurprisingly, in the form of objections to the suggested former Coalite proposal. This feedback is summarised below:

- concern about delivery and how long it will take to happen;
- the site is not sustainably located in relation to Bolsover and housing will not contribute to BDC housing target anyway;
- contamination is a problem for residential development, although employment development is welcome but will have an adverse visual impact on surroundings;
- former use does not justify its development and the proposal is likely to be fraught with viability problems.

Overall feedback from consultation exercise

1.19 Overall, based on the feedback received it is concluded that the former Coalite site will form a popular decision with a number of local residents and other interested individuals. Whether the Council ultimately considers that inclusion of the site will aid its efforts to prepare a Local Plan that will meet the soundness tests at Examination is yet to be determined. However, at this stage the consideration of whether to include the site within the Local Plan is largely determined by the positive decision on the planning application.

1.20 In terms of the merits for the former Coalite site, it is noted that the proponents of the site make a number of statements about why the site should be included and what it could help deliver for Bolsover and the District as a whole. Whilst not fully tested yet in plan making terms, given the recent consideration and decision of the Planning Committee these statements are not disputed at this stage. However, should it be reconfirmed in principle that the site should be included, either in whole or in part, the information provided by site proponent will be tested further to ensure that the site is deliverable and can sufficiently contribute to the Council's requirements.

1.21 It is also clear from the consultation exercise that the former Coalite site, if ultimately included, will be challenged by potentially rival sites on the grounds listed above. However, the listed grounds, in particular the one relating to deliverability, relate well to the type of testing the Council would put any site through. Therefore, should the Council reconfirm at this stage it wants to include the former Coalite site, in whole or in part, within its Local Plan, the Council will need to ensure that the site proponents can demonstrate their proposal is deliverable.

2 Conclusions and Reasons for Recommendation

2.1 The information set out in the report about the suggested strategic former Coalite Chemical Works site indicates that:

- the suggested proposal could contribute well to the Council's Growth Strategy and Economic Development and Housing Strategy and align with the established Local Plan Vision and Objectives, in particular for Regeneration,

Green Infrastructure and Employment Opportunities, within one of the District's more sustainable settlements;

- within the Sustainability Appraisal process, a number of benefits and a number of negative effects have been identified that would need to be addressed if the site was supported in principle. However, measures have been identified as to how this could be done and the identified measures would form part of the discussions with the site proponent about the form of the development and would inform how the detailed proposals are developed if the former Coalite site is reconfirmed at this stage;
- support for the site would be popular with a relatively large number of people in Bolsover and elsewhere in the District, but would be challenged through the plan making process by proponents of other sites.

2.2 As stated in item 4d, the inclusion of the former Coalite site within the overall Preferred Option for the Local Plan is at this stage largely dictated by the recent granting of outline planning permission.

2.3 Members will recall that during the development of the potential options for consultation and for Sustainability Appraisal, the Steering Group had expressed some support for a medium Housing Target (Option B: 240 dwellings per year) and a high Employment Target (Option C: 100 hectares of employment land over the plan period). However, Members also wanted to provide the opportunity for public consultation on all the options prior to providing a steer to Planning Committee in relation to the selection of the Preferred Options for the Local Plan for Bolsover District.

2.4 In light of this position, advice from officers is that at this stage the former Coalite site will contribute to the employment land supply, unless when tested in more detail later this year the former Coalite site appears to not be deliverable within the Local Plan plan period.

2.5 Should Members support the inclusion of the former Coalite site within the Local Plan, then officers would set about examining and testing the site proposals in more detail, including continued joint working with North East Derbyshire District Council and Chesterfield Borough Council under the Duty to Co-operate, feeding back to Members at future meetings of the Steering Group on progress, so that the Council can be suitably confident that the site warrants inclusion in the draft Local Plan for Bolsover District, scheduled to be published in September 2016 for public consultation.

3 Implications

Finance and Risk Implications

3.1 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

3.2 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

3.3 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.

4 Recommendations

4.1 That the Local Plan Steering Group:

- a) considers the contents of this report and considers reports 4c, 4d and 4i on this agenda in relation to the preferred options for the Housing and Employment Targets and Spatial Strategy Options;
- b) supports the proposal to take forward the suggested strategic former Coalite site for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee.

5 Document Information

Appendix No	Title
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)	
Consultation responses	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

Report on Suggested Strategic Sites – Clowne North

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

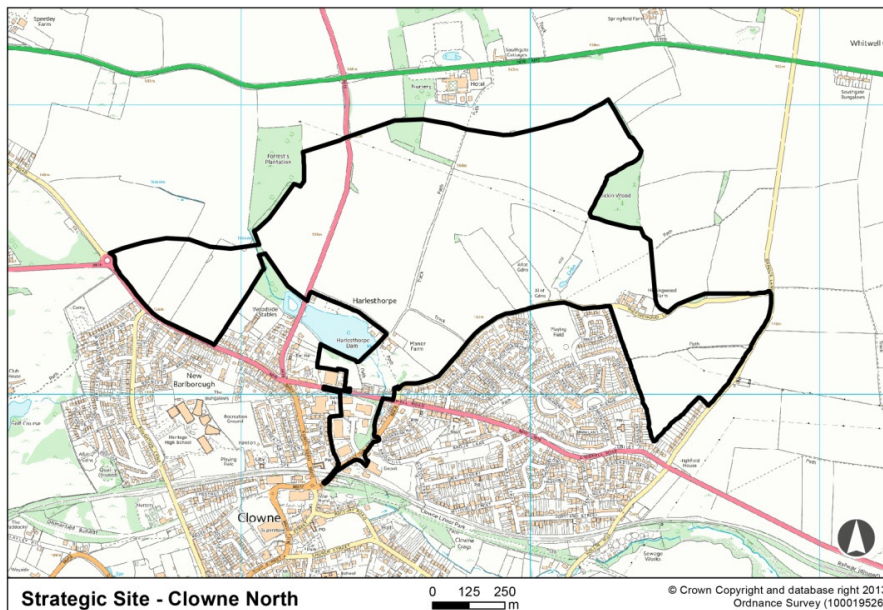
Purpose of the Report

- To outline the considerations relating to the Suggested Strategic Site of Clowne North;
- To provide Members with a recommendation on whether the site should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Members will recall that one of the suggested strategic sites included in the Local Plan for Bolsover District: Identified Strategic Options consultation document was Clowne North.
- 1.2 For information, the suggested Clowne North strategic site (the suggested site boundary is shown below) is a mixed use development, incorporating 78 hectares of employment land, potentially 1,800 dwellings and land for educational and recreational uses.



1.3 This report outlines the range of considerations that the Council will need to take into account when determining whether this suggested strategic site should influence the Council’s spatial strategy for the Local Plan. These are:

- Local Plan Vision and Objectives;
- Findings of the sustainability appraisal;
- Consultation responses.

Local Plan Vision and Objectives

1.4 The Local Plan Vision approved by Members and published in October 2015 for public consultation identified the Council’s desire for Bolsover District to be “a growing district, undergoing an economic and visual transformation” and “an attractive location for new and growing businesses”; that there would be “local initiatives to improve the quantity, range and quality of jobs in the District”; that “employment opportunities will have expanded into growing sectors such as advanced manufacturing, logistics and knowledge based sectors”; and that “the increased employment opportunities in the District mean that people will have access to a greater number and range of jobs without having to commute outside the District”. The Local Plan Vision also identifies that “development will have taken place in the towns and larger villages”; that “a range of new housing will have met the needs of a growing and aging population”; that “new infrastructure such as schools, roads, health facilities and open space provision will have been planned and delivered at the same time as new developments”; and that places will be created in which “people want to live” and that “reinforced the distinctive character of settlements in the District”.

1.5 Supporting this Vision are the published 16 Local Plan Objectives. Whilst all are relevant, Objective A: Sustainable Growth, Objective G: Infrastructure, Objective N: Meeting Housing Needs, Objective L: Economic Prosperity, Objective M: Employment Opportunities and Objective O: Place Making relate most to the identified statements within the Vision and support the Council’s desire for growth of high value employment sectors and increased employment opportunities. These are particularly derived from the Council’s Growth Strategy and its Economic Development and Housing Strategy.

- 1.6 As reported to Members earlier on the agenda, a relatively large number of representations were received on the Local Plan Vision and Objectives. However, none of these fundamentally undermine the elements of the Vision and the Objectives stated.
- 1.7 Whilst it is considered that the Local Plan Vision could be delivered by pursuing a number of strategies that would not necessarily include the suggested Clowne North site, it is noted that the Clowne North proposal would provide the opportunity to grow the residential and employment offer of Clowne, one of the District's more sustainable settlements.
- 1.8 Based on what is known about the Clowne North proposal at the moment, the site could potentially provide sufficient land for 78 hectares of employment land and up to 1,800 houses, plus associated infrastructure. No details are available regarding the potential employment uses that could come forward on this site, i.e. advanced manufacturing, logistics or knowledge based sectors, but as the site proponent was behind Barlborough Links it is considered reasonable at this stage to assume that the employment uses will reflect those at their Barlborough links site. This would include engineering firms such as TBG Solutions and Vesuvius, service businesses such as BT IT Services and KoolAir Air Conditioning Supplies, logistics businesses such as Tritax Big Box PLC; and leisure / retail uses such as Hotel Ibis, Harvester Treble Bob and Dobbies Garden Centre.
- 1.9 On this basis, it is considered that the Clowne North site has the potential to contribute strongly to the delivery of the Local Plan Vision's statements regarding employment growth and diversification of the District's economic base.

Findings of Sustainability Appraisal

- 1.10 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.11 As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that positive and significant positive effects have been identified for the Clowne North site in the areas of housing, economy, education, regeneration and health. However, significant negative effects have been identified in respect of water (due to a lack of wastewater treatment capacity in the District) and for resource use (due to being in minerals consultation areas). As this mixed use residential and employment proposal would result in the substantial loss of greenfield land and its potential for intrusion into the Green Belt, significant negative effects have been identified in respect of land use and landscape.
- 1.12 To help mitigate the potential negative effects and to enhance the positive effects associated with the implementation of this suggested strategic site, the Sustainability Appraisal Report identifies a range of measures for the Council to consider pursuing. These measures include in particular the provision of protection for existing wildlife sites, creation of new green biodiversity corridors, policies to ensure setting of heritage assets are protected, proposals for new uses for buildings

at risk, green travel plans, sustainable drainage schemes and careful design requirements on settlement edges.

- 1.13 On this basis, it is considered that the Clowne North site has a number of benefits but also a number of negative effects that would need to be addressed if pursued. However, as indicated above, measures have been identified as to how these negative effects could be addressed and these measures would form part of the discussions with the site proponent and should inform how the detailed proposals are developed if the Clowne North site is supported at this stage.

Summary of consultation responses

- 1.14 In response to the Council's question on whether the suggested Clowne North strategic site should influence the Council's spatial strategy either in whole or in part, 50 representations were received from a range of local residents and organisations, national organisations and local authorities, the site proponent and the proponents of other potentially competing sites, and other interested individuals.
Feedback from local residents

- 1.15 Feedback from local residents accounted for 31 of the 50 representations received and was predominantly in the form of objections (17 representations) to the suggested Clowne North site influencing the Council's spatial strategy, although there was some support for it also (12 representations) and some undecided (2 representations). This feedback is summarised below:

Local objection -

- because the site is greenfield, priority should be given to brownfield sites;
- will destroy good quality agricultural land;
- the site is far too big for Clowne, the development would double the size of Clowne;
- existing road network is poor, schools and health centre can't cope now, infrastructure will need to improve to accommodate the development;
- concerns about development around Harlesthorne Dam;
- the proposal will give no community cohesion;
- flora and fauna, hedgerows, green corridors would also be lost;
- Harlesthorne is a hamlet, separate from Clowne;
- poor connectivity to Clowne town centre;
- the proposal has the potential to create all of the problems of Barlborough Links which is a new settlement separated from its host settlement by an A road and car dependant out commuting because of close proximity of M1;
- nothing has changed since this was rejected in 2010;
- loss of historic buildings to enable better connection from town centre is not desirable;
- whilst the general location away from the south of Clowne is welcome, the Clowne North site seems greatly excessive, doubling the number of households in Clowne and exacerbating the village's infrastructure problems;
- should be reduced in size to about 1,000 houses.

Local support -

- support for spreading growth around the District and trying to give all communities something;
- since the Council is building new leisure facilities in Clowne, and these will end up costing the Council money, the greater number of houses planned in Clowne the more financially viable the leisure facilities will be;
- the proposal will benefit from close proximity to M1 and station at Whitwell;
- additional commercial / employment development would be beneficial for Clowne;
- this site is considered acceptable due to current transport links, infrastructure, choice of supermarket and leisure facilities. The Council's relocation and building of new swimming pool indicates the Council considers Clowne as being suitable for development.

Feedback from national organisations and local authorities

- 1.16 It is considered that the feedback from national organisations and local authorities did not raise any fundamental issues that cannot be overcome during the plan making process and was predominantly in the form of comments on the suggested Clowne North site as consulted upon. The Council will need to take account of these comments both when determining whether to include the suggested strategic site within its Local Plan in principle and, if relevant, when examining the detail of the proposal to support an allocation. This feedback is summarised below:

Strategic issues -

- Highways England - the site is located just over one mile from J30. As a very large development, its impacts on the strategic road network will need to be assessed.
- Sheffield City Council - given our support for your lowest employment target, the potential 78 ha of employment land may be excessive and there may be potential for more land on the site to be given to housing.
- Rotherham Metropolitan Borough Council - we consider that this proposal would be unlikely to have any significant cross boundary issues for us. No preference over BDC pursuing this site.
- Derbyshire County Council - this proposal could provide a logical sustainable urban extension but it is considered to be disproportionately large in comparison with the existing scale, role and function of Clowne. The proposal would also involve land being taken from the Green Belt. Further investigation work needed.

Site issues -

- Historic England - the site includes Grade II listed Manor Farmhouse and includes part of Clowne Conservation Area which are both at risk. It could also affect the setting of the Grade II listed Southgate House and its associated Conservation Area. More widely, it could also affect highly graded assets at Barlborough Hall. Further investigation work needed.

- Woodland Trust - the site is adjacent to Hickin Wood which is ancient semi-natural woodland. This is an irreplaceable habitat which is strongly protected in NPPF (see paragraph 118). We would advise that this allocation is not proceeded with unless a significant area of buffering is put in place.
- Environment Agency - no objections in principle as site is not constrained by issues within our remit, although some biodiversity interest is known to exist. Development may be able to help address flooding issues downstream in Creswell and addressing water quality issues.

Feedback from the site proponent

- 1.17 Waystone Developments via their agent, set out their justification for the inclusion of Clowne North and a number of infrastructure improvements that they consider their proposal could deliver. This feedback is summarised below:

Justification for the site's inclusion is:

- significant contribution to housing and employment growth;
- deliver a good mix of new housing and significant new employment opportunities;
- supported by an extensive body of evidence;
- the scheme is deliverable;
- an attractive, proven location for employment growth with easy access to the M1 without the need for the traffic to cross the town centre;
- it would produce a number of strategic benefits for Clowne, such as housing and employment delivery and highway improvements, which omission from the new Local Plan would severely delay the delivery of.

Highway improvements that could be delivered by the development include:

- a series of junction improvements between Clowne and the M1;
- construction of a new access road / transport "gateway" route into the town centre of Clowne, which has the benefit of significantly taking pressure off the existing poor A616 route and junctions into the town from the west, as well as relieving pressure on North Road and Station Road in the centre;
- junction improvements / new roundabouts in Clowne town centre that would improve traffic flow and allow further growth in the centre.

Feedback from the other site proponents

- 1.18 Feedback from other site proponents was, unsurprisingly, in the form of objections to the suggested Clowne North proposal. This feedback is summarised below:

- site includes some Green Belt - there are many other potential site options elsewhere in Clowne and rest of District that don't have this constraint;
- concern about delivery and how long it will take - there are many smaller potential site options that don't have this potential constraint to overcome;
- there is no certainty over infrastructure delivery - all of which puts doubts over the delivery of the site;

- the site includes high quality agricultural land and sites of biodiversity value - there are better sites available;
- the proposal is too large at present and would appear to be subject to the same problems that led it to be rejected in 2010.

Overall feedback from consultation exercise

- 1.19 Overall, based on the feedback received it is concluded that the Clowne North site will not form a popular decision with a number of local residents and potentially rival site proponents. However, the consideration of whether to make the site, either in whole or in part, a key building block of the Council's spatial strategy will hinge primarily upon the strategic merits of the suggested site and whether the Council considers that inclusion of the Clowne North site will aid its efforts to prepare a Local Plan that will meet the soundness tests at Examination.
- 1.20 In terms of the merits for the Clowne North site, it is noted that the proponents of the site make a number of statements about why the site should be included and what it could help deliver for Clowne. Whilst these are generally a repeat of past statements which have previously been considered by the Council, they are not necessarily disputed at this stage given that the site proponent is a known entity with a track record of delivery in the District. However, should it be decided in principle that the site should be included, either in whole or in part, the information provided by the site proponent will be tested further to ensure that the site is deliverable and can sufficiently contribute to the Council's requirements.
- 1.21 It is also clear from the consultation exercise that the Clowne North site, if included, will be challenged by potentially rival sites on the grounds listed above. However, the listed grounds, in particular the one relating to deliverability, relate well to the type of testing the Council would put any site through. Therefore, should the Council decide at this stage it wants to include the Clowne North site, in whole or in part, within its Local Plan, the Council will need to ensure that the site proponents can demonstrate their proposal is deliverable and can overcome previous concerns.

2 Conclusions and Reasons for Recommendation

- 2.1 The information set out in the report about the suggested strategic Clowne North site indicates that:
- the suggested proposal could contribute well to the Council's Growth Strategy and Economic Development and Housing Strategy and align with the established Local Plan Vision and Objectives, in particular for Economic Prosperity and Employment Opportunities, within one of the District's more sustainable settlements;
 - within the Sustainability Appraisal process, a number of benefits and a number of negative effects have been identified that would need to be addressed if the site was supported in principle. However, measures have been identified as to how this could be done and the identified measures would form part of the discussions with the site proponent about the form of the development and would inform how the detailed proposals are developed if the Clowne North site is supported at this stage;
 - support for the site would not be popular with those people living near the site and would be challenged through the plan making process by proponents of

other sites, although there is some community support for the economic benefits that it could bring.

- 2.2 As stated in items 4c and 4d, the need for Clowne North within the overall Preferred Option for the Local Plan is partially dependent on the consideration of the preferred option for the Housing Target and, to a greater degree, for the Employment Target, given the large quantum of housing and employment land this site could potentially deliver.
- 2.3 Members will recall that during the development of the potential options for consultation and for Sustainability Appraisal, the Steering Group had expressed some support for a medium Housing Target (Option B: 240 dwellings per year) and a high Employment Target (Option C: 100 hectares of employment land over the plan period). However, Members also wanted to provide the opportunity for public consultation on all the options prior to providing a steer to Planning Committee in relation to the selection of the Preferred Options for the Local Plan for Bolsover District.
- 2.4 In light of this position, advice from officers is that given the Council's ambitions for growth the Clowne North site would at this stage appear to represent a strategic development that could significantly help to deliver the Council's Local Plan Vision and Objectives and should be taken forward for further consideration and investigation.
- 2.5 Should the steer from Members be to support the inclusion of Clowne North in whole or in part within the Local Plan, then officers would set about examining and testing the site proposals in more detail. This would help establish the relative scale of development, how it would relate to the Local Plan period and possibly beyond. Feedback would be provided to Members at future meetings of the Steering Group on progress, so that the Council can be suitably confident that the site warrants inclusion in the draft Local Plan for Bolsover District, scheduled to be published in September 2016 for public consultation.

3 Implications

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 **Recommendations**

4.1 That the Local Plan Steering Group:

- a) considers the contents of this report and considers reports 4c, 4d and 4i on this agenda in relation to the preferred options for the Housing and Employment Targets and Spatial Strategy Options;
- b) supports the proposal to take forward the suggested strategic Clowne North site for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee.

5 **Document Information**

Appendix No	Title
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.)	
Consultation responses	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

Report on Suggested Strategic Sites – Former Whitwell Colliery site

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

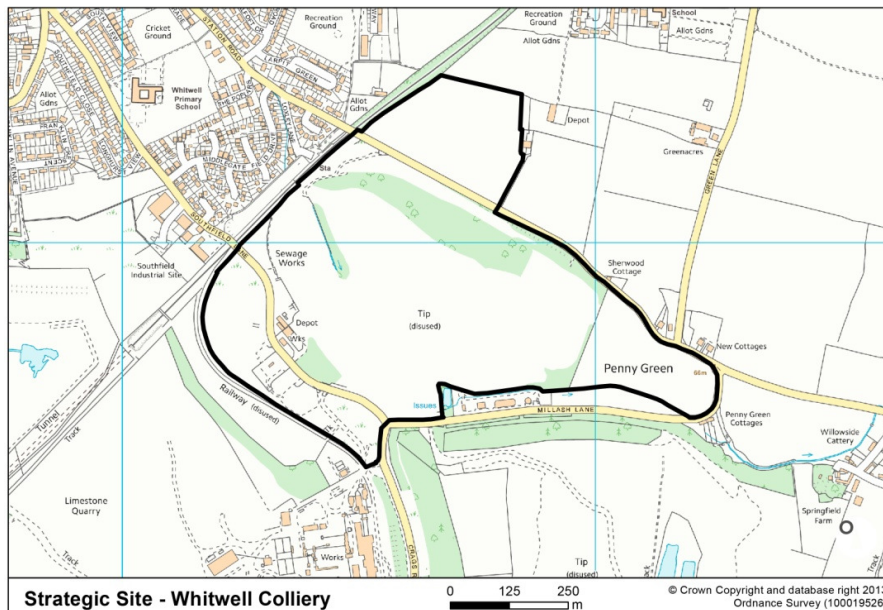
Purpose of the Report

- To outline the considerations relating to the Suggested Strategic Site of the former Whitwell Colliery site;
- To provide Members with a recommendation on whether the site should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background

- 1.1 Members will recall that one of the suggested strategic sites included in the Local Plan for Bolsover District: Identified Strategic Options consultation document was the former Whitwell Colliery site.
- 1.2 For information, the suggested the former Whitwell Colliery site strategic site (the suggested site boundary is shown below) is a mixed use development, incorporating 5.2 hectares of employment land, potentially 390 dwellings and a country park.



1.3 This report outlines the range of considerations that the Council will need to take into account when determining whether this suggested strategic site should influence the Council’s spatial strategy for the Local Plan. These are:

- Local Plan Vision and Objectives;
- Findings of the sustainability appraisal;
- Consultation responses.

Local Plan Vision and Objectives

1.4 The Local Plan Vision approved by Members and published in October 2015 for public consultation identified the Council’s desire for Bolsover District to be “an attractive location for new and growing businesses”; that there would be “local initiatives to improve the quantity, range and quality of jobs in the District”; that “the increased employment opportunities in the District mean that people will have access to a greater number and range of jobs without having to commute outside the District”, that “brownfield sites in the District will have been remediated”, that “a range of new housing will have met the needs of a growing and aging population” and that “increased open spaces, green infrastructure and biodiversity networks will have improved settlements and their settings”. The Local Plan Vision also identifies that “development will have taken place in the towns and larger villages”.

1.5 Supporting this Vision are the published 16 Local Plan Objectives. Whilst all are relevant, Objective E: Regeneration, Objective I: Green Spaces and Green Infrastructure, Objective M: Employment Opportunities, Objective N: Meeting Housing Needs and Objective O: Place Making relate most to the identified statements within the Vision and support the Council’s desire for the remediation of brownfield sites, new employment opportunities and improved green infrastructure.

1.6 As reported to Members earlier on the agenda, a relatively large number of representations were received on the Local Plan Vision and Objectives. However, none of these fundamentally undermine the elements of the Vision and the Objectives stated.

- 1.7 Whilst it is considered that the Local Plan Vision could be delivered by pursuing a number of strategies that would not necessarily include the suggested the former Whitwell Colliery site, it is noted that the proposal would provide the opportunity to remediate one of the few remaining large scale brownfield sites in the District. Its relative proximity to Whitwell, albeit separated by the Robin Hood railway line, means that the site is close to one of the more sustainable settlements.
- 1.8 Based on what is known about the former Whitwell Colliery proposal at the moment, the site could potentially provide realigned employment land and land for new housing on both parts of the existing brownfield site and adjoining greenfield land following significant mineral working through the tip mound. The site at present is a relatively uncharacteristic feature within the landscape, with the former colliery tip being overly regular in shape within a more natural undulating and rolling landscape. Discussions with Derbyshire County Council over the restoration of the tip as part of the original and wider minerals application has identified that this cannot be achieved, or technically required or enforced, via the conditions on the existing permission. As a result, the County Council have helped develop some landscape objectives to help guide the restoration of the landscape should built development be permitted by the District Council. Through informal discussions with Welbeck Estates and their agents prior to the commencement on the new Local Plan for Bolsover District, the proposals have incorporated the landscape objectives and this has led to the country park component of the proposal being a method of reintegrating this site back into its natural landscape. However, despite this, much of the delivery of this site remains uncertain.
- 1.9 On this basis, it is considered that the former Whitwell Colliery site has the potential to contribute to the delivery of the Local Plan Vision's statements regarding regeneration, diversification of the District's economic base and provision of green infrastructure.

Findings of Sustainability Appraisal

- 1.10 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.11 As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that positive and significant positive effects have been identified for the former Whitwell Colliery site in the areas of housing, economy, health and biodiversity. However, significant negative effects have been identified in respect of water (due to a lack of wastewater treatment capacity in the District) and for resource use (due to being in minerals consultation areas). As this mixed use residential and employment proposal would result in the redevelopment of brownfield land, significant positive effects have been identified in respect of land use.
- 1.12 To help mitigate the potential negative effects and to enhance the positive effects associated with the implementation of this suggested strategic site, the Sustainability Appraisal Report identifies a range of measures for the Council to consider pursuing. These measures include in particular the provision of protection for existing wildlife sites, creation of new green biodiversity corridors, policies to

ensure setting of heritage assets are protected, proposals for new uses for buildings at risk, green travel plans, sustainable drainage schemes and careful design requirements on settlement edges.

- 1.13 On this basis, it is considered that the former Whitwell Colliery site has a number of benefits but also a number of negative effects that would need to be addressed if pursued. However, as indicated above, measures have been identified as to how these negative effects could be addressed and these measures would form part of the discussions with the site proponent and should inform how the detailed proposals are developed if the former Whitwell Colliery site is supported at this stage.

Summary of consultation responses

- 1.14 In response to the Council's question on whether the suggested former Whitwell Colliery strategic site should influence the Council's spatial strategy either in whole or in part, 42 representations were received from a range of local residents and organisations, national organisations and local authorities, the site proponent and the proponents of other potentially competing sites, and other interested individuals.

Feedback from local residents

- 1.15 Feedback from local residents accounted for 26 of the 42 representations received and was almost exclusively in the form of support (24 representations) for the suggested former Whitwell Colliery site influencing the Council's spatial strategy, with little objection to it (2 representations). This feedback is summarised below:

Local support -

- because it is a brownfield site;
- because it is an eyesore;
- because it is in close proximity to the station at Whitwell;
- because it provides a country park.

Local objection -

- Whitwell is a large community gathered around one small convenience store - housing on the site would increase the imbalance and the site should just be for employment uses;
- the local roads need upgrading.

Feedback from national organisations and local authorities

- 1.16 Feedback from national organisations and local authorities was predominantly in the form of comments on the suggested former Whitwell Colliery site that the Council should take account of when determining whether to include the suggested strategic site within its Local Plan in principle, or comments that raise issues that would need to be addressed when examining the detail of the proposal to support an allocation. This feedback is summarised below:

Strategic issues -

- Highways England - the site's impacts on the strategic road network will need to be assessed.
- Rotherham Metropolitan Borough Council - we consider that this proposal would be unlikely to have any significant cross boundary issues for us. No preference over BDC pursuing this site.
- Derbyshire County Council - we have supported this proposal previously but the relationship with Whitwell Quarry and the mineral interest needs further discussion under the Duty to Co-operate.

Site issues -

- Historic England - the site is adjacent to Belph Conservation Area and nearby to the Welbeck Registered Park & Garden. The detailed policy for this site should recognise the above heritage assets and the proposed country park – which is considered to protect the assets.
- The Coal Authority - the site has coal mining legacy features which need to be taken into account.
- Environment Agency - no objections in principle as site presents an opportunity to remediate and clean-up a brownfield site and bring it back into productive use. Site has a 'Principle Aquifer' running through it and therefore groundwater issues need to be considered. A tributary of Millwood Brook also runs through the site, providing opportunity for biodiversity gains and SuDS.

Feedback from the site proponent

- 1.17 The Welbeck Estate via their agent, set out their justification for the inclusion of the former Whitwell Colliery site. This feedback is summarised below:

Justification for the site's inclusion is:

- the site would address the longstanding impact of the former colliery spoil; there is great community appreciation to regenerate what has been described in the past as an 'eyesore' and evolve the site with new land uses;
- the Welbeck Estate is a landowner with a positive longstanding relationship and significant residential and commercial property interests in and around Whitwell. They recognise the physical and economic constraints which affect the marketability and viability of their development land interests around the settlement.
- the scheme is deliverable to the full quantum of housing and commercial land proposed, and can be designed to harness the topography of the land available so that the former colliery spoil no longer remains a visible 'eyesore' in the local area and is instead reprofiled to a less dominant landform and brought into publicly accessible use as a nature reserve of both local and regional biodiversity importance;
- the site is a flagship example of everything the current planning direction is seeking to achieve; unlocking the potential of brownfield land for sustainable

growth, supporting rural productivity, economic regeneration and widespread environmental mitigation.

Feedback from the other site proponents

- 1.18 Feedback from other site proponents was, unsurprisingly, in the form of objections to the suggested former Whitwell Colliery proposal. This feedback is summarised below:
- given the limited sustainability of Whitwell, this site shouldn't come forward in advance of sites in more sustainable locations;
 - concern about delivery and how long it will take to happen;
 - poorly related to Whitwell as railway line separates it;
 - building in a village that has no infrastructure makes no sense;
 - the site has contamination and ground condition constraints that could inhibit viability and deliverability.

Overall feedback from consultation exercise

- 1.19 Overall, based on the feedback received it is concluded that the former Whitwell Colliery site will form a popular decision with a number of local residents and other interested individuals. However, the consideration of whether to make the site, either in whole or in part, a key building block of the Council's spatial strategy will hinge primarily upon the strategic merits of the suggested site and whether the Council considers that inclusion of the former Whitwell Colliery site will aid its efforts to prepare a Local Plan that will meet the soundness tests at Examination.
- 1.20 In terms of the merits for the former Whitwell Colliery site, it is noted that the proponents of the site make a number of statements about why the site should be included and what it could help deliver for Whitwell and the District as a whole. Whilst not fully tested yet, they are not necessarily disputed at this stage given that the site proponent is a known entity. However, should it be decided in principle that the site should be included, either in whole or in part, the information provided by site proponent will be tested further to ensure that the site is deliverable and can sufficiently contribute to the Council's requirements.
- 1.21 It is also clear from the consultation exercise that the former Whitwell Colliery site, if included, will be challenged by potentially rival sites on the grounds listed above. However, the listed grounds, in particular the one relating to deliverability, relate well to the type of testing the Council would put any site through. Therefore, should the Council decide at this stage it wants to include the former Whitwell Colliery site, in whole or in part, within its Local Plan, the Council will need to ensure that the site proponents can demonstrate their proposal is deliverable.

2 Conclusions and Reasons for Recommendation

- 2.1 The information set out in the report about the suggested strategic former Whitwell Colliery site indicates that:

- the suggested proposal could contribute well to the Council's Growth Strategy and Economic Development and Housing Strategy and align with the established Local Plan Vision and Objectives, in particular for Regeneration, Green Infrastructure and Employment Opportunities, within one of the District's more sustainable settlements;
- within the Sustainability Appraisal process, a number of benefits and a number of negative effects have been identified that would need to be addressed if the site was supported in principle. However, measures have been identified as to how this could be done and the identified measures would form part of the discussions with the site proponent about the form of the development and would inform how the detailed proposals are developed if the former Whitwell Colliery site is supported at this stage;
- support for the site would be popular with a number of people in Whitwell and elsewhere in the District, but would be challenged through the plan making process by proponents of other sites.

2.2 As stated in items 4c and 4d, the need for the former Whitwell Colliery site within the overall Preferred Option for the Local Plan is partially dependent on the consideration of the preferred option for the Housing Target and the Employment Target.

2.3 Members will recall that during the development of the potential options for consultation and for Sustainability Appraisal, the Steering Group had expressed some support for a medium Housing Target (Option B: 240 dwellings per year) and a high Employment Target (Option C: 100 hectares of employment land over the plan period). However, Members also wanted to provide the opportunity for public consultation on all the options prior to providing a steer to Planning Committee in relation to the selection of the Preferred Options for the Local Plan for Bolsover District.

2.4 In light of this position, advice from officers is that given the Council's desire to see the regeneration of the remaining large brownfield sites in the District, the former Whitwell Colliery site would at this stage appear to represent a strategic development that could help to deliver the Council's Local Plan Vision and Objectives and should be taken forward for further consideration and investigation.

2.5 Should Members support the inclusion of the former Whitwell Colliery site in whole or in part within the Local Plan, then officers would set about examining and testing the site proposals in more detail, feeding back to Members at future meetings of the Steering Group on progress, so that the Council can be suitably confident that the site warrants inclusion in the draft Local Plan for Bolsover District, scheduled to be published in September 2016 for public consultation.

3 Implications

Finance and Risk Implications

3.1 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

3.2 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

3.3 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.

4 Recommendations

4.1 That the Local Plan Steering Group:

- a) considers the contents of this report and considers reports 4c, 4d and 4i on this agenda in relation to the preferred options for the Housing and Employment Targets and Spatial Strategy Options;
- b) supports the proposal to take forward the suggested strategic former Whitwell Colliery site for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee.

5 Document Information

Appendix No	Title
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)	
Consultation responses	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

Report on Spatial Strategy Options

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

Purpose of the Report

- To outline the considerations relating to the consulted upon Identified Strategic Options;
- To provide Members with a recommendation on what Spatial Strategy Option should be taken forward for further consideration as part of the Local Plan Preferred Option.

1 Report Details

Background - General

- 1.1 Members will recall that the Council identified four spatial strategy options in the Local Plan for Bolsover District: Identified Strategic Options consultation document. These were:
- Option A) Focus on the more sustainable settlements
 - Option B) Focus on the most viable settlements
 - Option C) Focus on those settlements with key regeneration needs
 - Option D) Focus on an East-West growth corridor
- 1.2 These four options all took as their starting point the full list of sites that the Council has granted planning permission for both residential and employment use at 30th September 2015.
- 1.3 As touched upon in the reports on the Housing and Employment Target Options, this positive approach to the determination of applications has led to the Council already having sufficient permissions to account for a large proportion of the District's potential housing and employment supply requirements in the Local Plan for Bolsover District.
- 1.4 However, despite this favourable supply position, the Council finds itself without a 5-year supply of deliverable housing sites. This unexpected situation is due to a large number of the residential sites that were granted planning permission on the expectation that they will contribute to the 5-year supply have not been able to deliver.

1.5 Nevertheless, based on this committed residential and employment supply position, certain settlements already have substantial levels of growth approved and this information is set out below.

Expected housing growth at 30th September 2015 based on current permissions (residential commitments)

	Households at 2011	Total Completions	Total Households	Growth rate to date	Total Commitments	Potential growth rate
Bolsover	4,730	120	4,850	2.5%	730	18.0%
Shirebrook	4,639	41	4,680	0.9%	866	19.6%
South Normanton	4,570	184	4,754	4.0%	143	7.2%
Clowne	3,279	124	3,403	3.8%	267	11.9%
Creswell	2,330	8	2,338	0.3%	287	12.7%
Pinxton	1,862	5	1,867	0.3%	11	0.9%
Whitwell	1,634	18	1,652	1.1%	11	1.8%
Tibshelf	1,507	10	1,517	0.7%	170	11.9%
Barlborough	1,204	1	1,205	0.1%	150	12.5%
Blackwell	687	0	687	0.0%	0	0.0%
Newton	669	49	718	7.3%	40	13.3%
Glapwell	681	2	683	0.3%	33	5.1%
New Houghton	596	-3	593	-0.5%	52	8.2%
Langwith	474	1	475	0.2%	0	0.2%
Whaley Thorns	450	3	453	0.7%	0	0.7%
Pleasley	425	12	437	2.8%	23	8.2%
Shuttlewood	393	2	395	0.5%	146	37.7%
Bramley Vale / Doe Lea	304	51	355	16.8%	0	16.8%
Hodthorpe	290	3	293	1.0%	* 101	35.9%
Westhouses	279	0	279	0.0%	0	0.0%
Stanfree	249	2	251	0.8%	0	0.8%
Hilcote	193	1	194	0.5%	0	0.5%
Palterton	163	-12	151	-7.4%	0	-7.4%
Scarcliffe	151	3	154	2.0%	0	2.0%
Countryside		8			0	
Totals	31,759	633	32,392	2.0%	3,030	11.5%

* resolution at July 2015 Planning Committee to grant permission for 101 dwellings in Hodthorpe but decision notice not yet issued.

1.6 As this table demonstrates, based on residential sites that have already been granted, the following settlements are already expected to see substantial growth:

- Shuttlewood – approximately 38% growth in households
- Hodthorpe – approximately 35% growth in households
- Shirebrook – approximately 20% growth in households
- Bolsover – approximately 20% growth in households
- Bramley Vale / Doe Lea – approximately 17% growth in households

Expected employment growth at 30th September 2015 based on current permissions (employment commitments)

	With permission	BDLP Allocation (2000)	Total Commitment
Bolsover	36.23	4.07	40.30
Shirebrook	12.86	5.56	18.42
South Normanton	10.68	15.53	26.21
Clowne	0.00	0.00	0.00
Creswell	0.00	3.08	3.08
Pinxton	0.00	2.95	2.95
Whitwell	0.00	8.17	8.17
Tibshelf	0.00	0.00	0.00
Barlborough	6.71	0.42	7.13
Blackwell	0.00	0.00	0.00
Newton	0.00	0.00	0.00
Glapwell	0.00	0.00	0.00
New Houghton	0.00	0.00	0.00
Langwith	0.00	0.00	0.00
Whaley Thorns	0.00	1.67	1.67
Pleasley	0.00	0.00	0.00
Shuttlewood	0.00	0.00	0.00
Bramley Vale / Doe Lea	0.00	0.00	0.00
Hodthorpe	0.00	0.00	0.00
Westhouses	0.00	0.00	0.00
Stanfree	0.00	0.00	0.00
Hilcote	0.00	0.00	0.00
Palterton	0.00	0.00	0.00
Scarcliffe	0.00	0.00	0.00
Countryside	22.25	0.00	22.25
Totals	88.73 ha	41.45 ha	130.18 ha

1.7 As this table demonstrates, based on employment sites that have already been granted and excluding the unimplemented allocations in the adopted Local Plan, the following settlements are already expected to see substantial growth:

- Bolsover – approximately 36 hectares worth of new employment land
- Shirebrook – approximately 13 hectares worth of new employment land
- South Normanton – approximately 11 hectares worth of new employment land
- Barlborough – approximately 7 hectares worth of new employment land

- 1.8 Therefore, in each of the Identified Spatial Strategy Options, this existing distribution of growth would initially feature in each option and the decisions over where to distribute additional development through the Local Plan for Bolsover District now relate to a relatively small amount of development.

Background - Option A: Focus on the more sustainable settlements

- 1.9 From the Council's full range of evidence base documents, this option placed more emphasis on the findings of the Settlement Hierarchy Study (April 2015) regarding the relative sustainability of the District's settlements. For information, the most sustainable settlements are:

- South Normanton (this being identified as the most sustainable)
- Shirebrook
- Bolsover
- Clowne
- Barlborough
- Pinxton
- Creswell
- Tibshelf
- Langwith
- Whitwell

- 1.10 On this basis, this option would direct additional growth to these sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities. However, given the high levels of growth already approved in Shirebrook, Creswell, Tibshelf and Barlborough, this option would direct additional growth to those other sustainable settlements that do not have the same level of existing commitments or have the potential to accommodate more. These were:

- South Normanton
- Bolsover
- Clowne
- Pinxton
- Whitwell

Background - Option B: Focus on the most viable settlements

- 1.11 This option placed more emphasis on the findings of the Housing Viability Study (October 2012 and updated April 2014) and recent housing building rates within the Authority Monitoring Reports regarding the relative viability of the District's settlements. For information, the more viable settlements are:

- Clowne (this being identified as the most viable)
- Bolsover
- South Normanton
- Barlborough

- 1.12 On this basis, this option would direct additional growth to these viable settlements in order to take advantage of the expected attractiveness of available sites to house

builders. Again, this would take account of the high levels of growth already approved in other settlements but would focus additional large scale development to only these four viable settlements.

Background - Option C: Focus on those settlements with key regeneration needs

1.13 This option placed more emphasis on the findings of the Council's Growth Strategy (June 2014) and the existence of brownfield sites and deprivation hotspots as identified within the Authority Monitoring Reports regarding the key regeneration needs of the District. For information, the settlements with key regeneration needs are:

- Bolsover
- Shirebrook
- Creswell
- Whitwell

1.14 On this basis, this option would direct additional growth to these settlements in order to direct development to those settlements with large or a large number of brownfield sites or deprivation hotspots and where complementary greenfield land could help to transform the local housing market. Again, this would take account of the high levels of growth already approved in other settlements but would focus additional large scale development to only these four settlements.

Background - Option D: Focus on an East-West growth corridor

1.15 This option placed more emphasis on the desire for improved East-West links within the Council's Growth Strategy (June 2014) and focussed on the desire for a Shirebrook Regeneration Road in order to help explore the business case for funding for the new road.

1.16 This option would direct the additional growth to those settlements along the A617 from Shirebrook to M1 J29, namely:

- Shirebrook
- New Houghton
- Glapwell
- Bramley Vale / Doe Lea

1.17 Again, this would take account of the high levels of growth already approved in other settlements but would focus additional large scale development to only these four settlements.

Local Plan Vision and Objectives

1.18 The Local Plan Vision approved by Members and published in October 2015 for public consultation identified the Council's desire for Bolsover District to be "a growing district, undergoing an economic and visual transformation". As such, the Vision talks about growth, increased employment opportunities, the desire for brownfield sites to be remediated, town centres will be supported, rural settlements will have benefitted from sensitive development, infrastructure will be provided and

the rich variety of environmental and historic assets will have been protected and enhanced. Supporting this Vision are the published 16 Local Plan Objectives.

- 1.19 At the time of approval by Members, when no preferred spatial strategy had been selected, it was not possible to give a geographical dimension to the Vision and Objectives without potentially pre-empting decisions about which areas or settlements should be identified for growth.
- 1.20 As reported to Members earlier on the agenda, a relatively large number of representations were received on the Local Plan Vision and Objectives. However, none of these fundamentally undermine the elements of the Vision and the Objectives stated.
- 1.21 Whilst it is considered that the Local Plan Vision and Objectives could be delivered by pursuing any of the spatial strategy options, it is evident that the compatibility of the spatial strategy options with the Vision and Objectives differs slightly due to the emphasis on different parts of the evidence base underpinning the four spatial strategy options.
- 1.22 Given Option A's emphasis on directing growth to the more sustainable settlements, where greater services, facilities, public transport accessibility and job opportunities exist, it is considered that this option would deliver better the Local Plan Vision's statements and supporting Objectives about development taking "place in towns and larger villages" and supporting the District's "town centres that serve local residents"; that new infrastructure "will have been planned and delivered at the same time as new developments"; and that "local people will have benefited from the opportunities for a healthier lifestyle, improved job opportunities, more housing, and the increase in facilities that this can help to deliver". Furthermore, due to a number of the sustainable settlements also being those identified as having key regeneration needs, such as Bolsover and Whitwell, Option A would have the potential to support the Vision's statement about "brownfield sites in the District will have been remediated". However, whilst under this option less development would probably be directed to the most viable settlements to enable growth to be distributed between a greater number of settlements, Option A should also support the Vision's statement about "Bolsover District will be an attractive location for new and growing businesses".
- 1.23 The key difference between Option A and Option B is that Option B has a greater emphasis on directing growth to those settlements that evidence demonstrates are more attractive to house builders. As a result, this option should deliver better the Local Plan Vision's statements and supporting Objectives about "Bolsover District will be an attractive location for new and growing businesses" than any of the other options. However, as a result, this would probably mean less support for the Vision's statement about "brownfield sites in the District will have been remediated", given Whitwell would not be prioritised for growth and there would be a greater emphasis on more deliverable greenfield sites in locations like Bolsover. Also, the focus on the most viable settlements should mean development's can deliver more of their infrastructure requirements and some affordable housings, given the likelihood of more viable development site proposals.
- 1.24 In relation to Option C, the greater emphasis on directing growth to those settlements with key regeneration needs, including those with brownfield sites,

means this option could deliver the Vision's statement and supporting Objectives about "brownfield sites in the District will have been remediated" most strongly. However, due to these settlements also being some of the least viable settlements in the District, where there is evidence of long-standing permissions that have stalled and existing Local Plan allocations that have not been implemented, Option C has the weakest potential to deliver the Local Plan Vision's statements about "Bolsover District will be an attractive location for new and growing businesses". Also, given the lower viability of the settlements identified in this option, any developments being delivered would be likely to not be able deliver their infrastructure requirements and affordable housings, so either exacerbating existing infrastructure deficiencies or making the deliverability of the Council's Local Plan more dependent on other public agencies or organisations to fund the required infrastructure.

- 1.25 Option D, which has a more targeted emphasis in order to assess whether the Local Plan can support the business case for a Shirebrook Regeneration Route, could support the Local Plan Vision's statements and supporting Objectives about "Bolsover District will be an attractive location for new and growing businesses" given it could open up Shirebrook for greater inward investment along the lines of Sports Direct. However, due to the focus on smaller settlements along the A617 that do not have as many services and facilities, this option would not provide as much support for the District's "town centres that serve local residents" component of the Local Plan Vision. Alongside this, given the aim of helping deliver a new large highway project, the Shirebrook Regeneration Route, there would be greater potential, depending on the eventual route selected, for greater risk to environmental and historic assets along the route. Furthermore, the need to help fund the highway project could draw funds away from other necessary infrastructure.
- 1.26 On this basis, it is considered that the delivery of the Local Plan Vision and Objectives, as written, would be best achieved through the pursuit of a spatial strategy focussed on the distribution of development through either Option A or Option C.

Findings of Sustainability Appraisal

- 1.27 The Sustainability Appraisal process is one of the legal tests for plan making. It is intended to be iterative with the findings of the Appraisal considered at key stages so that this informs the preparation of a Local Plan. The Council will be tested on its compliance with this legal test by an Inspector at the Local Plan Examination.
- 1.28 As reported to the meeting of the Steering Group in December, the Sustainability Appraisal Report advises that, on balance, Option A and Option C are considered to be the best performing options when assessed against the Appraisal objectives. This is principally due to that under these options, housing and employment growth would be directed to those settlements in the District with the greatest capacity to accommodate growth and where there is the potential to realise regeneration opportunities.
- 1.29 The Report continues that conversely the implementation of Option D would result in a larger proportion of future growth being directed to the District's smaller settlements which do not benefit from accessibility to a good range of community

facilities and services. Added to this, it is anticipated that more extensive greenfield land would be required to accommodate growth under Option D and also Option B so that the potential for significant negative effects on biodiversity, land use and landscape and townscape may be increased.

- 1.30 To help mitigate the potential negative effects and to enhance the positive effects associated with the selected spatial strategy option, the Sustainability Appraisal Report identifies a range of measures for the Council to consider pursuing. These measures include in particular the provision of protection for existing wildlife sites, creation of new green biodiversity corridors, policies to ensure setting of heritage assets are protected, proposals for new uses for buildings at risk, green travel plans, sustainable drainage schemes and careful design requirements on settlement edges.
- 1.31 On this basis, it is considered that the pursuit of a spatial strategy focussed on the distribution of development through either Option A or Option C would have the best performance from a Sustainability Appraisal perspective.

Summary of consultation responses

- 1.32 In response to the Council's questions on whether people supported or objected to the Local Plan for Bolsover District being focussed on one of the four spatial strategy options, 200 representations (roughly 50 per option) were received from a range of local residents and organisations, national organisations and local authorities, site proponents and other interested individuals.

Feedback from local residents

- 1.33 Feedback from local residents was largely dictated by whether they lived in one of the settlements identified for growth within one of the options, with residents generally, but not always, objecting to growth in their settlement.
- 1.34 As a rule, local residents favoured the idea of focussing on brownfield sites and thus the spatial options that directed growth to those settlements with regeneration needs, in particular Option C. However, within this general support there was some recognition that bringing about the remediation of brownfield sites was not easy and would be likely to make the Council's Local Plan harder to get adopted. Despite this, local residents often thought that the Council should aim to achieve things that needed addressing in the District and not just allow development to be dictated by developers.
- 1.35 Beyond Option C, Option A was the next most supported and largely due to this option's focus on guiding development to settlements that had greater employment opportunities, better transport links and services and facilities – essentially the key guiding principles of sustainable development.
- 1.36 Related to this, Option D was less supported and this was largely due to the focus on guiding development to settlements that did not have as many employment opportunities, had poor transport links and no real services and facilities. Whilst there was some support for addressing the regeneration needs of Shirebrook as indicated above, and some support for better transport links and a Shirebrook Regeneration Road, there were some concerns about whether this would lead to an

increase in the concentration of low-paid employment and the social tensions being experienced in the south of Shirebrook.

- 1.37 Finally, Option B was the least supported, with more objections than any other option. This was largely due to a rejection of the idea that the Council should select a spatial strategy that favoured developers. The lack of a focus on brownfield sites within this option also led to a higher number of objections.

Feedback from national organisations and local authorities

- 1.38 Feedback from national organisations and local authorities was predominantly in the form of comments on the spatial strategy options that the Council should take account of when developing its Preferred Option. Examples of this feedback are summarised below:

- Historic England - all options have implications for the historic environment which need to be carefully considered.
- Highways England - due to close proximity of growth settlements with the M1, this option will increase need for impacts of development to be considered at an early stage.
- Mansfield District Council - clearly, to accord with the NPPF sustainability needs to be a core consideration. That said, viability is also important and regeneration is a key concern too. Suggests preferred approach should be a linking of these three issues.
- Derbyshire County Council - the options have both positive and negative merits. Further collaborative working will be required between DCC and BDC to consider the impacts and how they can be addressed.

Feedback from site proponents

- 1.39 Feedback from site proponents was, unsurprisingly, guided by whether a spatial strategy option directed additional development to settlements in which their site is located. Within this feedback, there were a number of key points worth noting about the options:

- the SA identifies Option A as the best performing option - further growth in its identified settlements is likely to be the most sustainable form of development;
- growth should be distributed to other settlements to reduce impact on the infrastructure of the District's largest settlements;
- sustainable development is not just about the re-use of brownfield sites;
- allocations need to be deliverable;
- viability varies over time and needs to be considered for all sites, rather than be a spatial option in its own right;
- regeneration is laudable but undeliverable on the scale included in Option C;
- the NPPF strongly supports planning for strong, vibrant and healthy communities and high quality developments can safeguard the longevity of settlements in need of regeneration - the concern over viability should not take priority over good planning;

- strongly oppose Option C, given it does not provide for any growth in Clowne - this is unjustified given Clowne is identified as being both sustainable and viable;
- Option D is not supported as it would not deliver housing where people want to live, would exclude further growth in the south of the District where growth is being delivered, and concentrate new growth in settlements where the number of past completions has been lower and permissions have stalled;
- if Option D was pursued, the Local Plan would not be effective and not positively planned and thus not sound and would struggle at Examination.

Feedback on the Business Case for a Shirebrook Regeneration Route

- 1.40 As reported to the meeting of the Steering Group in December, a Business Case assessment for a Shirebrook Regeneration Route has been requested from Derbyshire County Council via their Professional Services Partnership 2 framework with the consultancy AECOM.
- 1.41 At the time of writing the Business Case assessment from AECOM via Derbyshire County Council has not been received.

Feedback on other spatial strategy options that should be considered

- 1.42 As part of the consultation exercise, the Council also asked for feedback on whether people thought there was a more realistic option or combination of options available that the Council should consider before selecting its Preferred Option.
- 1.43 This question was asked for two key reasons. The first is to ensure that the Council provided the opportunity for respondents to tell the Council of these at an early stage in the plan making process in order to reduce the chance of delays arising later on from having to halt progress to subject new options to the Sustainable Appraisal process. The second is more proactive and based on an interest in ensuring the Council's Preferred Option is the most appropriate way forward.
- 1.44 Feedback to this question largely fell into two categories: the first looking at a blend of the identified spatial strategy options; with the second suggesting new or alternative spatial strategy options.
- 1.45 In relation to the first category, a large number of respondents suggested the Preferred Option should clearly be guided by the principles of sustainable development, given the NPPF in its very first sentence states that "the purpose of planning is to help achieve sustainable development".
- 1.46 Alongside this focus on achieving sustainable development, a large number of respondents also said the approach with Option A should be adapted to include elements of the focus on regeneration with Option C, potentially including Stanfree in the list of prioritised settlements in order to aid the redevelopment of the former coal depot, with regard to the need for allocated developments to be deliverable expressed in Option B.
- 1.47 As such, a strong element of the feedback suggested a blend of Options A, B and C should be taken forward as the Council's Preferred Option.

- 1.48 In relation to the second category, a small number of respondents suggested new or alternative spatial strategy options. These were:
- focus on a new settlement to relieve pressures on existing settlements;
 - focus growth solely around Clowne to join it up with Stanfree, Creswell and Bolsover;
 - focus growth solely around the former Coalite site, utilising the spoil heaps around for new development.

- 1.49 These need to be given some consideration in advance of selection of a Preferred Option.

Consideration of the soundness of the available Spatial Strategy Options

- 1.50 Paragraph 182 of the NPPF sets out the tests that the Council's Local Plan for Bolsover District will be examined by, known as the "soundness tests". These are:

- **positively prepared** - based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **justified** - the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
- **effective** - deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in the Framework.

- 1.51 As indicated in the second soundness test, the key purpose of the identification of options during the plan making process is to demonstrate that the chosen option is justified. As part of this, the Council is required to identify 'reasonable' alternatives, not just 'possible' alternatives.

- 1.52 During the identification of the four strategic spatial options, consideration has been given to the NPPF soundness tests in order to ensure that the Council's work towards an eventual submission version Local Plan for Bolsover District is as streamlined as possible given the Council's pressing need to get a Local Plan adopted at the earliest opportunity.

- 1.53 In light of the recommendations regarding the Housing and Employment Targets, it is considered that the Council's selected spatial strategy will fare reasonably well against the 'positively prepared' soundness test no matter which spatial strategy is selected given that the Council is positively seeking growth.

- 1.54 However, the 'justified' and 'effective' soundness tests are more a test of whether the spatial strategy is appropriate and deliverable, so depend more on the findings of the Sustainability Appraisal process and the evidence demonstrating the Council's local plan is deliverable.

- 1.55 As stated above in paragraphs 1.27 to 1.31, the Sustainability Appraisal process finds that pursuit of a spatial strategy focussed on the distribution of development

through either Option A or Option C would have the best performance from a Sustainability Appraisal perspective. Options D and Option B perform less well and if pursued would increase the risk that the Council's Local Plan could be rejected by the Government on the 'justified' soundness test, particularly if the Local Plan is being challenged by third parties on these grounds.

- 1.56 In relation to the 'effective' soundness test, the Council's viability evidence demonstrates that development viability is better in settlements nearest the M1 and poorest in the East of the District. Numerous examples of stalled residential sites exist in Shirebrook and Creswell in particular, where viability is a serious barrier to development. As a result, it is considered that Options B and then A would be most likely to meet this soundness test, with Option C being the least likely closely followed by Option D.
- 1.57 Alongside this viability evidence, evidence for the availability of sufficient potential residential sites is key and at present there would appear to be sufficient sites for Options A, B and C. However, Option D would seek to increase levels of growth in Shirebrook to levels that would require the identification of additional sites via a further call for sites exercise.
- 1.58 Whilst this could be done, it would increase the risk of delays to the timetable for the preparation of the Local Plan to accommodate the additional call for sites exercise, so potentially delaying the draft Local Plan stage from September 2016. However, more significantly this would increase the risk of having to revisit the whole strategy and go back a stage should no additional sites come forward during the call for sites exercise. As a result, it is considered that Option D has the greatest inherent risk of not meeting the 'effective' soundness test.
- 1.59 Finally, regarding the suggested options listed in paragraph 1.48, Members will recall that during the development of the potential options for consultation and for Sustainability Appraisal the option of a new settlement was considered and ultimately discounted prior to the consultation on the Local Plan for Bolsover District: Identified Strategic Options in October 2015. The reason for its discounting was principally due to the lack of evidence to base an option upon, given the lack of potential land, viability concerns, the need to achieve a 5-year supply of deliverable housing land and the Council's pressing need to get a Local Plan adopted at the earliest opportunity. Despite the suggestion of this option again, given the lack of any new evidence to support the suggestion it is considered that this option does not represent a reasonable alternative at this stage. This would have significant implications against the NPPF soundness tests.
- 1.60 Regarding the other two suggested options listed in paragraph 1.48, these have been suggested by members of the public, rather than landowners in the mentioned locations, and are not accompanied by any evidence to support their suggestion. Furthermore, the suggestions would on the face of it be not compatible with the prepared Local Plan Vision and Objectives and would appear to suffer from the lack of potential land and a number of viability concerns. As a result, given the lack of any evidence to support the suggestions it is considered that these two options do not represent reasonable alternatives at this stage. This too would have significant implications against the NPPF soundness tests.

2 Conclusions and Reasons for Recommendation

- 2.1 The information set out in the report about the Identified Strategic Options indicates that:
- the delivery of the Local Plan Vision and Objectives would be best achieved through the pursuit of a spatial strategy focussed on the distribution of development through either Option A or Option C;
 - within the Sustainability Appraisal process, Option A and Option C are considered to be the best performing options when assessed against the Appraisal objectives;
 - feedback during the consultation exercise was:
 - Option C was the most popular with local residents due to its focus on brownfield sites;
 - growth should be distributed to other settlements to reduce impact on the infrastructure of the District's largest settlements;
 - regeneration is laudable but undeliverable on the scale included in Option C;
 - a blend of Options A, B and C should be considered for approval as the Council's preferred Spatial Strategy Option.
 - against the NPPF soundness tests, it is considered that Option A performs the best, with Options C and B performing overall less well due to elements of their focus, with Option D having significant issues that would put at risk the adoption of the Council's Local Plan for Bolsover District.
- 2.2 As stated in items 4e, 4f, 4g and 4h, the consideration of the suggested strategic sites will influence the overall preferred Spatial Strategy Option for the Local Plan given their geographic locations and the large quantum of housing and employment land that the sites could potentially deliver.
- 2.3 However, from the information above it is clear that Option A with elements of Options C and B has significant merits in terms of trying to achieve a sound Local Plan, given the strong focus on sustainable development with an appropriate balance between more difficult regeneration aims and immediately viable developments.
- 2.4 In part, this outcome is not unsurprising given that the Identified Spatial Options were developed by focussing on separate parts of the Council's extensive evidence base to enable meaningful testing and consultation. However, it is noted that at Examination the Council will be scrutinised by the Inspector over the full evidence base and whether the selected approach in the Local Plan for Bolsover District meets the legal and soundness tests.
- 2.5 Despite this strong evidence for selecting Option A with elements of Options C and B for the Spatial Strategy Option for the Local Plan, given that the Business Case Assessment from AECOM via Derbyshire County Council regarding a Shirebrook Regeneration Route has not been received it is difficult to reach firm conclusions in respect of Option D.
- 2.6 In relation to Option D, it is noted that the pursuit of Option D would require further work to identify sufficient available sites to deliver the strategy, including a further call for sites exercise, which would make it likely that the draft Local Plan would need to be delayed from September 2016. In addition to this, even if sufficient available sites could be identified, based on the Council's evidence on development

viability it is noted that sites in Shirebrook in particular suffer from poor viability thus putting the delivery of this spatial strategy at risk. Based on the consultation feedback stated above, this risk is likely to form a key element of challenge to the Council's Local Plan from site proponents at the Examination, putting the Council's efforts to get an adopted Local Plan at risk and thus also undermining the associated funding bid for a Shirebrook Regeneration Route which would depend on the adoption of the Local Plan. It is also noted that the findings of the Sustainability Appraisal highlight that Option D has the largest number of negative effects to overcome which would require a greater number of mitigation measures to be drawn up and be readied for delivery during the plan period.

- 2.7 As a result, given the Government's clear message about Council's needing to have a Local Plan published in "early 2017", the stated likely delay and challenge to the Council's Local Plan would be problematic.
- 2.8 Notwithstanding this situation, it is noted that the District's road network is largely rural and would benefit from significant investment, particularly around Shirebrook. Should it not be possible to use this Local Plan to deliver these improvements they may be signposted for future investment ambitions which would support the case if a decision is taken to pursue improvements in parallel to the Local Plan and seeking to take advantage of the momentum generated by the commissioning of a Business Case Assessment.
- 2.9 In light of this position and the recommendations regarding all four suggested strategic sites, despite the difficulties about Option D the advice from officers is that Option A with elements of Options C and B at this stage appears to represent the most appropriate Spatial Strategy Option to deliver the Council's Local Plan Vision and Objectives in accordance with the Local Plan preparation timetable and should be taken forward for further consideration and investigation.
- 2.10 Should Members support Option A with elements of Options C and B for the Spatial Strategy Option for the Local Plan, then officers would set about examining and testing this spatial strategy in more detail, feeding back to Members at future meetings of the Steering Group on progress, so that the Council can be suitably confident that the spatial strategy can be delivered and thus included in the draft Local Plan for Bolsover District, scheduled to be published in September 2016 for public consultation.

3 Implications

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 Recommendations

- 4.1 That the Local Plan Steering Group:

- a) considers the contents of this report and considers reports 4c, 4d, 4e, 4f, 4g and 4h on this agenda in relation to the preferred options for the Housing and Employment Targets and in relation to the suggested strategic sites;
- b) supports the proposal to take forward Option A with elements of Options C and B for the Spatial Strategy Option for further consideration as part of the Local Plan Preferred Option and that this forms part of the Steering Group's recommendation to Planning Committee.

5 Document Information

Appendix No	Title
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)	
Consultation responses	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –

Bolsover District Council

Local Plan Steering Group

Date of meeting - 25th January, 2016

Report on other Issues raised during consultation

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

Purpose of the Report

- To outline the considerations relating to the other relevant planning policy issues not covered by other reports on the agenda raised during the consultation;
- To provide Members with a recommendation on any future actions associated with the Local Plan preparation.

1 Report Details

Background

- 1.1 The Identified Strategic Options consultation included an ‘Anything Else?’ question covering other planning issues that were not covered under other questions in the consultation.
- 1.2 This report outlines a broad range of considerations resulting from consultation that the Council will need to take into account when preparing its Local Plan.

Summary of consultation responses

- 1.3 In response to the Council’s question *“If there are any other comments you wish to make on this stage in the plan making process that are not covered by any other question in this consultation?”* 55 representations were received from a total of 50 respondents ranging from local residents and organisations, national organisations and local authorities, and other interested individuals. The consultation responses are summarised under the following headings: Duty to Co-operate; Matters requiring clarification; Local residents concerns; Sites suggested to the Council; Comments from Specific Consultation Bodies; Comments from General Consultation Bodies; and other responses.

1.4 Duty to Co-operate

- North East Derbyshire District Council welcomes the opportunity for collaboration concerning updating infrastructure requirements across both authorities.
- North East Derbyshire District Council considers that the consultation paper clearly addresses strategic matters that need to be planned for through the preparation of the Local Plan. Each of these strategic matters is clearly expressed and explained. North East Derbyshire District Council remains committed to positive co-operation to ensure that each issue is addressed effectively through the plan making process.
- Bassetlaw District Council recognises that their authority is included in Functional Economic Area and welcomes the opportunity to continue working together to address the implications of this through the duty-to-cooperate.
- Highways England welcomes this collaborative way of working through the Duty to Co-operate and will be happy to engage further with the Council as it progresses its Local Plan.

1.5 Issues where clarification is sought

- JVH Planning require clarification about the plan period.
- Chesterfield Borough Council would welcome clarity on the matters the council consider to be of strategic importance (para 1.44).
- Chesterfield Borough Council consider that the data on the level of new house building by settlement is a useful addition to the background viability work, but does not necessarily indicate whether settlements are viable and may be slightly misleading in this respect. Some settlements may be very desirable and viable but lack sites and/or are constrained by current policy.
- Chesterfield Borough Council would find it helpful to understand how the Functional Economic Area (which differs from the Housing Market Area (HMA) with the addition of Amber Valley, Mansfield and Ashfield) relates to the HMA in terms of balancing the provision of jobs and housing. The consultation document does not provide any information on this.
- Bolsover Countryside Partnership are concerned about how environmental impacts will be assessed or monitored.
- Waystone are concerned that the rationale behind the plan has altered so much since the Local Plan Strategy. They also consider that there is insufficient information contained within the document to allow for a proper

assessment of how and why the Council have selected the options that are presented (and, conversely, why other options were not selected).

- Dennis Rye Ltd has concerns over the clarity and transparency of the document.
- Clowne Community Association consider that *“genuine consultation needs more explanation from BDC about the statements made in the published documents and background papers that officers are familiar with and the community are not. The technical nature of the plan making process makes it almost incomprehensible to most people as to how the process is working and how they can really influence the decisions being made that will impact directly on what our communities are like in the future.”*
- A&D Architecture Limited urges the Council to provide a definition for sustainable development.
- Mr Joshua Ludlam is concerned that the definition of 'employment space' is not clear and questions whether it includes all employment types.
- The Local Nature Partnership is concerned that the following is unclear from the development plan strategic options and its sustainability appraisal:
 - how much green infrastructure is necessary and required to support the development plan and future HMA needs including climate change adaption and flood risk prevention;
 - how much grade 1-3 land would be lost from either of the strategic options;
 - what quantified water resource gap occurs with the proposed development plan;
 - what areas are at risk of worsening air quality or creation of AQMAs particularly along growth corridors;
 - which, if any, mineral assets are impacted by the preferred options and the size of impact, including shale gas assets.

1.6 Local Residents Concerns

The following concerns were received from local residents:

- *“Bolsover could be an attractive market town with care and protection from over-development.”*
- *“The plan ignores crime prevention”*
- *“Gradual sustainable growth would be supported so that nowhere gets overdeveloped.”*
- *“Shirebrook needs a boost.”*

- *“Higher skilled jobs would require a varied housing stock.”*
- *“Concerned about development in Barlborough particularly a new take-away that will not enhance the conservation area.”*
- *“Support the redevelopment of brownfield land e.g. Coalite site and considers that new development should maintain & enhance natural / built environment and that mining / industrial legacy & social / economic issues should be addressed. Development proposals for the Sherwood Lodge site in Bolsover should be in-keeping with the Conservation Area and setting of the castle defences and retain the gardens, trees & original Local Listed lodge building - all of which were to be demolished under the (now) aborted 2012 Morrison’s proposals.”*
- *“Much better planned provision needs to take place to account for the many foreign workers, to ensure community cohesion.”*
- *“The Local Plan should take into account any Neighbourhood Plans to reflect local concerns and aspirations.”*
- *“Quality, not quantity should prevail and planning should not be developer driven. It must also take account of HS2 and the adjoining local authorities particularly with regard to risk of flooding as most of the BDC perimeter is defined by watercourses. The plan should not be driven by the need to satisfy quotas from either central Government, or for increased council tax take.”*
- *“I Object to the inclusion of 101 dwellings in Hodthorpe being counted as a commitment, given there is only a resolution to grant and the application is dependent on third party land as in Table 2.”*
- *“The service station and supermarkets in the centre of Clowne contradict most of the visions and objectives in the Local Plan. Clowne would be much more attractive if these were relocated at Barlborough Links. Clowne could then be planned with small shops (with sensible rates), housing and a semi-covered area for the once thriving market. Even a small green with a pond and pedestrianisation c/w cafes would surely enhance the area and make it look like a village again and not a business park, as it is at the moment. The old railway cutting could be used for a shuttle service between the village and Barlborough Links. Traffic would be drastically reduced in the centre giving rise to many benefits”*
- *“More incentives could be offered to developers to concentrate on brown field and "eye-sore" sites such as disused buildings in village centres with recognition given if they are willing to undertake such projects. And also suggests that fairer treatment could be offered by developers to residents who are seriously affected by development.”*

- *“Houses in Multiple Occupation need to be monitored and also that controls need to be put in place concerning retail outlets at Brook Park.”*

1.7 Sites suggested for the Council to consider

- Leith Planning (representing EPC Explosives) requires confirmation that site specific policies will be included and associated mapping data for Rough Close in the plan.
- Freeths have submitted a potential housing site on behalf of its client in Glapwell.
- A landowner has submitted a site for consideration at Shuttlewood Road, Bolsover.
- Armstrong Rigg has submitted a site at Stanfree Farm, Clowne for 400 dwellings.
- Harworth Estates have suggested a site to the north of Mill Lane, (Oxcroft Disposal Point, near Stanfree) for residential use, leisure/tourism and community open space.
- Robinson’s Trust consider that a strategic site, including client’s land should be shown at Shirebrook South (Brookvale).
- J Nicholson & Son have put forward a site at Church Lane, Clowne for residential development.
- William Maude Developments have put forward a site for residential and unspecified employment uses at Rotherham Road, New Houghton.
- Robert Bryan Planning has submitted a site of 37 hectares for residential use to the north-east of Whitwell.

1.8 Comments from Specific Consultation Bodies

- The Environment Agency (EA) is no longer the statutory planning consultee for surface water drainage at the development management stage. Therefore, the EA consider it prudent that the Council should work with Derbyshire County Council's Flood Risk Management Team on the preparation of a Sustainable Urban Drainage System policy.
- The EA is currently developing a project to improve the urban environment in the River Amber catchment, called the 'Amber Jewel'. This project covers the whole of the River Amber catchment including settlements in the south of the District which drain into tributaries of the River Amber (e.g. South Normanton; Hilcote; Blackwell; Church Hill etc.). Although at the scoping phase, the ambition is to deliver environmental improvements that will benefit the land and water environment. As the

plan progresses, there may be synergies with the 'Amber Jewel' project should development be proposed in these locations.

- The EA asks to be involved should the Water Cycle Steering Group meetings recommence to ensure that growth is phased to take place when investment in wastewater treatment infrastructure and the sewerage network has been delivered so that there is no adverse impact upon the water environment.
- Bassetlaw District Council is supportive of further development in Shirebrook where this strengthened the town's role as a service centre, as this has the potential to benefit small settlements such as Cuckney, Norton and Nether Langwith that lie within Bassetlaw.
- Natural England have made representations about the Sustainability Appraisal.
- Elmston with Creswell Parish Council wish to encourage tourism by finding land for a caravan, tent and lodge park and make the grips more accessible for people to walk and cycle through. Generally, housing development and more business / employment is encouraged in the village.
- Nottinghamshire County Council recommends that when deciding which strategic areas to include, the landscape and visual impact of development should be considered. The Local Plan should contain a policy to help ensure that the landscape and visual impact of development is minimised. Planning applications should be accompanied by a landscape and visual impact assessment which includes an assessment of the landscape character, the impact of the development and proposed mitigation. Mitigation measures should tie in with recommendations within the "Landscape Character of Derbyshire". In addition where developments are adjacent to the eastern boundary of Bolsover District/visible from Nottinghamshire, the proposals should also be considered in relation to the relevant character assessments within Nottinghamshire and the Landscape Actions recommended for the policy zones.
- Severn Trent Water will provide more meaningful comments concerning water quality, supply and efficiency; sewage strategy and surface water and sewage flooding, once more detailed plans are in place later on in the local plan making process.

1.9 Comments from General Consultation Bodies

- Bolsover Civic Society considers that there is nothing in the plan relating to leisure, services and parks provision which is within the council remit. Leisure services within Bolsover Town are non-existent except for open-air sports fields. Tree planting schemes within the more urban areas of the district should be included.

- The Home Builders Federation (HBF) would caution against prioritising brownfield land before or instead of greenfield land as such an approach would be inconsistent with national policy.
- The HBF consider that the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products.
- Clowne Community Association and the Wickets Residents Association are concerned that the easiest (viable and/or deliverable) options will prevail and the following outcomes will take place – focus on house building without any significant correlation with employment; house building on green fields; no progress with eyesores being redeveloped; an oversupply of housing that will depress existing house prices and exacerbate our community; increased strain on infrastructure. especially in village centres and on the M1.
- Sport England consider that the strategic sites offer an opportunity to consider delivery of sports facilities in a structured and co-ordinated way. Future policy drafting / development principles should seek to support delivery of necessary facilities supported by the evidence base work being undertaken.

Other consultation responses

- Mr Antony Buckingham (on behalf of Clowne Junior School) considers that Clowne Junior School cannot cope with additional pupil numbers resulting from new development. The roads around the school, particularly King Street are already at capacity around school pick up / drop off times. Emergency vehicles will not be able to access the school without delay.
- The National Trust would be interested in engaging in further work by the Council and its partners around green infrastructure, habitat connectivity and restoration, particularly promoting a landscape scale approach that crosses boundaries of ownership and administrative authorities.

2 Conclusions and Reasons for Recommendation

- 2.1 A range of representations have been received concerning the Duty to Co-operate, and officers will continue to work with neighbouring authorities and other statutory consultees covered by the Duty to Co-operate regulations (Section 33 A) to identify key strategic matters and fulfil its obligations under the Duty.
- 2.2 A number of issues have been identified by respondents as needing greater clarity. Further work is required to address these issues to provide greater clarification in the Draft Local Plan in the autumn 2016.

- 2.3 Sites submitted will be considered as part of the site selection process prior to the Draft Local Plan, subject to consistency with the Council's preferred spatial strategy. The Council is already aware of some of the sites suggested and notes the continued interest shown by the landowner / agent in bringing their sites to the Council's attention.
- 2.4 The Council will consider the representations made by local residents, along with both specific and general consultation bodies and other consultees whilst developing its Draft Local Plan.

3 Implications

Finance and Risk Implications

- 3.1 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

- 3.2 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

- 3.3 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.

4 Recommendations

- 4.1 That the Local Plan Steering Group:
- a) considers the contents of this report;
 - b) notes that further work is required to consider the issues raised and that these will be brought back to the steering group as work progresses on the preparation of the Draft Plan.

5 Document Information

Appendix No	Title
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.)	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Report Reference –