

CHAPTER 7 SUSTAINABLE COMMUNITIES

NEW DEVELOPMENT

- 7.1. The issue of sustainability is central to the plan as is clear within Chapter 4 on the Spatial Strategy. Policy SS1 within Chapter 4 provides the over-arching policy in relation to the Sustainable Development of the District. This chapter focuses on the need for development to take place in accordance with the principles of sustainable development. It sets out the Council's proposed policies in relation to sustainable new development and design, climate change, and the districts natural and historic assets.
- 7.2. The planning system is underpinned by the principle of sustainable development. Government policy refers to sustainable development as being 'a golden thread running through both plan making and decision taking'¹. At its core, sustainable development is an approach to development that looks to balance different, and often competing, needs against an awareness of the environmental, social, and economic limitations we face as a society. It's about meeting the diverse needs of all people in existing and future communities. Probably the most commonly used definition of sustainable development is from the Bruntland report 1987 which states:

"Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs."

- 7.3. The Local Plan is about changing the district for the better. To help achieve this, the Local Plan sets out a positive approach to meet the development needs of the District. This approach is supported by the policies below.

DEVELOPMENT WITHIN THE SETTLEMENT FRAMEWORK

- 7.4. In addition to the development of strategic and other sites allocated in the Plan, opportunities will come forward during the plan period for additional development. Such opportunities are likely to be small scale, possibly involving development on previously developed land or redevelopment of existing buildings.
- 7.5. Policy SC1 applies to development proposals within Settlement Framework as defined on the Policies Map. Development proposals outside of built up areas will be considered against Policy SS8 (Development in the Countryside). This approach complies with the plan-led approach advocated in national policy (NPPF); since the Local Plan has identified a housing provision for the District and, through allocations, sufficient land for the whole of the Plan period. Policy SC1 aims to encourage suitable development within the district by directing growth towards the most sustainable settlements.

¹ Paragraph 14 of the National Planning Policy Framework 2012

POLICY: SC1 DEVELOPMENT WITHIN THE SETTLEMENT FRAMEWORK

Development proposals on sites within Settlement Framework will be permitted, provided that the proposed development:

- a) Is appropriate in scale, design and location to the character and function of the settlement
- b) Does not result in the loss of a settlement's last remaining community building or facility (of the type which is the subject of the proposals) unless it can be demonstrated that it is no longer viable
- c) Is compatible with, and does not prejudice any existing or intended use of adjacent sites
- d) Accords with other policies of this Plan, or Neighbourhood Plan if applicable.

Key Evidence Base

National Planning Policy Framework (NPPF)
Localism Act (2011)

You told us that...

The Districts countryside was an irreplaceable asset, and that you had an overwhelming preference for new development to be focussed on brownfield land and existing settlements.

Alternative Options considered but not selected...

None to this policy, but see also Chapter 4 Spatial Strategy which sets out the overarching spatial strategy for the district.

The NPPF tells us that...

The presumption in favour of sustainable development should be applied when assessing and determining development proposals that are not allocated in the Local Plan or Neighbourhood Plan. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural, and historic environment, as well as in people's quality of life, including making it easier for jobs to be created in towns and villages, achieving net gains for biodiversity, achieving better design and better places, as well as widening the choice of high quality homes.

Which local plan objectives will it meet?

Objective A: Sustainable Growth
Objective B: Climate Change
Objective O: Place Making

How will the policy be monitored?

Indicator: The number and percentage of housing units completed on

unallocated sites outside of settlement envelopes, by settlement and by sub-area.

Target: None.

Trigger for Review: More than 20% appeal losses against the application of this policy.

SUSTAINABLE DEVELOPMENT

- 7.6. The design and construction of new developments is a complicated issue involving a number of factors and considerations. However, it can be seen as having two main aspects, sustainability and aesthetics. Policies SC2 & SC3 below reflect these elements. Taken together they form a blueprint for sustainable development in the district.
- 7.7. The sustainability of a design relates to the materials used, the resources required and the way in which the development will meet the challenges of climate change. To achieve sustainable development, the development industry needs to implement sustainable design and construction practices. It is generally acknowledged that designing-in sustainability measures at the outset of a development's design can minimise any additional perceived costs.
- 7.8. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SC2 below aims to help to deliver sustainable development in the district.

POLICY SC2: SUSTAINABLE DESIGN AND CONSTRUCTION

The Council will permit proposals for new development, including extensions, where it :

- a) promotes the efficient use of land and infrastructure, including developments which include a sustainable and complementary mix of uses**
- b) mitigates and adapts to the effects of climate change**
- c) supports and promotes the efficient use of energy and resources including renewable energy schemes, water management, and waste minimisation and re-cycling**
- d) minimises levels of pollution, and protects and enhances the quality of natural resources including water, air, land and biodiversity**
- e) has regard to flood risk, and does not put new development in areas liable to flood or existing settlements at increased risk of flooding**
- f) adopts sustainable drainage principles and avoids detrimental changes to the characteristics of groundwater drainage and surface water run-off, and protects the capacity of natural surface water drainage systems and access to them for maintenance and**

improvement

- g) protects and enhances the character and quality of local landscapes and the wider countryside
- h) protects and enhances the distinctiveness, character, townscape and setting of settlements
- i) protects and enhances heritage assets of acknowledged importance and their settings
- j) supports the provision of essential public services and infrastructure
- k) has regard to the mineral assets and safeguarding zones: and the waste strategies of Nottinghamshire, and Derbyshire County Councils
- l) ensures that development takes account of any coal mining related land stability and/or other public safety risks
- m) ensures that any development on brownfield sites affected by contamination is remediated
- n) is not in close proximity to hazardous substances, or hazardous substance zones unless it can be proved that there would be no risk to the potential occupants of the proposed development.

Key Evidence Base

National Planning Policy Framework (NPPF)
Successful Places: A Guide to Sustainable Housing Layout and Design (The Council's Interim Supplementary Planning Document).

You told us that...

Necessary development needed to take place in a sustainable way, respecting existing assets, and having regard to existing constraints.

Alternative Options considered but not selected...

None, given the emphasis in the NPPF on sustainable development.

The NPPF tells us that...

All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Which local plan objectives will it meet?

Objective A: Sustainable Growth
Objective B: Climate Change
Objective C: Countryside, Landscape and Wildlife
Objective D: Historic Environment

How will the policy be monitored?

Indicator: The number of developments constructed in compliance with this

policy.

Target: All to comply.

Trigger for Review: More than 40% appeal losses against the application of this policy.

DELIVERING QUALITY PLACES

- 7.9. Successful places tend to be those that have a distinct identity or sense of place. Good design and the creation of attractive places are not just about how buildings look. It is also about taking the opportunities available for improving the character and quality of the area as well as the way it functions as a place. Respect needs to be given to local character and context, the quality of the buildings and the spaces around them, both public and private. Good design can also help to improve quality of life, equality of opportunity and economic growth. All development should contribute positively to the creation of well designed buildings and spaces and aid resilience to the impacts of climate change.
- 7.10. The Sustainable Community Strategy identifies safer communities as one of its top priorities. The Local Plan recognises that the design of buildings and space can make a significant contribution towards reducing opportunities for crime, and to create more pleasant and reassuring environments. Care must be taken, therefore, with the design and layout of new developments.
- 7.11. Local Plan policies seek to protect environmental assets, and ensure that development in the area enhances and protects its local distinctiveness and quality of life. At a wider scale, the Plan encourages proposals that are designed to assist vitality and create a definable 'sense of place' in communities and neighbourhoods. At the level of individual developments the Plan promotes buildings that are sustainable in construction and also in use.
- 7.12. The Councils adopted Interim Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design notes that there is link between the quality of housing and the ability of places to attract and retain businesses and employees. However, it is not just the calibre of housing that matters. The quality of places and the quality of life that they offer is just as important. Quality of place therefore plays a direct and central role in supporting local economic competitiveness.
- 7.13. The design quality of new development is therefore very important, and policy SC3 promotes the key objectives of design. Further detailed guidance in relation to housing design can be found in the Supplementary Planning Document referred to above. Policy SC3 aims to ensure a high quality sustainable built environment.

POLICY SC3 HIGH QUALITY DEVELOPMENT

All development will be required to achieve a high quality of design in terms of place making, buildings and landscaping. Approval will be given

for proposals that meet the following requirements, where relevant:

- a) Creates good quality, durable, adaptable places through well designed development that is locally distinctive;**
- b) Responds positively to their local context and contributes to local identity and heritage in terms of scale, density, layout and materials;**
- c) Protects important local and longer distance views of important landmarks or landscapes such as Bolsover Castle, Creswell Craggs, Hardwick Hall and Estate;**
- d) Makes use of locally sourced sustainable, quality materials appropriate for the development and its surroundings including recycled materials wherever feasible;**
- e) Promotes vibrant mixed use proposals that support the vitality of the communities where opportunities arise;**
- f) Provides a positive sense of place improving existing public spaces and/ or creating new spaces which are safe, attractive and provide a sense of place;**
- g) Takes account of the need to reduce opportunities for crime and the fear of crime, disorder and antisocial behaviour, and promote safe living environments;**
- h) Provides streets and spaces that are shaped by buildings, clearly defined boundaries and incorporate recognisable vehicular and pedestrian routes;**
- i) Provides appropriate access for people with physical and/or mobility difficulties to both individual buildings and the wider built environment;**
- j) Address opportunities for biodiversity, conservation, and enhancement ensuring that local semi-natural features are created or enhanced as integral parts of development;**
- k) Accords with and respond to the established character and local distinctiveness of the surrounding landscape;**
- l) creates connected places that are easy to get around and facilitate access through sustainable forms of transport including walking, cycling, horse riding, bus and rail public transport;**
- m) promotes the health, economic and social well-being, amenity and safety of the population, through both overall design; and the provision of open and public spaces.**

All proposals in excess of 1,000 sq metres floorspace, 1 hectare in land area or 10 dwellings, should demonstrate a design led approach which demonstrates an understanding of site context, constraints and opportunities, and use of this information to develop conceptual ideas and design responses.

All proposals in excess of 10,000 sq metres floorspace, or 100 dwellings, or 3 hectares in land area should make provision for new works of public art which enhance the local sense of place, and are designed and established, with the engagement and support of the local community.

Key Evidence Base

National Planning Policy Framework (NPPF)
Successful Places: A Guide to Sustainable Housing Layout and Design (The Council's Interim Supplementary Planning Document)

You told us that...

New developments need to respect existing places, and integrate well, both in terms of the delivery of any necessary infrastructure, and physically.
The sustainability of new development was important; and
The individual character and identity of places needed to be reinforced;

Alternative Options considered but not selected...

None, given the emphasis in the NPPF on sustainable development.

The NPPF tells us that...

All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Which local plan objectives will it meet?

Objective A: Sustainable Growth
Objective G: Infrastructure & New Facilities
Objective O: Place Making
Objective P: Town Centres

How will the policy be monitored?

Indicator: The number of developments constructed in compliance with this policy.

Target: All to comply.

Trigger for Review: More than 40% appeal losses against the application of this policy.

COMPREHENSIVE DEVELOPMENT

7.14. Large developments are often brought forward in phases. This means that the proposed facilities and mix of uses can change over time. This policy aims to ensure that what is delivered reflects the approved masterplan or outline planning permission on which the overall strategy of this Plan depends.

7.15. The policy also seeks to ensure that a site's layout does not stop adjoining land from being developed which may otherwise be suitable. Other aims of the policy are to avoid piecemeal development and to ensure that schemes are not

designed in a way which means planning obligations are avoided, for instance by applying in phases so that s106 requirements are not triggered.

7.16. The strategic sites proposed in Chapter 4 above are expected to make major contributions to the district's housing requirements over the plan period. It is important therefore that these sites are brought forward in accordance with the outline planning permissions, on which assumptions within this Plan are based.

7.17. In addition there are a number of other sites where it is important that the relevant masterplan, outline planning permission or development briefs is followed. This helps ensure: the proper integration of green infrastructure and open space throughout a scheme; the provision of facilities and resources; and, that early phases provide proper access and servicing opportunities for the future development of the site. Policy SC4 aims to ensure a joined up approach to the development of large sites.

POLICY SC4 COMPREHENSIVE DEVELOPMENT

Unless viability indicates otherwise, proposals to revise an existing planning permission, or which vary the council's plans for a particular allocated site, will be permitted provided that it maintains or enhances:

- a) the required levels of necessary infrastructure and facilities**
- b) the balance of uses, where applicable.**

Proposals will be supported where they do not prejudice the comprehensive delivery of development sites and assist in the provision of any necessary physical, social or environmental infrastructure. Any new or revised development proposal will be granted permission if, through its design and layout, it does not:

- c) preclude the development of adjoining land with longer term potential**
- d) lead to piecemeal forms of development**
- e) seeks to avoid planning contributions by limiting the size of the development to avoid relevant thresholds**

On large sites (of three hectares or more) a masterplan will be required to be submitted as part of any planning application. This should show how the site as a whole will be comprehensively planned and developed in line with agreed design and development objectives, including phasing and the cumulative infrastructure needs.

Key Evidence Base

National Planning Policy Framework (NPPF)

Successful Places: A Guide to Sustainable Housing Layout and Design (The Council's Interim Supplementary Planning Document)

You told us that...

New developments need to respect existing places, and integrate well, both in terms of the delivery of any necessary infrastructure, and physically; and, the individual character and identity of places needs to be reinforced

Alternative Options considered but not selected...

Not having a policy, which may result in changes to existing permissions contrary to the aim of the Plan or small applications intended to circumvent the Section 106 requirements.

The NPPF tells us that...

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments ... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks.

Which local plan objectives will it meet?

Objective A: Sustainable Development
Objective N: Meeting Housing Needs
Objective O: Place Making

How will the Policy be monitored?

Indicator: Number of non comprehensive schemes permitted.

Target: None to avoid Section106 contribution requirements or not to provide for development expected by the Plan.

Trigger for Review: New developments avoiding Section106 requirements.

CHANGE OF USE AND CONVERSIONS

7.18. The re-use and adaptation of existing buildings can be considered as a sustainable form of recycling, creating something new, whilst maximising the value of the existing infrastructure and the resources that went into the original building.

- 7.19. Such activities help to reduce the need for greenfield sites for new development; diversify the range and type of development; and, stem the gradual deterioration of the fabric of the buildings. Vacant buildings are often prone to vandalism and dereliction, which can detract from the visual amenity of the general surroundings.
- 7.20. The re-use or adaptation of agricultural and other rural buildings for new uses is generally acceptable provided that the proposal is in accordance with other policies within the plan (countryside and Green Belt if applicable) and their form, bulk and general design are in keeping with their surroundings. However, where buildings in the countryside have either become so derelict that re-use is only possible following complete or substantial reconstruction or their construction and materials are such as to require considerable alteration to make the building suitable for residential use, the proposal will be assessed as if it were for an entirely new development in the countryside.
- 7.21. It is important to ensure that in allowing the re-use and adaptation of agricultural and rural buildings, the changes that are made do not have a detrimental impact upon the character of the building or the surrounding area in which they are situated. Additionally such buildings provide ideal habitats for protected species such as bats and barn owls which must be protected.
- 7.22. In many cases, planning permission may not be required for the change of use or conversion. However, where it is policy SC5 will apply.
- 7.23. Proposals for conversion should respect local building styles and materials. The building should be large enough for the proposed use and not require significant enlargement or alteration. It should also be structurally sound and capable of conversion without the need for major rebuilding. Buildings that have become so derelict that they could be brought back into use only by complete or substantial reconstruction are not considered to come within the terms of these guidelines for conversion or change of use. Attention will also be given to proposals for the curtilage of the building to ensure that they do not have a detrimental impact upon the surrounding area.
- 7.24. In rural areas, the re-use of existing buildings can assist in employment diversification and usually requires only limited adaptation. This type of re-use of buildings provides genuine farm diversification, helping to ensure continued income for the farm enterprise and is preferable to residential conversion which has only a minimal impact on the rural economy.
- 7.25. Any new residential use in the countryside will need to be sympathetic to the rural character of the immediate area. The residential curtilage around newly converted buildings can itself have a harmful effect on the character of the countryside. This is particularly true in Green Belt and Special Landscape Areas where such urbanisation and changes to the character of the countryside are contrary to the policy objectives for these areas. Similar considerations apply for all changes of use within these areas.

7.26. Change of use can also apply to land as well as buildings, for example the change of use of agricultural land to a recreation ground or domestic garden. Although this does not involve any physical structures or buildings it can still affect the appearance and character of an area, especially in the open countryside. Policy SC5 aims to ensure that new uses and development assimilate with their surroundings.

POLICY SC5 CHANGE OF USE AND CONVERSIONS

Proposals for the conversion of an existing building or structure to a new use will be permitted provided they comply with all of the following criteria:

- a) the building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction; and**
- b) the conversion is in keeping with the original character of the building and enhances the fabric and character of any adjacent buildings, or the landscape character type generally; and**
- c) the number of units and/or density of development is appropriate to the building's location; and**
- d) the building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure; and**
- e) utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area.**

Key Evidence Base

National Planning Policy Framework (NPPF)

Successful Places: A Guide to Sustainable Housing Layout and Design (The Council's Interim Supplementary Planning Document)

You told us that...

New developments need to respect existing places, and integrate well;

The countryside is a valued asset in the district;

Buildings in the countryside should be re-used, if they are no longer needed for their original purpose.

Alternative Options considered but not selected...

None.

The NPPF tells us that...

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. However, isolated homes in the countryside should be avoided

unless there are special circumstances including: where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth

Objective J: Rural Areas

How will the Policy be monitored?

Indicator: The number of planning permissions granted contrary to the policy.

Target: None.

Trigger for Review: Increasing number of permissions granted contrary to policy.

RENEWABLE AND LOW CARBON ENERGY

- 7.27. Climate change is now a widely accepted scientific fact, and everyone has a part to play in reducing its impact. The Government has reviewed the delivery of national energy policies and recognises that the two major long term challenges are tackling climate change and delivering secure, clean energy at an affordable price. Renewable energy sources are key to a sustainable, economic and environmental future. The development of clean sources of electricity is essential to cutting down carbon dioxide emissions - a major contributor to climate change and global warming.
- 7.28. The UK Renewable Energy Road map 2011 ('The Roadmap') outlines the UK Government's commitment to increasing the use of renewable energy, The document identifies that the UK has the potential to meet its 2020 target of 15% of the UK energy consumption from renewable energy resources, and deliver an operational capacity of 29 GigaWatts (GW) of renewable energy by this same year.
- 7.29. National guidance sets out the Government's commitment to facilitating the development of renewable energy sources, but recognises that this must be consistent with protecting the local as well as global environment. In particular, care should be taken in assessing proposals for renewable energy projects in sensitive, designated areas.
- 7.30. The District can play a part both in meeting the national and regional targets for energy use reduction and improving the quality of life in the district. Policies on energy are underpinned by the following hierarchy:

- a) To reduce the need for energy
- b) To use energy more efficiently
- c) To use renewable energy
- d) Any continuing use of fossil fuels to be clean and efficient for heating and co-generation.

7.31. The District Council also recognises that different energy technologies and CO2 reduction strategies will suit different parts of the District and different types of development. In some cases better CO2 savings are achieved at less cost by improving a building's fabric rather than by generating energy use from renewable energy technologies, this is reflected in Policy SC3 above.

7.32. A Renewable Energy and Low Carbon Study for Bolsover District was completed in April 2009. It identified areas of the district where wind speeds are sufficient to encourage wind turbine activity. However, these areas also have high landscape value and would affect the setting of heritage assets. More recently government policy has been less favourable towards wind turbine development where communities oppose schemes on valid planning grounds. The plan does not identify suitable areas for wind turbine development and therefore applications for wind turbines will be considered against the policy below. The Council will continue to support applications for large scale ground-mounted solar photovoltaic farms, on brownfield land or Grade 3, 4 and 5 Agricultural land, subject to meeting the policy below. In the last few years, four sites have been granted planning permission, for solar photovoltaic farms on sites that range between 9 and 12 hectares.

POLICY SC6 RENEWABLE AND LOW CARBON ENERGY

Development proposals for the generation of renewable energy will be granted unless either individually or cumulatively with other renewable energy development, there would be:

- a) significant harm to the visual appearance and character of the area**
- b) significant harm to the amenity of local residents, either individually or cumulatively with other renewable energy development particularly from noise, dust, odour, traffic or visual intrusion**
- c) significant harm to the ecology of the area, in particular in relation to protected species and to any sites of biodiversity value, ancient woodland, and veteran trees**
- d) significant harm to the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes**
- e) significant adverse impacts on airport radar and telecommunications systems.**

In determining planning applications for renewable energy generation, significant weight will be given to the achievement of wider environmental and economic benefits.

Proposals should include details of associated developments including access roads and ancillary buildings; and transmission lines which should be located below ground wherever possible in order to reduce the impact on the open countryside. Planning applications will also need to include a satisfactory restoration scheme which will be implemented following decommissioning.

Major new developments will be expected to connect to or be designed to connect in the future to district or community heating networks where appropriate. Where no district heating scheme exists or is proposed in the proximity of major development the potential for developing a new scheme on site should be explored and pursued where feasible.

Proposals for large scale photovoltaic solar panels on Grade 2 Agricultural Land will only be permitted under exceptional circumstances.

Key evidence base

National Planning Policy Framework (NPPF)
A Renewable Energy and Low Carbon Study (2009)

You told us that...

The Plan should help to address the impacts of climate change, and encourage renewable energy, providing that landscapes were protected.

Alternative options considered but not selected...

None.

The NPPF tells us that...

One of the core planning principles is to support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources, such as renewable energy development. The planning system has an environmental role in helping to mitigate and adapt to climate change including moving to a low carbon economy. It plays a key role in delivering renewable and low carbon energy and its infrastructure. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources.

Policy implements Local Plan Objectives:

Objective B: Climate Change

How will the policy be monitored?

Indicator: The amount of wind turbines, solar panels and biomass facilities developed per year.

Target: None. A policy is required by the NPPF.

Trigger for Review: Successful Appeals against refusal of planning permission where this policy has been adjudged not to have been met.

FLOOD RISK AND SUSTAINABLE URBAN DRAINAGE TECHNIQUES

7.33. Increased flooding can be a consequence of global warming. Increased flood risk can be caused in one area by development taking place in another. Development must therefore take careful account of where these issues could arise, and how to mitigate them. Key parts of the Council's evidence base in this regard are:

a) Strategic Flood Risk Assessment (2009) Undertaken jointly with the neighbouring authorities of Chesterfield Borough Council and North East Derbyshire District Council; &

b) The Bolsover Outline Water Study (2010)

7.34. National policy is clear that planning policy should minimise vulnerability and provide resilience to impacts arising from climate change. As a principle, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.35. The Strategic Flood Risk Assessment classified all land within the District into one of four Flood Zones. This classification has been undertaken at the strategic level and is intended primarily for guidance purposes in the overall planning process.

7.36. Bolsover District contains the headwaters of the River Poulter and tributary headwaters of the Rivers Meden, Doe Lea, Erewash, and Amber. It lies within the Humber River Basin District (as defined for the Water Framework Directive), and its catchments are covered by the Trent and Don Catchment Flood Risk Management Plans (CFMPs).

7.37. The Outline Water Cycle Study concludes that if assessed properly and mitigated, flood risk should not constrain development in Bolsover. However, it identifies two locations where flood risk needs to be carefully managed as south Pinxton, where there has been reoccurring flooding, and along the Doe Lea Valley. The Study recommends that the Council pursues a sequential approach to development to avoid new development in areas of flood risk.

7.38. Derbyshire County Council is responsible for coordinating the management of flood risk related to surface water across Derbyshire and is the Lead Local Flood Authority (LLFA).

7.39. The Water Cycle Study recommended that the Local Plan included policies that promote sustainable drainage techniques, rather than using traditional piped systems. Sustainable Urban Drainage Systems (SUDS) mimic natural drainage by reducing the amount and rate of water flow following rainfall, therefore reducing the risk of surface water flooding.

7.40. Sustainable Urban Drainage Systems have several other benefits such as removing pollutants from urban run-off at source, ensuring that new developments do not increase flood risk downstream, and combining water management with green space which can increase amenity, recreation and biodiversity value. Sustainable Urban Drainage Systems (SUDS) can also be used to assist flood management from new and existing developments with respect to surface water drainage discharges. Furthermore, SUDS are cost effective, environmentally and aesthetically attractive solutions with low environmental impact that allows surface water run-off to be released slowly back into the environment. The inclusion of Sustainable Urban Drainage Systems should be done at the earliest stages of the process to ensure that they are successfully designed, built and maintained.

7.41. The aim of policy SC7 below is to appropriately manage flood risk from all sources, and encourage the use of Sustainable Urban Drainage Systems to help achieve this.

POLICY SC7: FLOOD RISK

All development proposals will be required to consider the affect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. This should be demonstrated through a Flood Risk Assessment (FRA), where appropriate. Development will not be permitted unless:

- a) In the functional floodplain (flood zone 3b), it is water compatible or essential infrastructure;**
- b) In flood zones 2 and 3a, it passes the Sequential Test, and if necessary the Exceptions Test, as required by national policy;**
- c) It can be demonstrated through an FRA² that the development, including access, will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall.**

SURFACE WATER FLOOD RISK

- d) There is no net increase in surface water runoff for the lifetime of the**

² In Flood Zone 1, and FRA will only be required for sites over 1ha

development on all new development. Run off rates for development on greenfield sites should not be exceeded, and where possible should be reduced from existing. Run off rates for development on previously developed land should be reduced from the current rate of surface water runoff where feasible. Surface water runoff should be managed at source wherever possible, avoiding disposal to combined sewers.

- e) Part of the development site is set aside for surface water management, and uses measures to contribute to flood risk management in the wider area. Such measures should supplement green infrastructure networks, contributing to mitigation of climate change and flooding, as an alternative or complementary to hard engineering; and
- f) The development incorporates a Sustainable Urban Drainage System (SUDS) to manage surface water drainage, in accordance with national SUDS standards, unless it is proven that SUDS are not appropriate in a specific location. Where SUDS are provided, arrangements must be put in place for their whole life management and maintenance.

The Council will seek opportunities to remove problems from the drainage network and increase the capacity of the floodplain, wherever this can be achieved safely, in connection with new development.

Where improvement works are required to ensure that the drainage infrastructure can cope with the capacity required to support proposed new development, developer contributions will be required in accordance with Policy II1 (Developer Contributions).

Key Evidence Base

National Planning Policy Framework (NPPF)
Chesterfield Bolsover and North East Derbyshire Strategic Flood Risk Assessment (2009)
Outline Water Cycle Study (2010)
EU Water Framework Directive (2000)
The Humber River Basin Management Plan

You told us that:

You supported objectives to mitigate against and adapt to the effects of climate change through avoiding inappropriate development in flood risk areas.

Alternative Options considered but not selected...

None.

The NPPF tells us that...

The planning system should minimise vulnerability and provide resilience to impacts arising from climate change, and avoid inappropriate development in areas

at risk of flooding by directing development away from areas at highest risk, or where development is necessary, to make it safe without increasing flood risk elsewhere (para 100).

Policy implements Local Plan Objectives:

Objective A: Sustainable Development
Objective B: Climate Change

How will the policy be monitored?

Indicator: Number of planning permissions granted contrary to Lead Local Flood Authority, or EA advice on flood risk grounds.

Target: No applications granted contrary to advice.

Trigger for Review: Where applications are granted contrary to EA advice.

PROTECTION OF NATURAL RESOURCES

7.42. One of the fundamental principles of sustainability is the management of natural resources in a prudent manner for the benefit of future generations. Air, water, soil, fossil fuels and minerals are all vital natural resources which we depend on for basic needs. Development can have direct and indirect impacts on these critical resources. Direct impacts, for example, include the loss of agricultural land to built development. Indirect impacts include increased pressure on water systems. It is therefore important in the interests of sustainability and the wider environment to manage the impact of development on natural resources.

7.43. The Lowland Derbyshire Biodiversity Action Plan sets out a range of priority and secondary habitat types that need to be maintained, restored, and expanded within the district. These include: calcareous grassland; woodland; lowland meadow; and wetlands.

7.44. The Council will work with its partners, including the County Council, the Environment Agency, water companies, developers and landholders to manage pressures on natural resources. The policies below aim to ensure that natural assets are used prudently, and pressures on them are managed.

LANDSCAPE

7.45. The landscape character of Bolsover District is varied and contrasting; primarily influenced by the underlying geology. The district encompasses two distinct areas of landscape; the Derbyshire Coalfield in the west and south and the magnesian limestone plateau in the north and east. A detailed description of the landscape character of the district can be found in the Landscape Character of Derbyshire publication produced by Derbyshire County Council. The

Derbyshire Landscape Character Assessment subdivides the district into 7 Landscape Character Types (LCT) over 2 National Character Areas.

National Character Area	Landscape Character Type
Nottinghamshire, Derbyshire and Yorkshire Coalfield (Character Area 38)	Estate Farmlands Wooded Farmlands Coalfield Village Farmlands Coalfield Estate lands Riverside Meadows
Southern Magnesian Limestone (Character Area 30)	Limestone Farmlands Limestone Gorges

7.46. Each Landscape Character Type has its own specific sensitivity to development. The Southern Magnesian Limestone is characterized by discrete towns and villages set amidst arable fields with the unifying influence of the magnesian limestone providing a locally distinctive building material. Although many of the settlements associated with former collieries have expanded in size, beyond settlement boundaries the landscape remains essentially rural in character. The limestone plateau is essentially an open, upstanding landscape with prominent views through the landscape and to lower lying landscapes to the east and the west.

7.47. In considering development proposals within the Limestone Farmlands Landscape Character Type, it will be important to maintain this intimate visual relationship between settlement and countryside and protect the key characteristic of a nucleated settlement pattern. In addition the escarpment to the limestone plateau (Wooded Farmlands Landscape Character Type), and the strong ridgeline this creates, is visually prominent from many vantage points to the west including the M1 corridor. Development along this slope or the ridgeline will be extremely visible over large areas and has the potential to create significant adverse effects. Although the gorges are visually contained, there is generally a lack of built development associated with them creating the perception of an extremely natural and tranquil landscape. In order to maintain this key characteristic new development will be resisted within the gorges and their setting.

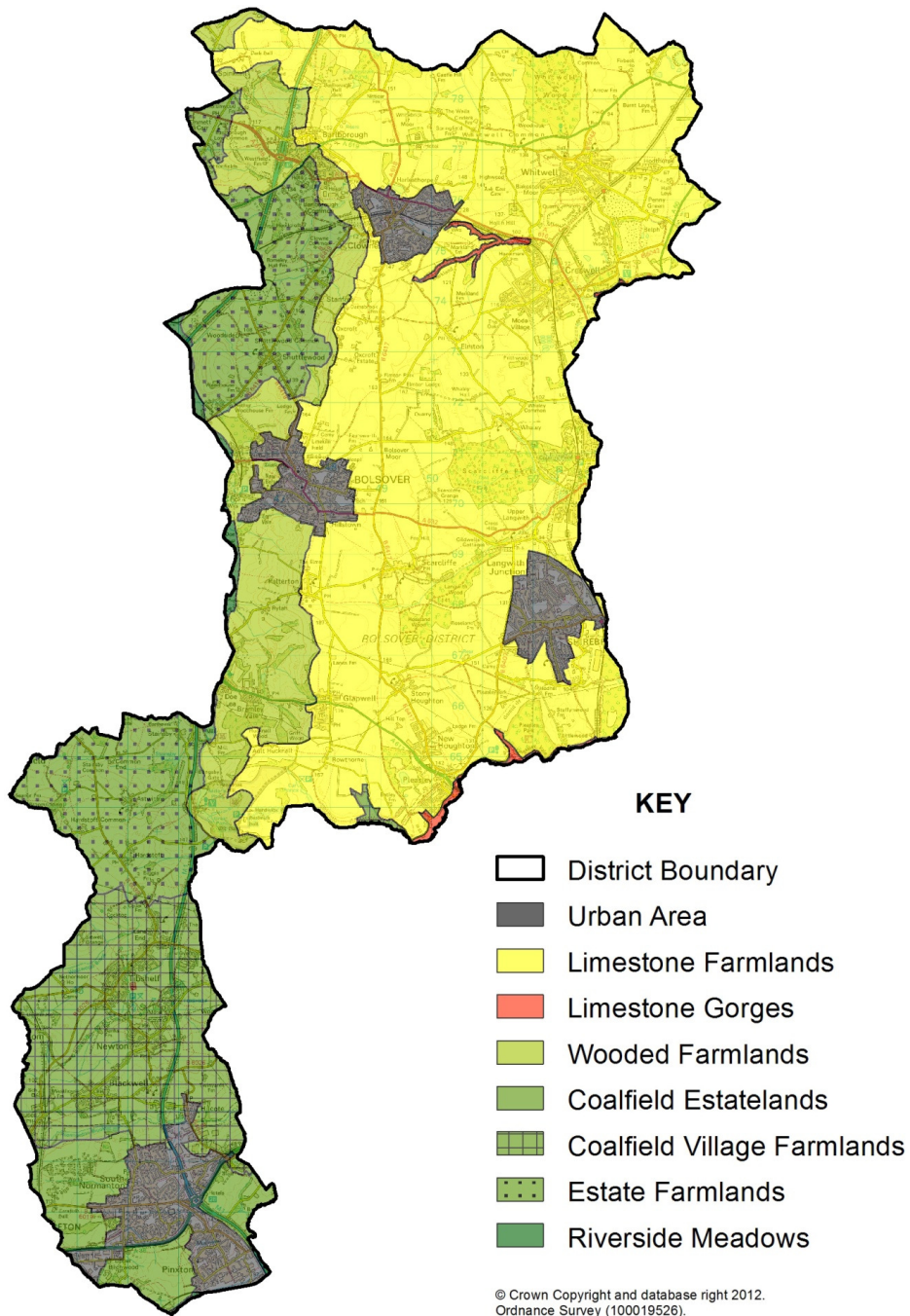
7.48. The Coalfield Landscape Character Type has more varied components, and consequently is more visually diverse. The visual character can be summarised as:

- a) Estate Farmlands – open landscape with long distance views through the landscape. General lack of trees and woodland.
- b) Wooded Farmlands - undulating, well wooded landscape along the limestone escarpment with filtered or limited views through the landscape

- c) Village Farmlands - variable landscape with views often blocked or filtered by landform and trees. Villages often located on visually prominent ridgelines.
- d) Coalfield Estate lands - prominent tree cover often restricts views through the landscape. Settlement visually dominant where visible.
- e) Riverside Meadows – flat landscape along valley floors with variable visual characteristics relating to tree cover. Settlement often visible on ridges above valley sides

7.49. Policy SC8 which follows, aims to ensure new development respects its landscape setting

Figure SC1: Landscape Character Map of Derbyshire



POLICY SC8: LANDSCAPE CHARACTER

Proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.

Development proposals should have regard to the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity' and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape.

Key Evidence Base

National Planning Policy Framework (NPPF)
Derbyshire Landscape Character Assessment

You told us that:

The countryside surrounding the District's settlements, and unique landscape were highly valued.

Alternative Options considered but not selected...

Identifying and designating areas based on their special landscape value. This option was not selected since it would not accord with national policy which now adopts an approach based on the character of all landscapes.

The NPPF tells us that...

The NPPF requires that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes and that local planning authorities should set criteria based policies against which proposals for any development on or affecting local landscape areas will be judged.

Planning should recognise the intrinsic character and beauty of the countryside. Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. Where appropriate, landscape character assessments should be prepared.

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth

Objective C: Countryside, Landscape Character and Wildlife

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

BIODIVERSITY & GEODIVERSITY

7.50. Biodiversity is defined as the variety of life-forms and the role that they play in the natural world. It includes all species of plants and animals and the natural systems that support them. A healthy site, rich in wildlife is said to be 'bio diverse'. Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. Healthy environments and attractive landscapes provide pleasant places for people to live and work. They can help to attract inward investment.

7.51. Bolsover District has a rich array of environmental assets. The quality and diversity of these assets add to the character that helps to make the district so distinctive. The District has seven nationally important sites designated as Sites of Special Scientific Interest (SSSI's), either wholly or partly within its boundaries. Four of these have been designated because of their ecological interest and three because of their geological interest. In addition, the district has 3 local nature reserves and 117 local wildlife sites have been designated by the Derbyshire Wildlife Trust as Local Wildlife Sites. Of these two are also designated as Local Nature Reserves – Rowthorne Trail and Doe Lea. Whilst some habitats are being improved through conservation measures³ some threats to particular species and habitats remain. The SSSI's, Local Nature Reserves, and Local Wildlife Sites are shown on the Policies maps.

7.52. Over recent years, it has begun to be recognised that we need a step-change in nature conservation action if we are to halt biodiversity loss and begin to make good the historic losses. Increasingly it is being suggested that to achieve this we need to look towards creating large, robust networks of connected, high quality habitats creating and restoring functioning ecosystems⁴. The Natural Environment and Rural Communities Act, Section 4 (October 2006) introduced a Biodiversity Duty. This imposes a duty on Local Authorities to have regard to conserving biodiversity. This can include restoring or enhancing a population or habitat.

7.53. To help meet this duty, The Lowland Derbyshire Biodiversity Action Plan (or BAP) has been produced. This identifies the most important species and habitats in Derbyshire outside the Peak Park. It highlights what wildlife does or should occur in the area, and it describes the main actions and measurable targets needed to protect and enhance the key biodiversity of that area for the future. The Lowland Derbyshire area has been divided into eight Action Areas.

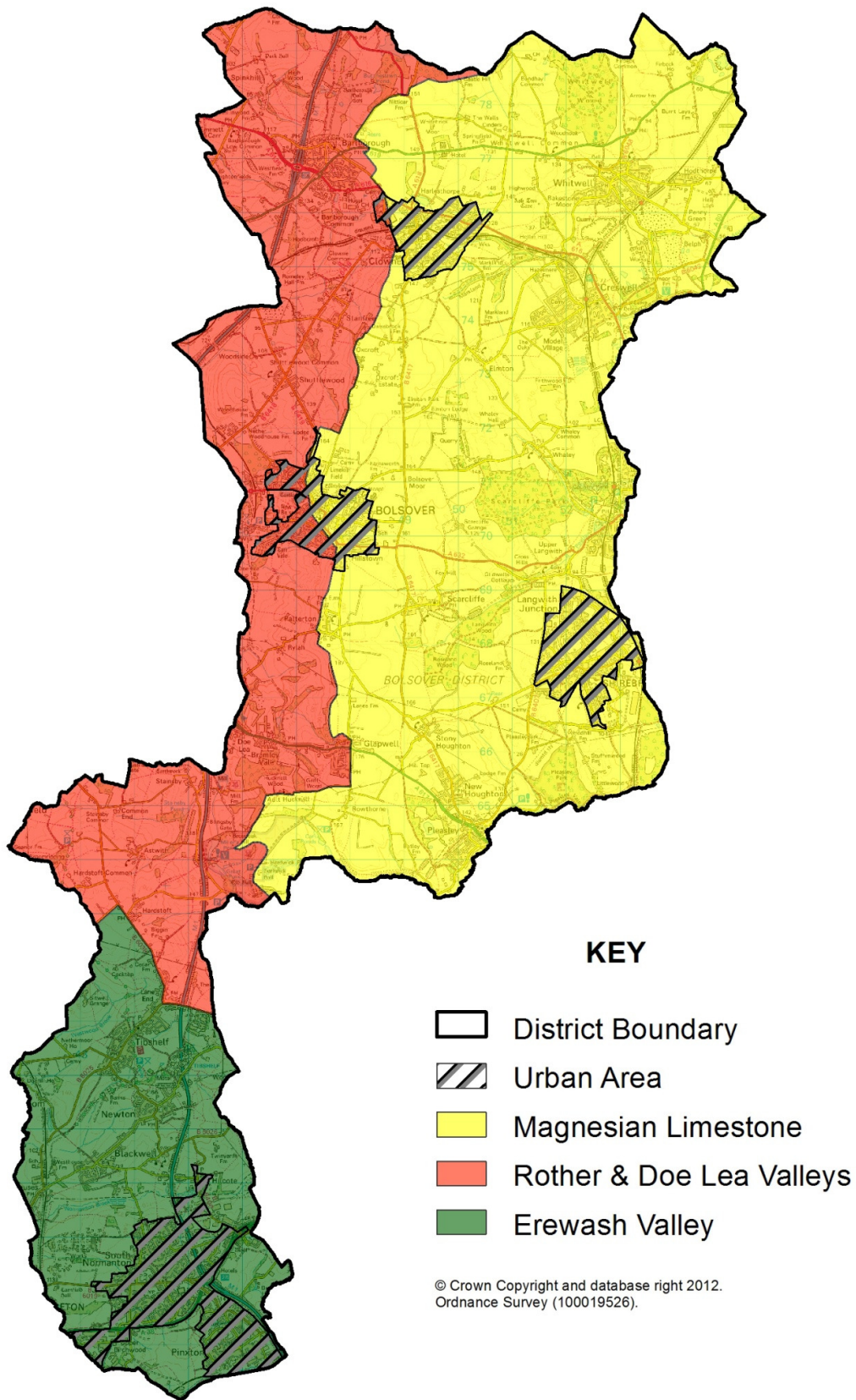
³ Changes to the extent of wildlife sites and distribution of species are recorded by Derbyshire Wildlife Trust and reported annually in the Council's Annual Planning Monitoring Report

⁴ The Lawton Review (Making Space for Nature: a review of England's wildlife sites and ecological networks) 2010

Bolsover District includes all of Action Area 1 the Magnesian Limestone area, the western edge of Action Area 2 which relates to the Rother and Doe Lea valleys, and the north eastern part of Action Area 4 the Erewash Valley. The locations of these areas are shown on the following map.

- 7.54. It is useful to compare Figures SC1 & SC2, as it becomes clear that the biodiversity action areas are very similar to, and indeed based upon, the landscape character areas. Basically the main difference between the landscape and biodiversity areas is that Coalfield Landscape Character Area has been divided into two. This is because the Biodiversity Action Areas of Erewash Valley and The Rother & Doe Lea Valleys have been created as two separate entities from the larger landscape unit, despite having very similar landscape characteristics. They have simply been divided along the watershed between the southerly flowing Erewash and the northerly flowing Rother and Doe Lea rivers.
- 7.55. For each action area, the Biodiversity Action Plan provides a description, specific targets to guide delivery, information on current challenges and opportunities, and a list of existing or future biodiversity projects likely to be operational before 2020.
- 7.56. The Local Plan can best support biodiversity by ensuring that robust protection is given to natural heritage through measures to encourage, promote and facilitate better management, habitat enhancement and site expansion and improved site connectivity. Policy SC9 aims to improve the physical and natural sustainability of the area in the face of biodiversity loss and climate change. It will also improve the attractiveness of the area for people to live, work, study and visit.

Figure SC2: Lowland Biodiversity Action Plan: Action Areas



POLICY SC9 BIODIVERSITY AND GEODIVERSITY

Development proposals should seek to conserve and enhance the biodiversity and geodiversity of the District and to provide net gains where possible.

The Council will seek to ensure new development maintains, enhances, and extends networks of natural habitats. Proposals for improved access, recreation and tourism within such networks will be encouraged where they are compatible with biodiversity aims.

Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland and species and habitats of importance identified in the United Kingdom and Derbyshire Biodiversity Action Plan.

Development proposals will be expected to incorporate measures to enhance biodiversity within or around the development site, and to contribute to the consolidation and development of local ecological networks, including beyond the District's boundary. Measures should be appropriate and compatible with existing biodiversity, ecosystems and designated wildlife sites.

PROTECTED SITES

Development that is likely to have significant effects upon internationally designated sites (SPAs, SACs and Ramsar sites inside and outside the district) will not be permitted unless it can be demonstrated that there would be no adverse impacts on the integrity of the site, or the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest'

Development proposals which are likely to adversely impact upon a Site of Special Scientific Interest, a National Nature Reserve, a Derbyshire Local Wildlife Site, a Regionally Important Geological Site, or priority habitats of Principal Importance will not be permitted unless it can be demonstrated that the benefits of the development in the proposed location would significantly and demonstrably outweigh the adverse impact make a significant contribution to the management of the site, the creation of new habitats or new ecological networks.

PROTECTED SPECIES

Development proposals which would have a demonstrable adverse impact on protected species or their habitats including sheltering or resting places, will not be permitted unless there are demonstrable reasons of overriding public importance for European Protected Species; or, in the case of other protected species, the benefits of development significantly and

demonstrably outweigh the adverse impacts; and adequate mitigation or compensation measures can be provided.

Key Evidence Base:

National Planning Policy Framework (NPPF)
Natural Environment and Rural Communities Act 2006
Conservation of Habitats and Species Regulations 2010
The Lawton Review 2010
Lowland Derbyshire Biodiversity Action Plan 2011

You told us that...

The countryside surrounding the District's settlements, and wild life were highly valued and that you wished to see both the countryside, and the wildlife it supported protected.

Alternative Options considered but not selected...

None

The NPPF tells us that...

The planning system: should contribute to and enhance the natural and local environment; and minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Local Authorities should set out set out a strategic approach in their Local Plans, to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and that they should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth
Objective C: Countryside, Landscape Character and Wildlife

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

Trees, Woodland and Hedgerows

- 7.57. Trees, woodland and hedgerows are key features whose presence or absence can define landscape character and contribute to the quality and enjoyment of the environment. They have ecological, amenity, recreational and commercial value.
- 7.58. Trees and hedgerows are a significant element in the landscape of many parts of Bolsover, but are subject to continuing loss through pressures of development, changing agricultural practices and natural ravages. Hedgerows especially, are an important wildlife habitat that has suffered a marked decline. Hedgerows are valuable to biodiversity both as a habitat and as a link between separate areas of habitat.
- 7.59. This importance is reflected in the Lowland Derbyshire Biodiversity Action Plan, which is based around landscape types. It aims to deliver gains for priority habitats and species within each landscape type.
- 7.60. Hedgerows and mixed deciduous woodland are found across the district, and are UK priority habitats. Wood pasture and parkland (including veteran trees) are important local habitats across the district.
- 7.61. Within the type of landscapes that make up Bolsover district, key actions include:
- a) The maintenance, restoration and expansion of woodland
 - b) Increasing woodland to increase connectivity between habitats
 - c) Increasing connectivity between habitats using hedgerows
- 7.62. The Council can protect selected trees and woodland in the interests of amenity by the making of Tree Preservation Orders (TPOs). The Council will seek to make Tree Preservation Orders where trees that contribute to local amenity and local character are at risk. These Orders control the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees. All trees over a certain size within Conservation Areas have statutory protection and owners of trees in Conservation Areas are required to give prior notification to the Council of their intention to fell or carry out works to trees.
- 7.63. Anyone wanting to fell or undertake works on a tree should first check with the Planning Department to see if the tree is protected. It is a criminal offence to damage or fell a protected tree. In assessing applications for the felling or works to a TPO tree, the Council will take into account the health and balance of the tree, its general appearance and the contribution it makes to the local environment.
- 7.64. On a larger scale, a further means of control is via the issuing of felling licences from the Forestry Commission. The Council is consulted on all such

applications and will seek to secure the retention of trees wherever possible, commensurate with good forestry practice.

- 7.65. Hedgerows can be given special protection under the Hedgerow Regulations 1997, which prevent the removal of most substantial hedgerows if they are deemed important in terms of their archaeological, historical, landscape or wildlife value and are at least 30 years old.
- 7.66. Proposals for development, should attempt to retain existing trees and hedgerows. Conditions of planning permissions will also seek to ensure the assimilation of new development within the locality by requiring the submission and approval of a landscaping scheme. Schemes using species and varieties native to the area, are locally sourced and maximise the benefit to the wildlife, are preferred. In areas which are in close proximity to ancient woodlands, the natural regeneration of the landscape may be preferable to the planting of new trees. Policy SC10 aims to retain these natural assets, and where possible enhance and expand the networks of them.

POLICY SC10: TREES, WOODLAND, AND HEDGEROWS

Within Bolsover District, trees, woodlands and hedgerows are important visual and ecological assets. In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Potential long term conflict between retained trees, hedgerows, and built form should be designed out at the planning stage.

Development should contribute to the protection, enhancement, and where possible expansion of woodlands, trees and hedgerows in the area. The loss of woodland, healthy trees and hedgerows with visual, historic or wildlife importance will be resisted. Particularly strong protection will be given to ancient woodland and aged or veteran trees.

Development proposals should:

- a) Incorporate important woodlands, trees and hedgerows into the overall design and landscape scheme wherever possible**
- b) Prevent damage to root systems and ensure a satisfactory spatial relationship between trees and hedgerows and new development, taking account of expected future growth**
- c) Where possible incorporate retained trees and hedgerows within public open space rather than just private space to safeguard their long term management**
- d) Ensure robust protection measures before, during, and after the development process and appropriate management and protection**

thereafter

- e) **Take opportunities for new planting consistent with landscape, wildlife and historic interests.**

Key Evidence Base

National Planning Policy Framework (NPPF)
Lowland Derbyshire Biodiversity Action Plan (2011 - 2020)

You told that...

The countryside surrounding the District's settlements, and wild life were highly valued and that you wished to see wider the countryside and the trees, woodlands hedgerows within it protected and expanded where the opportunity arises.

Alternative Options considered but not selected...

None.

The NPPF tells us that...

Para 118 contains a number of bullet points including:
planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy implements Local Plan Objectives:

Objective C: Countryside, Landscape Character and Wildlife
Objective O: Place Making

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

ENVIRONMENTAL QUALITY

7.67. Planning has an important role to play in making sure that new development does not have, and is not at risk from, adverse environmental effects. Pollution can occur in terms of water, air, noise, light and land. Ensuring a safe environment is a prerequisite for safe and healthy communities and quality of life.

7.68. Policy SC11 aims to avoid situations where a statutory nuisance is created, such as by heavy engineering works being located close to new housing. It is also important to ensure that new sensitive land uses are not located where they may be affected by the otherwise acceptable effects of established ones.

POLICY SC11 ENVIRONMENTAL QUALITY (STATUTORY NUISANCE ISSUES)

Development likely to cause, or experience, statutory nuisance* as a result of light, noise, dust, odour or vibration, must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that statutory nuisance would not occur as a result of the development or throughout its construction and operation.

***A statutory nuisance is defined as something that would unreasonably and substantially interfere with the use or enjoyment of a home or other premises, injure health or be likely to injure health.**

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us...

That retaining environmental quality was an important part of improving the attractiveness of the district.

Alternative Options considered but not selected...

Omitting a policy on statutory nuisance. It was considered that the Plan needs to address the impacts of pollution on both people and the environment.

The NPPF tells us that...

As part of the three dimensions of sustainable development, Planning has an environmental role in contributing to protecting and enhancing our natural, built and historic environment

The Plan needs to ensure a good standard of amenity for all existing and future occupants of land and buildings as a core planning principle. It also requires that the planning system should contribute to and enhance the natural environment by preventing new and existing development from being put at an unacceptable risk from, or contributing to, or being adversely affected by unacceptable levels of soil, air water or noise pollution. (paragraphs 110, 124, &125). It outlines the considerations to be taken into account in determining planning applications for both noise sensitive developments (such as housing and schools) and for those activities that generate noise from different sources.

Policy implements Local Plan Objectives:

Objective K: Health and Well Being

Objective O: Place Making

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

AIR QUALITY

7.69. Clean air is an essential ingredient of a good quality life. The existing, and likely future, air quality in an area should be considered through Local Plans. It may also be material in considering individual planning applications where air pollution considerations arise.

7.70. The National Air Quality Strategy aims to ensure a level of air quality which poses no significant risk to health or quality of life. Where there is a likelihood of a national air quality objective being exceeded the Council has to declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures we intend to put in place in pursuit of the objectives. There are currently three AQMA's⁵ in Bolsover District, all of which have been declared due to exceeding the annual air quality objective for nitrogen dioxide arising from traffic on the M1. Policy SC12 aims to ensure that air quality in the district improves.

POLICY SC12 AIR QUALITY

The assessment of new development will include a consideration of the potential impact of new development and increased traffic on air quality, particularly in relation to development close to the M1, and the existing Air Quality Management Areas (AQMA).

Development that, on its own or cumulatively, would be likely to exacerbate air quality problems in existing and potential AQMA's will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

Environmental improvements were an important part of improving the attractiveness of the district;

Air quality should be a consideration in new development

Alternative Options considered but not selected...

⁵ Current AQMA's: Carter Lane East, South Normanton; Chesterfield Road, Barlborough; Orchard Close, Barlborough

Omitting a policy on air quality. However, given that there are three existing Air Quality Management Areas in the District it is considered that the Plan needs to address this issue to prevent any further deterioration in air quality in the District.

The NPPF tells us that...

Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan (paragraph 124).

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth

Objective B: Climate Change

Objective K: Health and Well Being

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

WATER QUALITY

7.71. The Water Framework Directive is the primary European legislation for matters relating to the water environment and sets out how water bodies will be managed within the context of River Basin Districts. Most of the rivers in Bolsover District are headwaters or tributaries of larger rivers and are highly sensitive to water quality impacts. As they are headwaters that ultimately flow into other catchments, water quality in this area has the potential to affect water bodies over a much larger area.

7.72. The Outline Water Cycle Study concluded that development in the district will require upgrades at a number of wastewater treatment works in order to increase capacity and also to improve discharges to meet water quality objectives. Improving quality in the north east of the district is a particular concern as a number of waste water treatment works discharge into water courses that feed into important Sites of Special Scientific Interest (SSSI) at Welbeck Lakes, Thoresby Lake, and Clumber Park Downstream. These SSSI and other locally important wildlife designated sites could be affected by changes in water quality.

7.73. Policy SC13 aims to secure an improvement in water quality in the district, and prevent adverse changes in water quality in the district impacting on Sites of Special Scientific Interest downstream.

POLICY SC13 WATER QUALITY

Development will be permitted where proposals will not have a negative impact on water quality either:

- a) Directly through the pollution of surface or ground water**
- b) indirectly through the treatment of waste water, and impact on water quality downstream.**

Key Evidence Base

National Planning Policy Framework (NPPF)
Outline Water Cycle Study (2010)

You told us that...

Environmental improvements were an important part of improving the attractiveness of the district;
Growth should be delivered in a way that has no adverse impact on water quality.

Alternative Options considered but not selected...

None

The NPPF tells us that...

The planning system should contribute to and enhance the natural and local environment by minimising pollution and adverse effects on the natural environment. (para 110).

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth
Objective C: Countryside, Landscape Character and Wildlife

How will the policy be monitored?

Indicator: Appeals upheld contrary to policy.

Target: None upheld at appeal.

Trigger for Review: Increasing trend of appeals upheld contrary to policy.

Contaminated and Unstable Land

7.74. Sustainable development includes the recycling of previously developed land (brownfield sites) for new uses. This includes sites affected by contamination.

- 7.75. New development can provide the opportunity to address the risks to health, and the environment associated with contaminated and unstable land by bringing about its improvement through remediation. National guidance also advises on the need to identify, at the earliest possible stage of the planning process, whether or not a site is contaminated. Land can become contaminated⁶ from a variety of sources.
- 7.76. Within Bolsover district, former mining and associated uses have left a legacy of land that has been affected by contamination from former uses. The strategic site at Coalite is an example of a contaminated site where the Council has worked with the site owners to secure the potential redevelopment of the site, and remediate the legacy of contamination. Contaminated land often contains valuable areas of biodiversity, and historical interest. In some cases, a careful balance will need to be struck between the benefits of remediation and the harm to these other interests.
- 7.77. The former mining legacy has also left areas of potentially unstable land, and risks to surface development. It is therefore necessary to demonstrate how new development proposals will be safe and stable. Policy SC14 aims to ensure that new development is appropriate for its location and that the physical constraints on the land are taken into account in planning applications.

POLICY SC14: CONTAMINATED AND UNSTABLE LAND

Development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.

Development proposals should also demonstrate that they will not cause the site, or the surrounding environment, to become contaminated and/or unstable.

Proposals for the remediation of contaminated or unstable land will only be permitted where the benefits of remediation outweigh any harm to the natural and built environment.

Where necessary, the developer will be required to carry out further investigations and undertake any necessary remedial measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development.

⁶ Contaminated land can be regarded as any land which is in such a condition by reason of substances in, on, or under the land, that can cause a risk to human health, property, or the wider environment.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

Contaminated and brownfield sites in the district should be remediated and brought back into productive use: firstly to improve the environment: and secondly to reduce the level of Greenfield land needing to be developed.

Alternative Options considered but not selected...

None: NPPF indicates that local planning authorities should focus on the acceptable use of land and the impact of the use, rather than matters subject to other pollution control regimes.

The NPPF tells us that...

The planning system should contribute to and enhance the natural environment by remediating and mitigating despoiled, degraded derelict, contaminated and unstable land, where appropriate (para 109).

Planning policies should ensure that new development is appropriate for its location, taking into account the potential sensitivity of development (para 120).

Planning policies should ensure that a site is suitable for its new use, taking account of ground conditions and land instability (Para 121).

Local Plans may require a variety of environmental assessments, including assessments if the physical constraints on land use (Para 166).

Policy implements Local Plan Objectives:

Objective A: Sustainable Growth

Objective E: Regeneration

Objective K: Health and Well Being

How will the policy be monitored?

Indicator: No of schemes determined in accordance with Environment Agency and Coal Authority advice.

Target: 100%.

Trigger for Review: Permissions granted contrary to Environment Agency or Coal Authority advice.

HSE Hazardous Installations

7.78. Certain sites and pipelines are designated as dangerous substance establishments by virtue of the quantities of hazardous substances present. Such sites are subject to stringent controls under existing health and safety legislation. However it is prudent to control the types of development permitted in the vicinity of these installations. For this reason the Health and Safety Executive (HSE) identifies consultation distances for each of these installations.

There are four Consultation Zones around Hazardous Installations which affect the District:

- a. EPC Explosives, Rough Close Works South Normanton DE55 2BE
- b. Recticel, Clover Nook Industrial Park, South Normanton DE55 4RD
- c. UDG, Amber Park, Berristow Lane DE55 2FH
- d. Stainsby Close Holmewood Industrial Park, Park Road, Chesterfield, S42 5UG

7.79. Under Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is required to consult the Health and Safety Executive on certain types of development proposals within these zones. Policy 7.13 aims to ensure that the zones are a considered in development proposals.

POLICY SC15 HAZARDOUS INSTALLATIONS

Planning permission will be granted for development within the Health and Safety consultation zones provided that the risks arising from the presence of the hazardous substance are acceptable in relation to the nature of the proposed development.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The Plan should consider the impact of development on the operation of hazardous sites, but also that the zones should not stop suitable development.

Alternative Options considered but not selected...

None:

The NPPF tells us that...

Planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.

Local planning authorities should consult the appropriate bodies when planning, or determining applications, for development around major hazards (Para 194).

Policy implements Local Plan Objectives:

Objective K: Health and Well Being

How will the policy be monitored?

Through the Annual Planning Monitoring Report.

Indicator: No of schemes determined in accordance with Health and Safety executive advice.

Target: 100%.

Trigger for Review: Permissions granted contrary to advice given.

Safeguarding Mineral Resources

- 7.80. Mineral resources are essential to support economic growth and are a natural finite resource. It is therefore important to make the best use of them to ensure their long term conservation. National planning policy requires Authorities to ensure that minerals of local and national importance are not needlessly sterilised by non-mineral development. It also requires the prior extraction of minerals to be considered in these areas where practicable and feasible, if it is necessary for non-mineral development to take place.
- 7.81. Derbyshire County Council is responsible for waste and minerals plan preparation and for determining planning applications for minerals and waste development in Bolsover District. Within the District these issues are covered by the Derby and Derbyshire Minerals Plan (amended November 2002), and the Derby and Derbyshire Waste Plan (adopted March 2005). The 'saved policies' in those two plans also form part of the development plan for Bolsover District. They include saved policies relating to Minerals Consultation Areas (MCA's) and procedures to ensure that the County Council is consulted on non-minerals development in those areas. These policies will be taken into account during the consideration of development proposals. In addition, there are policies in the adopted Minerals Local Plan covering minerals safeguarding and prior extraction which may also be applicable to non-minerals applications in Bolsover District.
- 7.82. The new Derbyshire and Derby Minerals Local Plan will review the Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) shortly to prevent the unnecessary sterilisation of surface mineral resources. This could include mineral resources within the District.
- 7.83. Within the MSAs and MCAs, defined by the Derbyshire and Derby Minerals Local Plan, the presence of the mineral resource will be considered by the Council as part of the determination of planning applications. Once adopted the revised MSAs and MCAs will be illustrated on the Policies Map accompanying the Local Plan for Bolsover District.
- 7.84. In addition, consideration will be given to the policy and advice set out in the National Planning Policy Framework and the National Planning Practice Guide. This includes the need to safeguard existing, planned and potential minerals storage, handling and transport sites to ensure that sites for these purposes are available should they be needed and prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes. The District Council is working with Derbyshire County Council to develop a joint approach to identify and safeguard such sites.

THE HISTORIC ENVIRONMENT

- 7.85. National guidance advises that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
- 7.86. The District is fortunate in having a wealth of built heritage with outstanding examples of both vernacular and fine architecture drawing upon local materials. Creswell Crags is both an ancient monument and a candidate site for World Heritage Status on the UK Tentative List. The Derbyshire County Council maintained Historic Environment Record also contains a large number of known non-designated assets that contribute to the local distinctiveness of the district. It is important to recognize that these heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.
- 7.87. This Local Plans Vision and Objectives recognises that these heritage assets have the potential to be one of the catalysts for improving the local quality of life and reinforcing local distinctiveness and sense of place in the District's settlements. Therefore, the overarching aim of Local Plan policies is to ensure that heritage assets including their settings are managed in a way that ensures they are passed on to future generations in an enhanced condition where possible.
- 7.88. To support these assets the Council has adopted a number of Conservation Area Appraisals and Management Plans which are material considerations in the determination of planning applications. The Council has adopted a Heritage at Risk Strategy, and set out its priorities within its Historic Environment Scheme. The Council also currently has a Historic Environment Supplementary Planning Document. These documents set out a range of proposals and priorities for action and therefore development that would contribute to the implementation of these will be encouraged.
- 7.89. Development proposals affecting heritage assets will be permitted if they do not detract from the significance, character and setting of an asset, and will be particularly supported where they better reveal the significance of the asset. All proposals will be expected to explain the significance of the asset; identify the impact of works on the special character of the asset; and, provide a clear justification for the work, including (where relevant) identification of public benefits.
- 7.90. Where permission is granted, appropriate conditions and/or planning obligations may be secured to ensure that heritage assets are appropriately conserved and/or enhanced. This may include provision for the recording of assets prior to commencement of any works.

CONSERVATION AREAS

7.91. Conservation areas are those parts of the district which have been recognized as having special architectural or historic interest which is worthy of preservation and enhancement. When considering planning applications for developments within them, a duty is placed on the local planning authority to play special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. There are currently 27 conservation areas in the District. These are set out in a separate document on the Council's web site.

7.92. Designation of an area as a conservation area does not mean that no change or development will be allowed, but rather that new buildings and uses should respect the established character of the area. Policy SC13 aims to ensure that conservation areas do not become no-go areas for development, but that new development complements the existing character of these special townscapes.

POLICY SC16 DEVELOPMENT WITHIN CONSERVATION AREAS

Development proposals within or impacting upon Conservation Areas will be permitted where they conserve and enhance the character or appearance of the area and its setting.

Applications will be considered in relation to how well the design and location of the proposal has taken account of:

- a) the development characteristics and context of the area, in terms of important buildings, spaces,
- b) landscapes, walls, trees and views into or out of the area
- c) the form, scale, size and massing of nearby buildings, together with materials of construction.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The historic environment and Conservation Areas were valued for their physical attractiveness, and the sense identity that these areas helped to reinforce.

Alternative Options considered but not selected...

None

The NPPF tells us that...

LPAs should set out a positive strategy for the conservation and enjoyment of the historic environment recognising assets' irreplaceable nature. They should take into account the desirability of putting heritage assets to a viable use consistent with their conservation, the contribution conservation makes to wider sustainability

aims, and the desirability of new development contributing to local character. Applicants should describe the significance of any assets affected, including the contribution of their setting (paragraph 126)

Policy implements Local Plan Objective:

Objective D: Historic Environment
Objective O: Place Making

How will the policy be monitored?

Indicator: No. of planning applications approved contrary to policy.

Target: No applications approved contrary to policy.

No appeals upheld against policy.

Trigger for Review: Increasing trend of appeals being upheld against this policy.

LISTED BUILDINGS

7.93. Listed Buildings are those identified by the Secretary of State and his advisors as having special architectural or historic interest. The District has 396 listed buildings, two of which are of national/international significance – Bolsover Castle and Hardwick Hall.

7.94. The listing of a building confers on it a significant degree of protection. Permission, in the form of Listed Building Consent, is required for any works of demolition, extension, or alteration which affect the character of the building as one of special architectural or historic interest.

7.95. As noted elsewhere in this Plan, the district is characterised by a limestone ridge running roughly north to south down the district. This ridge is a dominant feature in the district, and is clearly visible from the M1. Bolsover Castle and Hardwick Hall sit on this ridge. This setting gives a sense of majesty to both buildings, and vividly illustrates the importance of the wider setting of these national assets. Policy SC17 aims to ensure that the District's listed buildings are retained for future generations to enjoy their shared built inheritance.

POLICY SC17 DEVELOPMENT AFFECTING LISTED BUILDINGS

Proposals for alterations to or changes of use of listed buildings (including setting) will be supported where they protect the significance of the heritage asset including impacts on the character, architectural merit or historic interest of the building.

Proposals should consider factors such as materials, layout, architectural features, scale and design.

Proposals which allow for viable uses that are compatible with the conservation of the fabric of the building and its setting will generally be supported.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The historic environment, and key listed buildings were valued for their physical attractiveness, and the sense identity that they gave.

Alternative Options considered but not selected...

None.

The NPPF tells us that...

LPA should set out a positive strategy for the conservation and enjoyment of the historic environment recognising assets' irreplaceable nature. They should take into account the desirability of putting heritage assets to a viable use consistent with their conservation, the contribution conservation makes to wider sustainability aims, and the desirability of new development contributing to local character. It notes that 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 including the contribution of their setting.

Policy implements Local Plan Objective:

Objective D: Historic Environment

How will the policy be monitored?

Indicator: No. of planning applications approved contrary to policy .

Target: No applications approved contrary to Policy. No appeals upheld against policy.

Trigger for Review: Increasing trend of appeals being upheld against this policy.

SCHEDULED MONUMENTS AND ARCHAEOLOGY

7.96. Listed Buildings are not the only form of living history in the District. Archaeological remains also contribute to our shared heritage. Archaeological sites are diverse in form. Within the district there are the remains of: forts; castles; manors; town crosses; and caves, some of which are of international significance. They span the millennia from mankind's earliest appearance right up to and including the recent industrial past. There are 14 Scheduled Ancient Monuments in the district. These are set out in a separate document on the Council's web site.

7.97. Public interest in archaeology is such that important remains can be a valuable asset in attracting visitors to the area. Creswell Crags are a good example of this.

7.98. Policy SC15 below, aims to ensure that these important sites are preserved and where possible enhanced.

POLICY SC18 SCHEDULED MONUMENTS AND ARCHAEOLOGY

Proposals that preserve or enhance the significance of scheduled monuments or archaeological sites, including their setting, will be supported.

Where development proposals are likely to affect non-designated archaeological sites, appropriate measures should be taken to ensure their protection in-situ, based upon their significance.

Where development would involve demolition or removal of archaeological features, this must be fully justified and provision made for excavation, recording and archiving prior to work commencing.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The historic environment and key archaeological features in the district were valued.

Alternative Options considered but not selected...

None.

The NPPF tells us that...

LPAs should set out a positive strategy for the conservation and enjoyment of the historic environment recognising assets' irreplaceable nature. They should take into account the desirability of putting heritage assets to a viable use consistent with their conservation, the contribution conservation makes to wider sustainability aims, and the desirability of new development contributing to local character.

It notes that 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 including the contribution of their setting.

Policy implements Local Plan Objective:

Objective D: Historic Environment

How will the policy be monitored?

Indicator: No. of planning applications approved contrary to policy

Target: No applications approved contrary to policy. No appeals upheld against policy.

Trigger for Review: Increasing trend of appeals being upheld against this policy.

REGISTERED PARKS AND GARDENS

7.99. In addition to buildings and archaeological sites, parks and gardens make a contribution to the historic environment. There are three parks wholly in the district, and one partially in the district that are included on Historic England's Register of Historic Parks and Gardens of special historic interest. These are set out in a separate document on the Council's web site.

7.100. Policy SC16 below aims to ensure that these assets preserved, whilst development proposals which conserve and opportunities to enhance the character, appearance and significance of such assets are treated positively.

POLICY SC19 REGISTERED PARKS AND GARDENS

Planning permission for development that preserves or enhances the special historic landscape character and interest of a registered park and garden including its setting will be granted.

Applications must seek to protect original or significant designed landscapes, their built features, and setting.

Proposals which seek to restore or reinstate historic landscape features to original designs, using appropriate evidence, or better reveal their setting will be encouraged.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The historic environment was a valued characteristic of the district.

Alternative Options considered but not selected...

None

The NPPF tells us that...

LPAs should set out a positive strategy for the conservation and enjoyment of the historic environment recognising assets' irreplaceable nature. They should take into account the desirability of putting heritage assets to a viable use consistent with their conservation, the contribution conservation makes to wider sustainability aims, and the desirability of new development contributing to local character.

It notes that 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 including the contribution of their setting.

Policy implements Local Plan Objective:

Objective D: Historic Environment.

How will the policy be monitored?

Indicator: No appeals upheld against policy.

Target: No applications approved contrary to policy.

Trigger for Review: Increasing trend of appeals being upheld against this policy.

NON LISTED BUILDINGS OF MERIT

7.101. In addition to the above historic assets the district contains a number of buildings, structures and facades that, whilst not nationally considered suitable for statutory listing or having the protection conferred by being situated with a conservation area, nonetheless have local historic or architectural importance to warrant retention and protection.

7.102. The government recognises such heritage assets as noted in its guidance (NPPF), and the Council has compiled a list of non-listed buildings of merit.

7.103. Policy SC17 below aims to ensure that these assets preserved, whilst development proposals which conserve and opportunities to enhance the character, appearance and significance of such assets are treated positively.

POLICY SC20 NON DESIGNATED LOCAL HERITAGE ASSETS

Development proposals which positively sustain or enhance the significance of any local heritage asset and its setting will be permitted.

Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal.

Proposals involving full or partial demolition of a local heritage asset will be resisted unless sufficient justification is provided on the proposed scheme and its public benefits to outweigh the harm caused by the loss of the asset.

Key Evidence Base

National Planning Policy Framework (NPPF)

You told us that...

The historic environment was a valued characteristic of the district.

Alternative Options considered but not selected...

None

The NPPF tells us that...

Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment recognising assets' irreplaceable nature. They should take into account the desirability of putting heritage assets to a viable use consistent with their conservation, the contribution conservation makes to wider sustainability aims, and the desirability of new development contributing to local character.

It notes that 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 including the contribution of their setting.

Policy implements Local Plan Objective:

Objective D: Historic Environment

How will the policy be monitored?

Indicator: No appeals upheld against policy.

Target: No applications approved contrary to policy.

Trigger for Review: Increasing trend of appeals being upheld against this policy.