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To: Chair & Members of the Planning Committee

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Tuesday, 26 November 2024

Dear Councillor

**PLANNING COMMITTEE – WEDNESDAY, 27TH NOVEMBER, 2024 AT 10:00 HOURS**

I refer to your recently circulated agenda for the above meeting and now enclose an urgent item of business which the Chair has consented to being considered at the meeting.

Please find enclosed a copy of the additional papers for agenda item 6 for consideration at the above meeting.

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

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## PLANNING COMMITTEE

*Wednesday, 27th November, 2024 at 10:00 in the Council Chamber*

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
2.	<b>Urgent Items of Business</b>	4 - 19

To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.

## **COMMITTEE UPDATE SHEET**

### SUPPLEMENTARY REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER

This sheet is to be read in conjunction with the main report.

### **Applications to be determined under the Town & Country Planning Acts**

Planning Site Visits held on 22<sup>nd</sup> November 2024 commencing at 10:15 hours.

PRESENT: -

Cllrs. Tom Munro, Carol Wood and Janet Tait.

Officers: Chris Whitmore

### SITE VISITED

1. 24/00264/FUL – Greenacres, Budget Lane, Scarcliffe, Chesterfield

The meeting concluded at 10:45hrs.

## **AGENDA ITEM 2 – URGENT ITEMS OF BUSINESS**

### **COMMENTS TO BE MADE ON THE SCOPE OF AN ENVIRONMENTAL STATEMENT (SCOPING OPINION) IN RESPECT OF AN APPLICATION BY NATIONAL GRID ELECTRICITY TRANSMISSION (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE CHESTERFIELD TO WILLINGTON OVERHEAD LINE**

Following publication of the planning committee agenda a scoping consultation has been received from the Planning Inspectorate in respect of the above project.

The proposed development is a Nationally Significant Infrastructure Project (NSIP), as defined in the Planning Act 2008 (as amended).

The proposed development is currently in the pre-application stage.

To meet the requirements of the Environmental Impact Assessment (EIA) Regulations, applicants are required to submit an Environmental Statement (ES) with an application for an order granting development consent for any NSIP likely to have a significant effect on the environment. An ES will set out the potential impacts and likely significant effects of the proposed development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES.

The applicant has asked the Planning Inspectorate (PINS) on behalf of the Secretary of State for its written opinion (a Scoping Opinion) as to the scope and level of detail of the information to be provided in the ES, relating to the proposed development. The applicant has set out its proposed scope of the ES in its Scoping Report.

Before adopting a Scoping Opinion, the Planning Inspectorate must consult the relevant 'consultation bodies' defined in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).

Bolsover District Council is a consultation body that must be consulted before a Scoping Opinion can be adopted.

The Planning Inspectorate has therefore invited the Council to:

- Inform them of the information it considers should be provided in the ES; or
- Confirm that it does not have any comments to make.

The deadline for consultation responses is **29 November 2024**.

The below report considers the content of the applicant's Scoping Report and recommends a response to the Planning Inspectorates Scoping Opinion consultation.

### **REPORT OF THE ASSISTANT DIRECTOR: PLANNING & PLANNING POLICY**

<b><i>Classification</i></b>	This report is Public
<b><i>Report By</i></b>	Sarah Kay, Assistant Director of Planning and Planning Policy
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### **PURPOSE / SUMMARY OF REPORT**

- The Council has been invited by the Planning Inspectorate (PINS), as a relevant consultation body, to comment on a Scoping Report prepared on behalf of by National Grid to support a request for a Scoping Opinion from PINS on an Environmental Statement, which is anticipated to support the application of the overhead electricity line from Chesterfield to Willington.
- The report seeks approval of the comments that Officers intend to make, set out in section 2 (or, as may be amended by committee) ahead of submission to PINS before the 29<sup>th</sup> November 2024.

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### **REPORT DETAILS**

#### **1. Background**

- 1.1 National Grid is proposing to enhance the East Midlands electricity network by building and operating approximately 60 kilometres (km) of new 400 kilovolt (kV) overhead electricity line from Chesterfield to Willington (South Derbyshire). The potential route includes an area with Bolsover District at Stainsby Common.

- 1.2 The scale of the project means that it is defined as a National Significant Infrastructure Project (NSIP). NSIPs are major infrastructure developments which, due to their size and national importance, come under the provisions of The Planning Act 2008. The developer must apply to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The Planning Inspectorate will make a recommendation to the relevant Secretary of State who takes the final decision.
- 1.3 National Grid undertook a Non-Statutory Consultation from 14th May 2024 to 17th September 2024. The response to this Consultation was considered by the Council's Planning Committee at its meeting of 17th July 2024. Subject to some limited amendments under delegated powers, a response was submitted to National Grid.
- 1.4 From the Council perspective, concerns were expressed regarding a number of aspects of the potential route and implications from the transmission lines. In summary these included the following:
- Whether the conclusions set out in Chesterfield to Willington Strategic Options Report are still applicable when considering alternative routes.
  - The Preferred Corridor resulted from a merger of parts of different corridors set out in the consultation documents. For each corridor, a general assessment of the following aspects is undertaken in relation to Ecology, Landscape and Visual Value, Historic Environment, Socio Economic, Water, Soils, Geology, Noise and Vibration. However, as these assessments are undertaken on a corridor basis rather than for the separate sections of each corridor it was difficult to consider these alternative options in terms of their environmental impact.
  - Whether there was an alternative route available between North Wingfield and Holmewood which would negate the impact on heritage assets and landscape in Bolsover District.
  - Objection to the possible alignment running south of Pilsley.
  - The impact on various heritage assets including their setting. Specific reference was made to the following:
    - Hardwick Hall listed as Grade 1 (List Entry Number: 1051617).
    - Hardwick Old Hall Scheduled Monument (List Entry Number: 1015889).
    - Hardwick Hall Registered Park and Garden listed as Grade 1 (List Entry Number: 1000450)
    - There are various other listed building within the Park to Hardwick Hall.
    - Bolsover Castle listed as Grade 1 (List Entry Number:1108976).
    - Stainsby defended manorial complex including site of chapel is a schedule monument (List Entry Number: 1015890)
    - Conservation areas are located at Hardwick and Rowthorne, Stainsby, Astwith and Hardstoft.
    - Various locally listed heritage assets are located within this area.

- Outside Bolsover District, but in close proximity to the Corridor, is Sutton Scarsdale Hall listed Grade 1 (listed entry number 1108914) and a schedule monument with a number of other listed building in the vicinity of the Hall. Heath is a conservation area. (Figure 5)
- Concerns were raised in relationship to the wider landscape implications for the proposed route. Due to impact on landscape character and setting the Council strongly disagreed with the proposed preferred alignment. It also raised that the transmission lines should be located underground west of the B6039.
- Environmental concerns were also raised in the context that the environmental constraints do not take into account Local Wildlife Sites, which are protected under Local Plan policies by local councils. This is an additional aspect that should be considered particularly given the emphasis of the Environmental Act 2021 and biodiversity net gain.
- The consultation documentation references steel lattice pylons which are 50m high. A possible alternative would be T-pylons, but the design of the pylons would require a full visual assessment to be carried out.

#### Environmental Impact Assessment (EIA)

1.5 As part of the information supporting the future application to PINS for a DCO, National Grid will be undertaking an Environmental Impact Assessment (EIA). They propose to bring forward three main EIA documents:

- EIA Scoping Report: The Scoping Report sets out a framework for identifying potential significant effects arising from the Project to distinguish the environmental topics to be addressed within the Environmental Statement and environmental topics that can be scoped out where significant effects are not likely.
- Preliminary Environmental Information Report (PEIR): The PEIR sets out the information that 'is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development.' The PEIR is used by consultees to inform their consultation responses during the Statutory Consultation, and it is typically issued at the same time the Statutory Consultation launches.
- Environmental Statement: The Environmental Statement presents the results of the EIA undertaken for the project. It identifies the likely significant effects that would result if the project were implemented, and any proposed mitigation to reduce those significant effects. The ES is submitted as part of the application for development consent and is taken into account during the decision-making process.

#### PINS Scoping Report Consultation

1.6 The Council has been notified by PINS that a consultation is being undertaken on a request from National Grid for a Scoping Opinion from the Planning Inspectorate

(PINS) on the Environmental Statement, which is anticipated to support the application of the overhead electricity line from Chesterfield to Willington.

- 1.7 The closing date for any response to PINS is 29 November 2024. The deadline is a statutory requirement and cannot be extended.
- 1.8 Information on what has been submitted to PINS to date on the Chesterfield to Willington Transmission Line is available at: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN0210001>.
- 1.9 The website identifies that an application for a Development Consent Order (DCO) is expected to be submitted in November 2026.

### Role of a Scoping Report

- 1.10 A scoping opinion sets out what the decision-maker expects to be included and excluded from the Environmental Impact Assessment. It is the written opinion of the Secretary of State as to the scope and level of detail of the information to be provided by the applicant in their Environmental Statement accompanying an application for development consent.

National guidance on this aspect is set out in:

- Nationally Significant Infrastructure Projects - Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and environmental statements and
- Annex to Advice Note 7 – Presentation of the Environmental Statement

- 1.11 Under the Regulations, the information requirement is as follows:

1. *a description of the Proposed Development including location, physical characteristics, operational characteristics, and expected residues and emissions;*
2. *a description of the baseline scenario including the future baseline without development as far as can be assessed;*
3. *a description of the methods used to predict significant effects;*
4. *a description of the likely significant effects (both positive and negative) of the Proposed Development having regard to impacts that are; direct and indirect, secondary, cumulative, transboundary, short, medium or long-term, permanent and temporary; and*
5. *a description of avoidance and mitigation measures and to what extent these will be effective and a description of any proposed monitoring arrangements.*

## **2. CONSIDERATION OF THE SCOPING REPORT**



2.1 National Grid Environmental Impact Assessment Scoping Report October 2024

2.2 The Scoping Report submitted to PINs comprises the following:

- Volume 1: Main Text. (Comprising more than 600 pages)
- Volume 2 (Appendices).
- Volume 3 Part 1 (Figures).
- Volume 3 Part 2 (Figures).

2.3 The above documents can be viewed on the District Council’s Public Access portal under application code ref. 24/00533/NCO.

2.4 Council Officer’s, including the Conservation and Heritage Manager and Senior Urban Design Officer have considered the above documents. To assist PINS they have presented their comments in a table format, addressing the various sections of the Scoping Report (main text) document.

2.5 Officers comments are as follows:

<b>1. Introduction</b>	
	There are no comments in relation to this section.
<b>2. Legislation, Regulatory and Planning Policy Context</b>	
2.4.1	<p>The Report identifies that “Regional and local planning policy has been considered in the development of the Scoping Report.”</p> <p>It is also noted and supported that the local plan policies, will be reviewed and an assessments undertaken of the relevant policies in relation to various sections of the Scoping Report as part of the Environmental Statement.</p>
<b>3. Main Alternatives Considered</b>	
General comment	<p>From the Council perception, the Study seems to have put far more emphasis on the impact of nationally designated landscapes of the PDNP and DWWHS which lies within the study area, rather than on Grade 1 Nationally significant buildings of Hardwick Hall and Bolsover Castle just outside the study area. Our concern is that as a result, this preferred route may not have taken these heritage assets into consideration early enough in the decision-making process. The EIA will need to provide a greater understanding of the topography and the historic setting/environment together with considering any mitigation requirements.</p> <p>The “alternatives” sets out National Grid’s approach to the consideration of alternative options in general terms. However, National Grid’s preferred corridor resulted from</p>

	<p>a merger of parts of different corridors set out in the Non Statutory Consultation documents. For each corridor, a general assessment of the following aspects is undertaken in relation to Ecology, Landscape and Visual Value, Historic Environment, Socio Economic, Water, Soils, Geology, Noise and Vibration. As these assessments are undertaken on a corridor basis rather than for the separate sections of each corridor it was difficult to consider these alternative options in terms of their environmental impact. As part of National Grids Non Statutory Consultation, the Council raised questions regarding alternative routes and significant concerns regarding the impact on the setting of heritages assets and the landscape, which may be avoided using alternative routes.</p> <p>The Environmental Statement should make clear how the judgements regarding the preferred route and the alternatives were arrived at with a full justification for the final alternative taken forward.</p>
3.6.32	<p>At the moment, the preferred option still retains choices regarding the proposed routes, for example “continues to Lower Pilsley, providing optionality to the north or south of Lower Pilsley, before continuing around the southern extent of Clay Cross towards Stretton.” The Council made representations to National Grid regarding this aspect, objection to the possible alignment running south of Pilsley.</p> <p>Presumably, the Environmental Statement will set out which alternative is proposed to be taken forward and why.</p>
<b>4. Description of the Project</b>	
4.1.6	<p>The paragraph identifies that currently it is anticipated it would comprise steel lattice pylons in accordance with National Grid’s guidance and national planning policy. Consideration should be given to whether alternative pylons such as T-pylons could be utilised. However, this would require a full visual assessment to be carried out to determine whether there were design benefits to alternative pylon types.</p>
<b>5. Environmental Impact Assessment Approach and Methodology</b>	
Table 5.5 – Likely Interaction between Receptor Groups and Topic Chapters	<p>It is noted in Table 5.5 shows no link between PROW visual and Historic Environment. It is considered that this is incorrect and the historic environment should be reflected in Table 5.5 in relation to PROWs.</p>

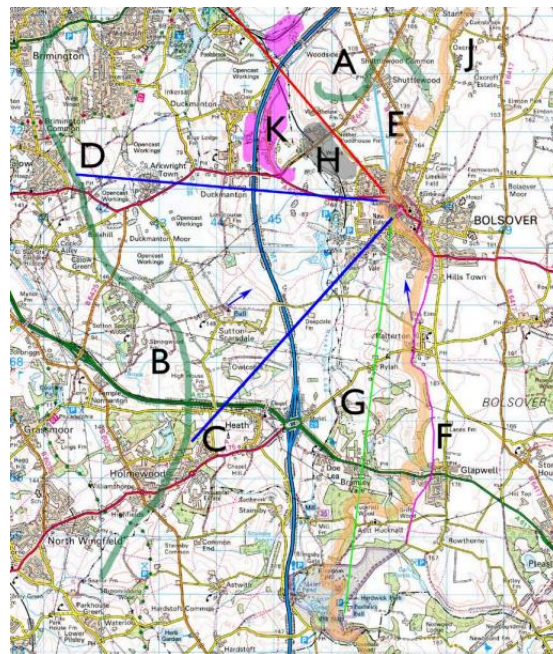
	There also a case for other aspects such as cycle routes and communities to be influence by the historic environments?
<b>6. Landscape and Visual</b>	
6.2.2	<p>It is recognised in paragraph 6.2.2 that there are interrelationships related to the potential effects on landscape and visual receptors and other environmental topics including heritage.</p> <p>Bolsover District has two Grade 1 listed buildings at Hardwick Hall and Bolsover Castle. Part of the Hardwick Hall estate lies outside the designated Historic Parks and Gardens, on the West side of the M1. The area in question does not have any Landscape or Heritage designation, but clearly falls within the visual influence of the setting of Hardwick Hall. Therefore it is important that the Environmental Statement reflects the key relationship between landscape and the setting of heritage assets. Views towards the Hall area also important, and it is anticipated that LVIA scoping for PROW's should reflect the significance of this area.</p>
6.5.7	<p>It is considered that Registered Park and Gardens should be shown as a landscape designation on the Fig 6.2 : Landscape Designations &amp; Features (north) in Volume 3, so that the interrelationship is picked up in the field assessment. Anyone using those plans to inform the surveyor on site may not cross reference otherwise and therefore fail to understand what they are looking at.</p>
6.5.16	<p>The paragraph identifies the visual receptors to the Project between Chesterfield Substation and Stretton. However it is noted that while Hardwick Hall Park is included, it is unclear whether Hardwick Hall Park include Hardwick Hall?</p>
6.7.2	<p>Paragraph 6.7.2 identifies that “The effects upon landscape and visual receptors will be assessed during the following phases of the Project: peak construction year, year 1 of operation, and year 15 of operation.” This would appear to present a substantial gap between assessments, wouldn't year 5 be more appropriate to ensure any landscape mitigation is working?</p>
6.8.8	<p>Paragraph 6.8.8 which states that to avoid duplication the LVIA will not assess the effects on the project upon Any heritage-related designations including the Derwent Valley Mills World Heritage Site, Registered Parks &amp; Gardens of Historic Interest, and built Conservation Areas – as these are considered to be more heritage-related than landscape-related, and so will be addressed in Chapter 8: Historic Environment.</p>

	Given this approach, it is important that the assessments ultimately take an integrated approach in considering the relationship between Heritage Impact and Landscape setting. The Environmental Statement will also need to cross reference between the section on landscape and the section on heritage.
<b>7. Ecology and Biodiversity</b>	
7.4.3 & Table 7.2	National Grid Non Statutory Consultation 2024 made no reference to Local Wildlife Sites, which are protected under Local Plan policies by local councils. It is noted that Local Wildlife Sites have been included and the initial study area to inform scoping is 5 km from the Scoping Boundary. The Council is supportive of this approach, particularly in the context that the identified date of the DCO application is 2026, which means that at least 10% BNG will apply to the Project.
7.3.8, 7.3.9 & 1.7.1	If the application is submitted after November 2025 Biodiversity Net Gain (BNG) of at least 10% will be required as part of the Proposed Development. The ES should distinguish between any measures, which are provided as mitigation, as compensation, or developed as part of the commitment to BNG.
<b>8. Historic Environment</b>	
8.2.3	<p>The Chapter references in Volume 3, Figure 8.1: Designated Heritage Assets. A slight amendment is required as the “Legend” to the figure does not identify what the green triangles are – It is assumed they are listed buildings (other than Grade 1).</p> <p>Further to the points made subsequently in this Section, it is considered that Bolsover Castle (Grade 1 listed) and Bolsover Castle Registered Park and Garden should be include in Figure 8.1 and Bolsover Castle should be identified in Appendix 8A: Designated Heritage Assets.</p>
8.4.1, Volume 2, Appendix 8A & Volume 3 Part , Figure 8.1 Historic Environment Designated Heritage Assets  8.10 References	<p>The paragraph sets out that “The study area for the historic environment assessment comprises the Scoping Boundary plus a 250 m buffer surrounding the Scoping Boundary for non-designated assets. This study area will be used to consider archaeological potential in the Scoping Boundary. In addition, a wider study area of 2 km around the Scoping Boundary for all designated assets has also been defined which will encompass any potential setting impacts.”</p> <p>Bolsover Castle is a Grade I listed building. It is not identified on Figure 8.1 or set out in Appendix 8A of the Scoping Report Designated Heritage Asset Gazetteer. The</p>

Register Park and Garden for Bolsover Castle are also not identified.

Presumably, Bolsover Castle and the Registered Park and Gardens are fractionally outside the 2 km Study Area. The English Heritage Bolsover Castle Conservation Management Plan (2012) identifies that the potential route of the overhead line may impact on the setting of the Castle. (See diagram below). There needs to be some flexibility regarding utilising the 2 km study boundary which should be varied to reflect the nature of the heritage asset. It is noted that in Table 8.2 summary of engagement, that Historic England identified that a “Setting assessment whilst necessarily tending to fixed search radii should be flexible in particular in respect of longer designed landscape relationships / views where professional judgement should be deployed.” The response by National Grid was “ZTV to be used to refine study area for certain assets with long range views e.g. Bolsover Castle.” The Council considers that there needs to be flexibility in the search study area. Bolsover Castle, as a Grade 1 listed building, and its Registered Park and Gardens should be included in the relevant Tables, in Figure 8.1 and reflected in any assessment of the historic environment.

**Bolsover Castle Conservation Management Plan (2012)  
Fig 102**



A, B are ridges substantially limiting views from Bolsover.

	<p>“The prospect from the Castle over this dish-like valley is therefore panoramic, sweeping round in an arc from the north-west to the south ( C-E). The most important - and sensitive - section is a smaller arc, or view cone, from due west round to the south-west and Sutton Scarsdale Hall (C-D).”</p>
8.5.1	<p><b>Data Collection</b></p> <p>It is noted that the Atkins, Hardwick Setting Study is identified in data collection, This is considered to be a key document in relation to the Environmental Statement in Bolsover District as it identifies the setting of Hardwick Hall and the associated heritage assets and the significance of views from Hardwick.</p> <p>In addition to the sources set out in the paragraph, the Council would also recommend that the English Heritage, Bolsover Castle Conservation Management Plan (2012) is included.</p> <p>Local authorities will have management plans for the various conservation areas, but it is noted that this is referenced in paragraph 8.8.1.</p> <p>No mention is made of schedule ancient monuments or registered parks and gardens in the list of data collection. The Levelling Up and Regeneration Act 2023 makes provision for the introduction of a duty to have ‘special regard’ to the desirability of preserving or enhancing such designated heritage assets.</p>
8.5.7	<p>If Bolsover Castle is included it will impact on Table 8.3 - Summary of Designated Heritage Assets.</p>
8.5.13	<p>Locally listed buildings – The Council notes that locally listed buildings while not included in the Scoping Report lists will be researched and assessed in the Environmental Statement.</p> <p>The report states that “if the districts maintain local lists of buildings, they can be found on their respective websites. These will be researched and assessed in the ES.” Bolsover DC does not have a Local List, but we have identified unlisted buildings of merit in our Conservation Area Appraisals which should be identified when the appraisals are assessed.</p>
<b>9. Hydrology and Land Drainage</b>	
	<p>There are no comments in relation to this section.</p>
<b>10. Geology and Hydrogeology</b>	

	There are no comments in relation to this section.
<b>11. Agriculture and Soils</b>	
	There are no comments in relation to this section.
<b>12. Traffic and Transport</b>	
	There are no comments in relation to this section.
<b>13. Air Quality</b>	
	There are no comments in relation to this section.
<b>14. Noise and Vibration</b>	
	There are no comments in relation to this section.
<b>15. Socioeconomics, Recreation and Tourism</b>	
15.2.2	The paragraph identifies that there are interrelationships related to the potential effects on socioeconomics, recreation and tourism and other environmental topics. It is noted that heritage is not include within these links, but Hardwick Hall, Bolsover Castle, their associated Registered Park and Gardens, together with other historic assets will be a substantial tourist attraction into Bolsover District.
Table 15.2	Table 15.2 identifies that the Wider study area (local authority areas) comprises the spatial extent of the local authority areas through which the Scoping Boundary passes. Evidence for Local Plan identify that functional market areas does not operate on a district boundary level and labour supply will be drawn from a wider area including Nottinghamshire.
15.5.2	It is noted that the Scoping Report identifies that there will be on-going engagement with Bolsover DC and other local authorities identified in the paragraph.
15.5.3	From Bolsover's perspective it is important that National Grid engagement will be undertaken with non-statutory stakeholders including the National Trust in relation to Hardwick Hall and its Registered Park and Gardens.
15.5.12 to 15.5.14	In relation to Community Facilities and Business, Recreation and Tourism Assets Tables 15.8 and 15.9 set out a provisional list. These lists should be subject to the engagement with local authorities to verify whether any facilities or businesses are fully reflected.
15.5.17	The paragraph identifies that "In addition, there are a number of tourism assets outside the 500 m study area from the Scoping Boundary which due to their scale and likely number of visitors may require further consideration. Examples include the Derwent Valley Mills World Heritage Site and the Ogston Reservoir." The Council would

	anticipate that this would include National Trust Hardwick Hall and English Heritage's Bolsover Castle.
<b>16. Health and Wellbeing</b>	
16.2.2	The paragraph identifies that there are interrelationships related to the potential effects on socioeconomics, recreation and tourism and other environmental topics. It is noted that heritage is not include within these links. However, historic assets, and interventions associated with them, can be seen to have a range of beneficial impacts on the physical, mental, and social wellbeing of individuals and communities.
<b>17. Summary and Proposed Scope of the Environmental Statement</b>	
Table 17.1	Electromagnetic fields - It is noted that the generation of electromagnetic fields (EMFs) associated with the Project is scoped out of the Environmental Statement. Is this reflected in a separate assessment which forms part of the DCO application submission?

### 3. **Reason for Recommendation**

3.1 Bolsover District Council has been invited to comment on the information to be provided within an Environmental Statement to accompany an application to be made to the Secretary of State for overhead lines that will run through the administrative area of the District, to ensure that the likely significant environmental effects are fully considered.

3.2 The General powers delegated to the Chief Executive Officer and all Directors and Assistant Directors in the Councils constitution allows them under 4.10.9 (19):

***To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Council subsequently.***

3.3 The tight deadline for comments set is such that officers are, however, able in this instance to seek the approval of the Planning Committee on the contents of its consultation response.

3.4 Given the scale of the development, its cross-boundary nature and likely significant environmental effects it is considered prudent to seek planning committee approval to help steer to contents of any Environmental Statement to ensure appropriate consideration of the impacts, which may in turn facilitate appropriate mitigation and controls to minimise these as far as possible.

### 4. **Alternative Options and Reasons for Rejection**



- 4.1 The District Council could choose not to comment. However, it has an opportunity to influence the development and ensure full consideration of the environmental effects.
- 4.2 In its capacity as a relevant consultation body, Officers consider that the District Council should continue to engage positively in the process, to protect the environment and ensure positive outcomes for Bolsover residents.

## **RECOMMENDATION(S)**

That the Planning Committee:

- 1) Approves the comments in section 2.0 of this report (or, as otherwise may be amended) on the information that should be provided in an Environmental Statement accompanying an application to be made to the Secretary of State for the Chesterfield to Willington overhead line (under the NSIP regime).

### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:** There are no specific finance or risk issues arising from this report.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:** There are no legal implications.

On behalf of the Solicitor to the Council

**Environment:**            Yes             No

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** The ability to comment on the scope of the environmental effects will help mitigate the impact of the development on the environment. The development will also increase grid capacity to accommodate renewable projects.

**Staffing:**            Yes             No

**Details:** The NSIP regime is resource intensive. As the application progresses, consideration will need to be given to a planning performance agreement, to ensure that the District Council in its capacity as a second tier / relevant consultation body can dedicate the time necessary to effectively engage in the process and deliver positive outcomes for the environment and residents.

On behalf of the Head of Paid Service

## **DECISION INFORMATION**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <b>No significant impact on two or more district wards or expenditure above the thresholds.</b>  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No

<b>Links to Council Ambition: Customers, Economy, Environment and Housing.</b>
<ul style="list-style-type: none"> <li>Environment – Protecting the quality of life for residents and businesses and meeting environmental challenges</li> </ul>

**AGENDA ITEM 6 – 24/00184/FUL: ERECTION OF 5 DWELLINGS AND CONSTRUCTION OF ACCESS ROAD AT GREENACRES, BUDGET LANE, SCARCLIFFE, CHESTERFIELD**

Additional information has been submitted by the applicant to address some of the issues raised by Derbyshire Wildlife Trust. This information is as follows:

The site owner has confirmed that the clearance took place following the original ecological survey in 2018/2019 and so the mandatory requirement of the Environment Act 2021 to use baseline habitat data prior to disturbance or loss if disturbance took place after 2020 does not apply.

The applicant’s ecologist has confirmed the discrepancies in the preliminary ecological assessment (PEA) and the biodiversity metric are because the PEA covered the whole site within the applicant’s ownership not just the application site but the metric only covered the development site.

The biodiversity metric has been amended to remove the trees which were previously included as the trees were included in gardens not public space and therefore cannot be included within the post development calculation for the site.

The baseline and post-development habitat plans requested have still not been provided. Government guidance states that a baseline habitat plan must be submitted as a minimum.

Recommendation

No change to the recommendation in the main report. The additional information provided is still insufficient to allow the application to be determined positively. The proposal results in a net loss for biodiversity, the extent of which has not been accurately calculated, nor has a substantiated scheme for its replacement and enhancement been provided contrary to the requirements of Policy SC9 of the Local Plan for Bolsover District and the mandatory requirements of the Environment Act 2020.