

BOLSOVER DISTRICT COUNCIL

Meeting of the Planning Committee on 19th February 2025

Five Year Review of the Local Plan for Bolsover District

Report of the Portfolio Holder for Growth

Classification	This report is Public.
Contact Officer	Neil Oxby. Principal Planning Policy Officer.

PURPOSE / SUMMARY OF REPORT

- To set out and seek approval for the conclusions in relation to the first statutory five year review of the Council's adopted Local Plan for Bolsover District.

REPORT DETAILS

1. Background

- 1.1 The basis of planning in England is a plan-led system, which only works effectively where development plans are up-to-date and, where necessary, plans are updated. Along with providing policies for the determination of applications for development within the District, the purpose of a local plan is to set out a spatial strategy and identify the land required to deliver new homes and economic development. Where appropriate, it may be necessary to replenish sites that have been built out or where there is a shortage of sites to meet future requirements over the plan period. An up-to-date local plan also enables the consideration of and planning for, the provision of necessary infrastructure arising from development proposals.

Local Plan for Bolsover District

- 1.2 The Local Plan for Bolsover District was adopted on 4th March 2020. The Plan covers a period of 2014 to 2033 for housing requirements and 2015 to 2033 in relation to employment land¹. The Plan identifies a requirement for delivering land to meet a requirement of 272 dwellings per annum (dpa) and the provision of 92 ha of employment land. (Policy SS2: Scale of development). In addition to the 92 ha, Policy SS7: Coalite Priority Regeneration Area identifies the potential for the regeneration of a brownfield site for employment development of up to 32 ha.

¹ In broad terms land provided for offices, industrial and storage/warehousing.

- 1.3 The Local Plan was brought forward under the Tests of Soundness set out in the NPPF 2012, although it took account of changes introduced by the NPPF 2018. One of these tests was that the plan should be “consistent with national policy”. Revised versions of the NPPF were issued in 2018, 2019, 2021, 2023 (Sept & Dec) and 2024, and consistency with national policy remains a key aspect. However, strategic policies in a local plan are prepared to cover a 15-year period. Over such an extended period there will inevitably be changes in national policy, but planning policies are set out to include flexibility to accommodate some level of change.
- 1.4 The decision to update a plan should be made in the context of how the plan is currently performing, and whether any changes would significantly improve the weight and functioning of the plan. The cost and uncertainty created by embarking on an update of a partial or full review should also be borne in mind.

Legislative Requirements

- 1.5 Section 17 of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that a local planning authority must keep under review their local development documents (include a local plan). Regulations were amended in 2018 so that under Regulation 10A of the of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, a local plan review must be completed every five years, starting from the date of adoption of the local plan. Therefore, the review of the Local Plan for Bolsover District should be completed before 4th March 2025.
- 1.6 If the Council determines that there is no need to update the Local Plan and its policies, it must publish the reasons for this decision before 4th March 2025. Alternatively, the Council may determine there is a need for a new plan or to update specific policies or to allocate more sites, but this would need to follow the plan-making procedure set out in legislation.
- 1.7 Under the provisions of the Levelling Up and Regeneration Act 2023 a new system of bringing local plans forward will be introduced at some point in the future, although the relevant sections and regulations have not been brought into force as yet. The provisions may include plans being required to be completed within 30 months of commencing. The proposed introduction of national development management policies will result in plans that focuses on specifically local policies, on development quantum, site allocations and design guidance. There are transitional provisions where the Government has stated that a plan could be submitted for examination under the existing PCPA 2004 system by no later than December 2026.

The English Devolution White Paper 2024

- 1.8 The English Devolution White Paper 2024 sets out proposed changes to the structure of local government and the introduction of Spatial Development Strategies (SDS). The SDS would be brought forward in Derbyshire and Nottinghamshire through the East Midlands Combined County Authority (EMCCA) and is anticipated to consider future housing and economic

requirements over Combined Authority area. However, the White Paper emphasises that Local Planning Authorities should not delay development of Local Plans while they await the adoption of an SDS. Relevant local plans should continue to be updated or developed alongside the SDS process. At this stage there is no published timeframe for the EMCCA to bring forward its SDS.

National Planning Policy and Guidance

1.9 The NPPF, paragraph 34 states that:

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”

1.10 Planning Policy Guidance Plan-Making sets out the following:

“There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible.” Paragraph: 062 Reference ID: 61-062-20190315.

1.11 Consequently, the NPPF places an emphasis on the aspect of significant changes to the local housing need figure in considering a review. The PPG specifically identifies that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method.

1.12 Planning Practice Guidance² also provides that a local planning authority may need to gather new evidence to inform their local plan review and evidence should be used to justify a decision not to update policies.

1.13 In line with this, the Council has commissioned or has prepared the following evidence base studies to inform the review process:

- Derbyshire Gypsy and Travellers Accommodation Assessment (GTAA);

² Planning Policy Guidance Plan Making - What evidence is required when carrying out a review? At Paragraph: 068 Reference ID: 61-068-20190723

- Local Housing Needs Assessment (LHNA);
- Economic Needs Assessment Study (ENAS);
- Infrastructure Study and Delivery Plan (IDP).

1.14 The findings of these reports have been presented to the Members of the Local Plan Implementation Advisory Group and the key points raised have been considered and inform the proposals below.

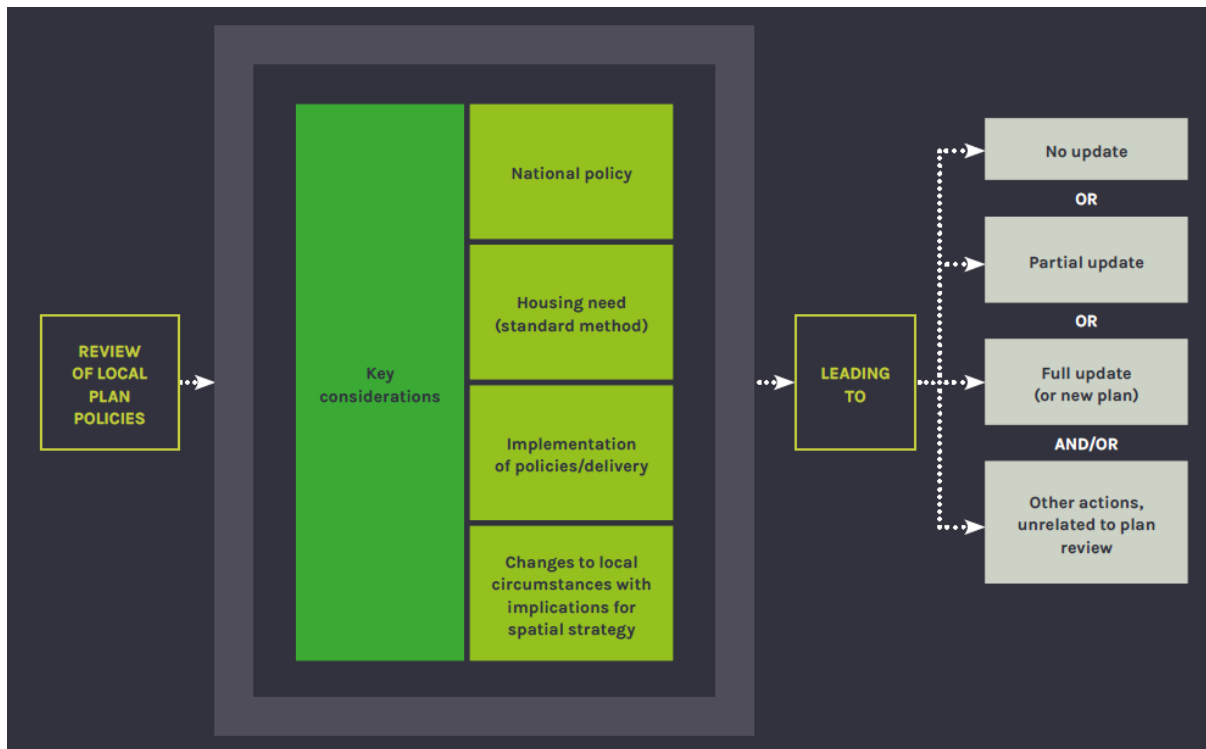
2. Details of Proposal or Information

Basis of the Local Plan Review (LPR)

- 2.1 Unlike the adoption of a local plan where there are extensive legislative requirements to bring a plan forward, the only legal requirement for a LPR is to undertake a review and make public the reasons why a local plan does not need to be updated.
- 2.2 To assist in progressing the Local Plan Review, the Council has utilised the guidance from the Planning Practice Guidance Plan-Making sections and the Planning Advisory Service (PAS), Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment.
- 2.3 In accordance with the Planning Practice Guidance Plan-Making sections, the following information has been considered:
- conformity with national planning policy;
 - changes to local circumstances; such as a change in local housing need;
 - the Council's Housing Delivery Test performance;
 - whether the Council can demonstrate a 5 year supply of deliverable sites for housing;
 - whether issues have arisen that may impact on the deliverability of key site allocations;
 - our appeals performance;
 - the success of policies against indicators set out in the Council's Monitoring Reports;
 - the impact of changes to higher tier plans;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
 - significant economic changes that may impact on viability.; and
 - whether any new social, environmental or economic priorities may have arisen.
- 2.4 The PAS Toolkit, see Diagram 1 below, has been utilised to consider the LPR.

Diagram 1: Planning Advisory Service - Process for reviewing local plan policies

Source: Planning Advisory Service Local Plan Route Mapper, October 2021



2.5 The PAS Local Plan Review Toolkit Part 1 provides a matrix which facilitates a review of policies within the Council’s Local Plan to assess whether they need updating. The matrix consists of a number of statements, “requirements to consider”, against which the Local Plan can be considered. It is widely used to undertake local plan reviews.

2.6 The analysis carried out through the use of the PAS Local Plan Review Toolkit has been informed by the review of the NPPF and PPGs, a consideration of changes in legislation since the Plan was adopted, a review of the Local Plan policies and the conclusions from the Council’s Authority Monitoring Reports (AMR). The findings of this analysis is set out in detail in the Local Plan Review document which forms Appendix 1 to this report. However, the key considerations are summarised below.

Is the Local Plan delivering the Council’s Vision and aligned with Regional and Local Strategies?

2.7 The Plan has been reviewed against the Council’s strategies / plans including the Council Plan, ‘Bolsover District: The Future 2024-2028. The vision, objectives and actions in the Local Plan are considered to be consistent with these strategies / plans. However, the specific housing targets identified in the Council’s Corporate Plan and the Council’s Housing Strategy will need to be amended to follow the new nationally set target.

2.8 At this time, the East Midlands Combined County Authority has not produced any plans relevant to the Local Plan policies. It is also considered that the previously published D2N2 Local Enterprises Partnership economic plan raises no significant issues to take account of at this time.

Have any issues with the Local Plan arisen from Planning Appeal Decisions?

- 2.9 A review has been undertaken of appeal decisions with decisions dated between 22nd July 2019 to 15th January 2025. The purpose of the review is to consider whether there is evidence from appeal decisions, which would indicate that policies are out of date or policies do not accord with the NPPF. From the assessment undertaken, no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District that would justify a review of the policies in question.

Have Any Requirement Arisen from Neighbouring Authorities?

- 2.10 Within the North Derbyshire and Bassetlaw Housing Market Area (HMA), the position is that Bassetlaw DC has recently adopted their local plan and that Chesterfield BC and North East Derbyshire DC are also reviewing their local plans. As these plans were adopted at a later date than the Local Plan for Bolsover District, the conclusions of their reviews are not yet known. Other neighbouring authorities have recently adopted plans, are at examination for a submitted local plan or have undertaken LPRs. At this stage no issues or requirements have been identified or arisen from neighbouring authorities.

Have Legislative Changes resulted in a Requirement to Amend the Local Plan?

- 2.11 There have been some legislative changes that potentially impact on specific policies and how the policy aspects may be applied. The Environmental Act 2021 and its associated regulations have introduced Biodiversity Net Gain and Local Nature Recovery Strategies. There have been amendments to the Town and Country (Use Classes Order) 1987, as amended and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended since the Local Plan was adopted. The changes do have the potential to have an impact as they allow or potentially allow for changes, which may have otherwise been determined under local plan policies. However, it is not consider that this results in a requirement for changes to the strategic policies in the Local Plan.

Is the Local Plan Delivering?

- 2.12 The Local Plan for Bolsover District has been very successful in delivering development within the District. In relation to housing, over the last 10 years the Council has seen 959 more dwellings delivered than that required by the Plan (see Table 1). This delivery record provides an average of 367 dpa being delivered over the 10 years period, which is in excess of the revised local housing need requirement under the new standard method of 353 dpa. Taken over the past five years the average deliver rises to 454 dpa. The Council has 8.35 years of deliverable housing land supply for the period 2024/25 to 2028/29, (1st April 2024, based on 272 dpa) and the Council passed the latest Housing Delivery Test with a measurement of 260%.

Table 1: Housing completions against the Local Plan annual requirement of 272 new homes a year to 31st March 2024.

Year	Annual Requirement	Completions (Net)	Variance
2014/15	272	253	-19
2015/16	272	325	+53
2016/17	272	290	+18
2017/18	272	248	-24
2018/19	272	291	+19
2019/20	272	439 *	+167
2020/21	272	446	+174
2021/22	272	537	+265
2022/23	272	491	+219
2023/24	272	359	+87
Total	2,720	3,679	+959

- 2.13 In relation to employment land, the brownfield site at Coalite within Bolsover has been development for strategic B2/B8 units, with a number of the units now occupied. Units have also been completed at Wincobank Farm, South Normanton creating job opportunities for local residents.

Changes to NPPF and Local Housing Need (Standard Method) from 12th December 2024

- 2.14 The Local Plan Review exercise has become more complex with the change in Government and their policy changes regarding future housing requirement, culminating in the updated NPPF and PPGs, including the standard method formula, being published on 12th December 2024. The consequence for Bolsover District is that under the revised standard method formula the District's housing requirement has risen to 353 dwellings per annum. The Local Plan housing requirement as adopted is 272 dpa and the standard method requirement of March 2024 was 195 dpa. In looking at the respect standard method requirements, the revised figure is a 81% increase on the previous standard method.

Conclusions regarding the Local Plan Review

- 2.15 The Local Plan has been very successful in delivering development within the District. In relation to housing, the Council has seen over the last 10 years the delivery of 959 more dwellings than required over the Plan's requirement of 272 dpa. This is an average of 367 dpa being achieved over the 10 years period and 454 dpa over the past five years. Employment sites have been allocated which have seen development, particularly to meet strategic B2/B8 needs. The evidence identifies that local employment land needs can be met to 2033 and while there is anticipated shortfall in strategic requirement to 2033, this has to be seen in the context that the Property Market Area for strategic B2 / B8 is extensive, needs could be met elsewhere or through potential planning applications in appropriate locations within the District.
- 2.16 Nevertheless, the analysis based on Planning Practice Guidance and the PAS Toolkit, identifies that the Local Plan does not meet the indicated requirements set out in PAS assessment matrix A1, A2 and A12. This arises from the recent

changes introduced to the NPPF and PPG on 12th December 2024. The local housing need figure for Bolsover has increased to 353 dpa from 272 dpa which, for the reasons set out above, is considered to be a significant change in the local housing need³. In addition, the NPPF makes significant changes to the approach to the Green Belt, which are not reflected in the Local Plan's strategic Green Belt policy. In this context, it is considered that there is a requirement for some of the strategic policies to be updated. Therefore, there has been a fundamental change to some strategic policies so that it cannot be concluded that strategic policies can be carried forward for a further five years. Consequently, an update of the Local Plan is necessary.

- 2.17 However, this should be seen in the context of the Council continuing to see the delivery of new housing well above the Local Plan requirement. Evidence shows that the average delivery of housing has been 367 dpa over the 10 years period and 454 dpa over the past five years. As such, this exceeds the new standard method requirement figure of 353.
- 2.18 Furthermore, in relation to the Green Belt only 6% of Bolsover District is designated as Green Belt and only the large village of Barlborough is constrained by the Green Belt boundary, with the larger settlements unaffected. Regarding the change in national Green Belt policy, it is anticipated that this is likely to be contained within the proposed National Development Management Policies, which are due to be introduced in the near future. In the short term, it is considered that applications in the Green Belt will need to reflect the NPPF provision as a significant material consideration.
- 2.19 As a result, the need for a new Local Plan is not immediate and, therefore, the Council will need to determine the timescale over which an updated Local Plan should be brought forward. Relevant to this timescale question, the Government has asked that all local planning authorities produce an updated Local Development Scheme (LDS) within 12 weeks of the publication of the NPPF, i.e. by no later than 6 March 2025. As a consequence, officers will be preparing a new Local Development Scheme for consideration at the next meeting of the Planning Committee.
- 2.20 In the meantime, it is considered that the current Local Plan and Tibshelf Neighbourhood Plan still provide a robust statutory development plan for Bolsover District.

3. Reasons for Recommendation

- 3.1 There is a statutory requirement to review a Local Plan to determine if an update is required. The analysis reflect the approach set out in Planning Practice Guidance and the Planning Advisory Service's Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment.

³ Although not specifically applied to a local plan review, the Government references in various paragraphs of the NPPF the need for annual housing requirements to meet not less than 80% of the standard method requirement. The Bolsover Local Plan housing requirement of 272 dpa is less than 80% of the revised standard method requirement of 353 dpa. Therefore, it is concluded that the local housing need has changed significantly.

4 Alternative Options and Reasons for Rejection

- 4.1 There is no reasonable alternative as there is a legal requirement for the Council to undertake a Local Plan Review within five years of the Local Plan for Bolsover District being adopted, that is before 4th March 2025.

RECOMMENDATION(S)

It is recommended that the Planning Committee:

- 1) Notes the detailed issues set out in the report and the analysis set out in the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document (Appendix A).
- 2) Authorises the publication of the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document on the Council's website.
- 3) Gives delegated authority to the Assistant Director of Planning and Planning Policy in consultation with the Chair and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 2) prior to publication.
- 4) Notes that a further report on the Local Development Scheme, which will set out the format and timetable for the preparation of an updated Local Plan, will be prepared and brought forward for consideration.

Approved by the Portfolio Holder for Growth

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: The Planning Policy and Housing Strategy team has a budget for the commissioning of evidence base documents and undertaking policy work. At this stage, there are no specific finance or risk issues arising from this report. <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<u>Legal (including Data Protection)</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: The Planning and Compulsory Purchase Act 2004 requires a local planning authority must keep under review their local development documents. Under Regulation 10A of the of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, a local plan review must be completed every five years, starting from the date of adoption of the local plan. Therefore, the review of the Local Plan for Bolsover District should be completed before 4th March 2025.

On behalf of the Solicitor to the Council

Staffing Yes No

Details: There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes No

Details: There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.

Environment Yes No

Details: The Local Plan Review considers whether a update of the policies set out in the Local Plan is required, including the need to support sustainable growth and the prudent use of resources, to mitigate against and adapt to the impacts of climate change and to enhance biodiversity.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? (<i>decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Consultation carried out: (this is any consultation carried out prior to the report being presented for approval)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p> Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/> </p>	<p>Portfolio Member for Growth and Chair of Planning Committee.</p>

Links to Council Ambition: Customers, Economy, Environment, Housing
<p><u>Economy</u></p> <ul style="list-style-type: none"> Actively working with partners to support enterprise, innovation, jobs and skills. Unlocking regeneration and development potential of long-term vacant land and buildings, and stalled sites and deliver income generating capital projects. Promoting the District and working with partners to increase and support the creative, cultural and tourism sector. <p><u>Environment</u></p> <ul style="list-style-type: none"> Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live. Reducing our carbon footprint whilst supporting and encouraging residents and businesses to do the same. Enhancing biodiversity across the district. Working with stakeholders, strategic and local partnerships to deliver shared strategies and priorities that support the local environment. <p><u>Housing</u></p> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

DOCUMENT INFORMATION:

Appendix No	Title
A	Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).

DECEMBER 2024