



**LOCAL PLAN FOR BOLSOVER  
DISTRICT (MARCH 2020)**

**FIRST FIVE YEAR REVIEW REPORT**

**FEBRUARY 2025**

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## 1.0 INTRODUCTION

- 1.1 The Local Plan for Bolsover District was adopted by the Council on 4<sup>th</sup> March 2020. Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), a local planning authority is required to undertake a review of their local plans within five years of adoption. The review is to establish whether a plan requires updating. If the plan does require updating, those updates need to be undertaken through the relevant local plan process set out in legislation.

### **Legislation and National Planning Guidance**

- 1.2 The Planning and Compulsory Purchase Act 2004 (PCPA) Section 15 requires that a Local Planning Authority (LPA) must prepare and maintain a "local development scheme." The scheme is to specify local development documents which are either development plan documents (the subject of the presumption in s.38(6)) or supplementary planning documents.
- 1.3 PCPA Section 17(3) requires a LPA's adopted local development documents, taken as a whole, to set out the authorities' policies relating to the development and use of land in their area.
- 1.4 Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, sets out documents which are to be prepared as local development documents. They include documents setting out site allocations and policies for development management, which are then defined by Regulation 6 as local plans. In preparing a development plan document or any other local development document, the LPA must have regard to national policies and advice contained in guidance issued by the Secretary of State (PCPA section 19(2)).
- 1.5 Regulation 10A of the 2012 Regulations requires a LPA to complete a review of its local plan within every 5 years, starting from the date of adoption of the plan.
- 1.6 From a national planning policy aspect, a local plan is brought forward under policies set out in the National Planning Policy Framework, Planning Policy for Traveller Sites, other statements of government policy such as Written Ministerial Statements, endorsed recommendations of the National Infrastructure Commission and Planning Practice Guidance.
- 1.7 The National Planning Policy Framework, (NPPF) requires 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.” NPPF Paragraph 34.*

1.8 Planning Policy Guidance Plan-Making (PPGPM) 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.*

1.9 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.

1.10 The Planning Advisory Service (PAS) identifies that the failure to deliver new homes is the single matter most likely to trigger the need for a review of policies and update of a local plan.

1.11 Further guidance is set out by the PPGPM. The Guidance recognises that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The local plan review process is a method to ensure that a plan and the policies within remains effective. Under the Guidance the information that an authority can consider includes but is not limited to:

- conformity with national planning policy;
- changes to local circumstances; such as a change in Local Housing Need;
- their Housing Delivery Test performance;
- whether the authority 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;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- 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.  
(Paragraph: 065 Reference ID: 61-065-20190723)

1.12 The PPGPM identifies that if a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan (Para. 070 Reference ID: 61-070-20190315). It also makes clear that a local planning authority can review specific policies on an individual basis, but this would need to follow the plan-making procedure set out in legislation. (Para. 069 Reference ID: 61-069-20190723).

1.13 In accordance with the Planning and Compulsory Purchase Act 2004, Sections 13 and 17, the Council continues to review the matters which may be expected to affect the development of their area or the planning of its development.

1.14 Levelling Up and Regeneration Act 2023 proposed a number of changes to future legislation. These include:

- National development management policies (NDMPs) to be drawn up by the Secretary of State for Levelling Up, Housing and Communities (DLUHC). The Secretary of State must consult the public on proposed NDMPs with consultation anticipated by the government in summer or autumn 2025. The NDMPs will carry the same weight as local plans in decision-making on planning applications, but where there is conflict the NDMPs will override local plans.
- It includes reforms to the plan-making process. The government has proposed changing regulations to require Local Planning Authorities (LPA) to produce local plans within 30 months and update them every five years. It proposed that, in these 30 months, local plans would undergo:
  - Two rounds of consultations to allow the local community and certain public bodies to participate in the plan-making process.
  - Three 'gateway' checks (of four to six weeks each) where technical specialists or planning inspectors would help LPAs resolve issues.

The government also proposed that the examination of the local plan by the Planning Inspectorate should take place during the 30-month timeframe. On this basis examination should last "no more than six months".

- Supplementary planning documents (SPDs) are used to expand on policies in local plans are proposed to be replaced by 'supplementary plans'. Supplementary plans will be examined and will have the same statutory weight as local plans.
- Introducing a statutory requirement for LPAs to prepare design codes, in which they set out design requirements for developments in their area.
- Under Schedule 7 (15C) of the Act, the local plan must be designed to secure that the use and development of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

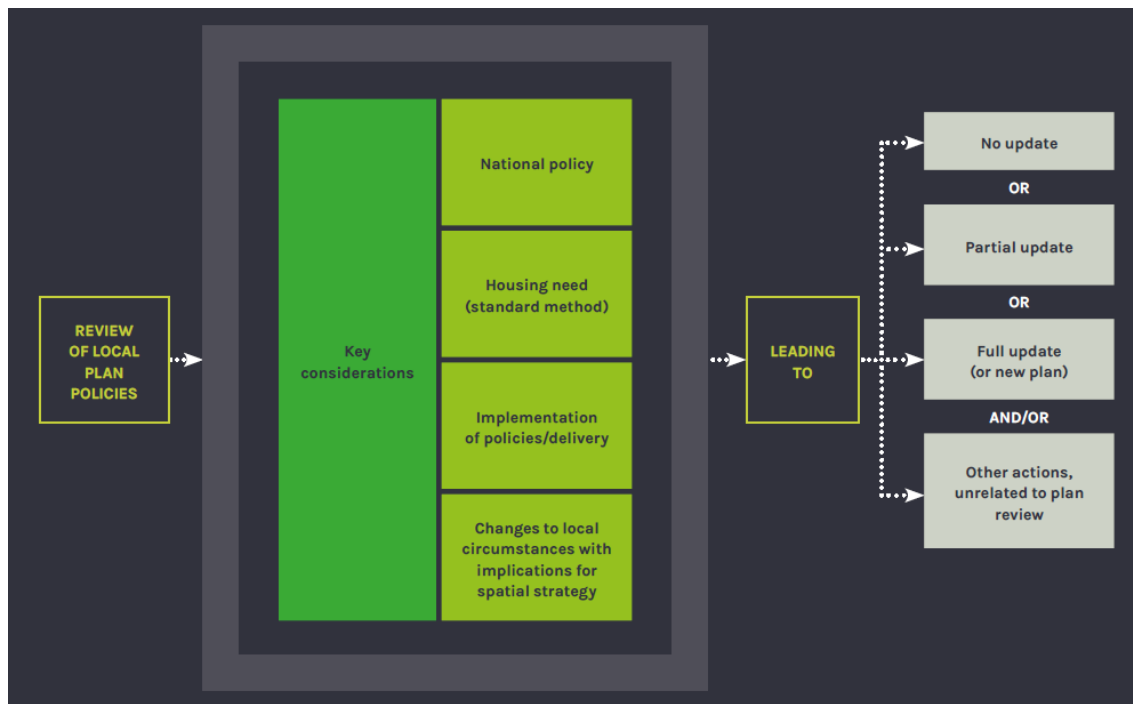
Adapting to climate change – including dealing with flood risk – must be a central part of Local Plans.

As yet these changes have not been introduced.

- 1.15 The Local Plan Review (LPR) has been undertaken to consider the guidance set out by the Planning Advisory Service (PAS) Local Plan Review Assessment, Diagram 1. The matrix is intended to supplement the NPPF (paragraph 34 in particular) and the associated National Planning Practice Guidance on the review of policies within the plan. Completing the matrix is identified as helping councils to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the plan continue to be effective in addressing the specific local issues that are identified the plan.

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

Source: Local Plan Route Mapper, October 2021



**Requirements of a Local Plan 5 Year Review**

- 1.16 The Local Plan for Bolsover District was adopted on 4<sup>th</sup> March 2020. In accordance with legislation, the LPR should be completed by 3<sup>rd</sup> March 2025. The purpose of the Review is to assess whether an update of the Local Plan is required. An update could involve a new plan or a partial update of one or more policies or additional allocations.
- 1.17 There is limited legislative requirements relating to a local plan review, consequently the LPR has been undertaken regarding the guidance set out in PPGPM and using the PAS Local Plan Review Assessment.

1.18 There are a number of reasons that an update of all or part of the Plan may be necessary. These are summarised as follows:

- Legislative changes: Changes to the law may result in the need to amend policies. For instance, changes to planning use classes may affect how policies are applied.
- National policy changes: The Local Plan 2020 was examined against the 2012 version of the National Planning Policy Framework (NPPF). However, aspects of the NPPF 2018 were taken into account at the Local Plan Examination and the Main Modifications required by the Inspector. Since that time, there have been a number of further versions of the NPPF, with the most recent being that published in December 2024. Planning Practice Guidance has also changed in that time, most particularly in relation to the approach to housing need. There is a question over the status of PPGs and whether they are simply guidance or can amend national policy<sup>1</sup>.
- Other policy changes: Other policy changes include the publication of new regional or local policies in strategies that influence a local plan and its policies.
- Neighbouring local plan authorities: Issues may arise in relation to the housing and economic needs of neighbouring authorities, which must be considered under the duty to cooperate in the Planning and Compulsory Purchase Act 2004.
- Monitoring data: The Council monitors the Local Plan and collates the findings in its Authority Monitoring Report. This provides an easy reference point about how policies are being applied and what effect they are having.
- Appeals: A number of appeals have been decided since the Local Plan was adopted in 2020, and these may often give an indication of whether or not a policy requires amending, for instance if appeal decisions regularly conflict with a policy approach or reveal confusion about specific wording. Appeals decided up until mid-January 2025 have been taken into account here.
- Other changes in circumstances: There are a wide variety of changes that could fit within this category. These include physical changes on the ground, such as a specific development or important piece of infrastructure. They might also include socio-economic changes within the local area, with knock-on impacts on viability, or increased strain on particular services or facilities.

1.19 It should be noted that while there may be policy gaps this does not necessarily require a wholly new policy. Nor is it necessarily the case that

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<sup>1</sup> Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024) “There is no legal principle which prevents national policy in the NPPF being altered by a WMS and/or PPG”. The High Court essentially concluded that the NPPF and PPG have equal status (at [62]) and that it is permissible for the PPG to be more restrictive than the NPPF (at [71]). The judgement is subject to challenge in the Court of Appeal with no decision having been published on 24<sup>th</sup> January 2025.

any changes need to be made at all, but it is worth highlighting these matters at this point to ensure that the need for update is considered.

- 1.20 The Council has undertaken a number of studies to update the evidence in relation to the Local Plan and inform the Review.

### **Covid Pandemic**

- 1.21 The COVID-19 pandemic occurred just after the adoption of the Local Plan for Bolsover District. From national data it can be seen that the Covid-19 pandemic impacted on many aspects of life, including aspects covered by a local plan. It is noted that some of the impacts of the Covid-19 pandemic are still being felt several years later.



## 2.0 REVIEW OF THE LOCAL PLAN FOR BOLSOVER DISTRICT

2.1 The Local Plan Review (LPR) has taken into consideration changes that have been undertaken since the Local Plan for Bolsover District was adopted in March 2020. There are reflected in the following aspects:

- Strategic Plans – A review has been undertaken of the changes to Strategic Plans at a regional and local level and a summary of these is set out in Appendix 1. From this analysis, it is concluded that there have been no substantial changes which would result in a conclusion that the vision and strategy in the Local Plan should be revised.
- Legislation – A local plan is brought forward under the legislative provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations, 2012, as amended. The Levelling Up and Regeneration Act 2023 and its associated regulations, when made, will make substantial changes to how a local plan is brought forward and examined. However, the necessary sections have not been implemented at this time and no regulations have been introduced in relation to the local plan. There have been some legislative changes will 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. 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. These 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.
- National Policy – National planning policy changes including the National Planning Policy Framework, written ministerial guidance, endorsed recommendations of the National Infrastructure Commission and Planning Practice Guidance<sup>2</sup> will potentially have a significant impact on the Local Plan and its policies. These are considered through utilising the PAS Local Plan Route Mapper.
- Neighbouring Authority Requirements – The Council has undertaken a review of emerging and adopted neighbouring authority development plans and their planning context and undertaken a review the Tibshelf Neighbourhood Plan which forms part of the development plan for Bolsover District. No issues in relation to neighbouring authorities housing or economic requirements have been identified.
- Appeals – A review has been undertaken on appeal decisions in the District of Bolsover from reference: APP/R1010/W/19/3224662, Land to the West of Bridge Close, Clowne, decision date of 22nd July 2019 to 15<sup>th</sup> January 2025 and

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<sup>2</sup> Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024) “There is no legal principle which prevents national policy in the NPPF being altered by a WMS and/or PPG”. The Court essentially concluded that the NPPF and PPG have equal status (at [62]) and that it is permissible for the PPG to be more restrictive than the NPPF (at [71]). The decision is subject to challenge in the Court of Appeal.

a summary of these determinations is set out in Appendix 2. Consequently, the review of appeal decision considered extends from prior to the adoption of the Local Plan for Bolsover District on 4<sup>th</sup> March 2020. 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 analysis, no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District, which would justify a review of the policies in question.

- Viability – A review of major planning applications has been undertaken, Appendix 3. While there have been viability aspects on specific sites, it has not been identified that a Whole Plan Viability Review is necessary.
- Evidence – The Council has commissioned additional evidence work in relation the Local Plan Review, typically working with various other councils. This includes:
  - Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2020-2040. (Derbyshire councils).
  - The Chesterfield and Bolsover Local Housing Needs Assessment 2025, Icen Projects. The Assessment considers a number of areas, including local housing needs, affordable housing incorporating a review of First Homes, an analysis of the private rented sector and considering the housing needs different groups and the housing mix that is appropriate to the District.
  - The Bolsover, Chesterfield and North East Derbyshire Economic Need Assessment Study 2025, Lichfields. The Study reflect the requirements of national planning guidance to consider the future need for land for offices, general industrial and logistics uses with the district. Given the councils location on the M1 Motorway, the Study includes a consideration of the demand for land for strategic logistics, taking into account the wider evidence from Sheffield, Rotherham, Derbyshire and Nottinghamshire.
  - Infrastructure Study and Delivery Plan 2025. The Study provides information on how infrastructure capacity may have changed since the Local Plan was adopted and will also inform future S106 Agreements.

The evidence from these assessments/studies has been considered as part of the Review through the PAS Toolkit.

- Neighbourhood Plans - Within the District of Bolsover there is one 'made' neighbourhood plan, the Tibshelf Neighbourhood Plan 2017 – 2033. Planning Practice Guidance Plan Making stresses that there is no requirement for a neighbourhood plan to be reviewed every five years. A review of the policies in the neighbourhood plan has been undertaken, which has not identified any specific issues in relation to the Local Plan policies or the changes to national planning policy, Appendix 4.

## **PAS Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment**

- 2.2 The Planning Advisory Service (PAS) has provided a Local Plan Route Mapper & Toolkit, which provides practical advice and tools to undertake a Local Plan review, project plan, manage and carry out the update of a Local Plan. 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 the Local Plan for Bolsover District.
- 2.3 The National Planning Policy Framework (NPPF) was introduced in 2012. A revised NPPF was published in July 2018. It included a transitional arrangement in paragraph 214 which identified that, for the purpose of examining the Local Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG applied for the purposes of the Examination under the transitional arrangement. The Local Plan for Bolsover District was submitted for examination on 31st August 2018 and follow a main modification consultation and Inspector's Report was adopted on 4th March 2020. The Inspector recommended main modifications included requirements that were reflective of the 2018 version of the NPPF, which were incorporated into the adopted version of the Plan.
- 2.4 The NPPF 2012 has been revised in 2018, 2019, 2021, 2023 (Sept & Dec) and 2024. A revised NPPF was published on 12<sup>th</sup> December 2024 together with changes to Planning Practice Guidance, which has significantly amended national planning requirements. In summary, these include the following:
- Housing – There is a mandatory requirement to using the standard method to arrive at the minimum local housing need. It sets a baseline of 0.8% of a district housing stock with an affordability factor being applied to this baseline in accordance with the requirements set out in planning practice guidance. In addition to the local housing need, the NPPF requires the applications of various buffers, dependent on the councils' circumstances.
  - Housing Requirement for Bolsover – The local housing need for Bolsover under the revised standard method is 353 dwellings per annum. A 5% buffer is applied to this figure resulting in a requirement for 371 dwellings per annum.
  - Affordable Housing – There is an emphasis on social rents and sites having mixed tenure. There is no longer a specific requirement for affordable homes for sale, including First Homes.
  - Green Belt – Significant changes are made to the Green Belt policies. The approach to exceptional circumstances for changing Green Belt boundaries through the Local Plan has been amended. There has also been the introduction of a definition of grey belt land within the Green Belt. The purpose is to enable development to come forward where a local planning authority (lpa) cannot meet its identified need for 'homes, commercial or other development' through other means. The release of grey belt land is subject to new 'golden rules.' Grey belt is defined in the NPPF as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not

strongly contribute to any of check of unrestricted sprawl, prevent merging of towns, and preserve the setting of historic towns.

- Local Plans – There is a strengthening of the duty to cooperate between councils and infrastructure providers.
- Economic Growth – Additional policies are set out to support economic growth and meet future development needs.
- Other aspects – There have been other changes in relation to improved health, provision for education, a vision led approach to transport, increased emphasis on climate change, and an additional policy aspect to the sequential approach to flooding.
- Planning policy for traveller sites – There have been a change to the definition of gypsies and travellers to include “all other persons with a cultural tradition of nomadism or of living in a caravan”. The policies identify that NPPF paragraph 11 will apply if there is not a 5 year supply of deliverable sites and, if it is necessary to release Green Belt, the “Golden Rules” will not apply.

***PAS Toolkit Part 1 A1 – “The plan policies still reflect current national planning policy requirements.”***

***Conclusion – Disagree.***

***There are various policies in the Local Plan for Bolsover District which are not entirely in conformity with the wording of the NPPF, but these are considered in the main to not be significant. However, it is considered that the recent changes in the NPPF (December 2024) in relation to the Green Belt policy, in particular the grey belt and the ‘Golden Rules’, are significantly different to the relevant policy in the Local Plan meaning that this factor is considered to identify that Local Plan policies need updating in this area.***

- 2.5 The NPPF identifies in paragraph 1 that “It provides a framework within which locally prepared plans can provide for housing and other development in a sustainable manner.” Under paragraph 9 “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” Consequently, the Local Plan policies need to be seen in the context that they are applying a local approach within the framework set by the NPPF.
- 2.6 The 2018 NPPF introduced changes to the approach to strategic policies which are reflected in the policies and format of the current NPPF. Plans should make explicit which policies are strategic policies (paragraph 21). This is reflected in the Local Plan for Bolsover being set out in Appendix 1.3 Strategic Policies of the Local Plan for Bolsover District.
- 2.7 A change from the 2012 NPPF is the emphasis on small and medium sized sites. The NPPF in paragraph 73 requires “through the development plan and brownfield registers, land to accommodate at least 10% of their housing

requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved.” The Local Plan identifies that 13% of the sites brought forward are less than 1 ha (page 66). The Brownfield Register identifies opportunities for smaller sites to come forward and planning permission has been granted for a number of sites within the development envelope. However, the implication of planning for a local plan period of 15 years is that the requirement for 10% of housing sites on sites no larger than one hectare should be demonstrated at the Local Plan Examination rather than on LPR.

- 2.8 The NPPF is now more explicit about the need for strategic policies to be set over a minimum 15-year time frame from the adoption of the Local Plan. The 2012 version against which the Bolsover Local Plan was examined identified the period should ‘preferably’ be 15 years. The 2024 NPPF requires that strategic policies should look ahead over a minimum 15 year period from adoption (paragraph 22). The Town and Country Planning (Local Plan) (England) Regulations 2012, as amended, requires under regulation 10A, that a review of a local plan, must be completed every five years, starting from the date of adoption of the local plan. The requirement for a review is also set out in policy in the 2024 NPPF paragraph 34. However, there is nothing in Regulation 10A or NPPF Paragraph 34 that requires an extension of a plan period forward to at least 15 years post review. The implication is that NPPF paragraph 22 in relation to the 15 year requirement, applies to a newly adopted Plan reflecting the strategic matters set out in NPPF paragraph 20.
- 2.9 The spatial strategy under Policy SS3 of the Local Plan sets out a settlement hierarchy which ranks and classifies settlements based on the availability and accessibility of a broad range of facilities. Settlements that are in a higher tier of the hierarchy will be more sustainable locations for new development, because residents would be able to access a greater range of services and facilities more easily, without the need to travel as far by car. A settlement hierarchy also helps to understand the role and character of different settlements, which is important in maintaining and enhancing their character. It is not considered that the spatial strategy has changed. For the period following the adoption of the Local Plan the Council has seen the delivery in relation to the number of homes brought forward within the District being above the Local Plan requirement but in accordance with the spatial strategy. Under these circumstances, the spatial strategy and distribution of development within the Plan is not considered to require any revision.
- 2.10 Policy SC9 of the Local Plan requires that wherever possible development should provide a net gain in biodiversity. This is consistent with the NPPF as paragraph 1878- d) sets out a requirement for minimising impacts on and providing for net gains for biodiversity. Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) developers must deliver a biodiversity net gain of 10%. (Major sites from January 2024, small site from April 2024). Legislation has introduced a legal requirement for development to achieve at least 10% biodiversity net gain. However, there is no evidence that a higher biodiversity net gain could be achieved in Bolsover and it is not considered that this necessitates a change to the relevant Policy.

- 2.11 The NPPF paragraph 133 requires all local planning authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preference. The Local Plan in policies SS1: Sustainable Development, SC2: Sustainable Design and Construction and SC3: High Quality Development places an emphasis on design. The Council's supplementary planning document Successful Places (A Guide to Sustainable Housing Layout and Design) promotes and achieves high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. It is not anticipated that a design guide or code will form part of a local plan but would come forward as a Supplementary Planning Document.
- 2.12 Under Policy SC2 new development will need to mitigate and adapt to the effects of climate change. The Council does not set specific policy requirements in relation to energy, which would replace the relevant requirements set out in the Building Regulations. However, there is no requirement for such policies in the NPPF or legislation and a number of policies within the Local Plan address and mitigate the impact of climate change. Policy SC6 provides support for development proposals for the generation of renewable energy subject to criteria set out in the Policy. However, the Policy specifically excludes large wind turbines as required by national policy at the time. The change in Government policy is a material consideration and should be seen alongside the criteria set out in Policy SC6.
- 2.13 Paragraph 200 of the NPPF sets out that, where appropriate, the agent of change should be required to provide mitigation before the development is completed. This is reflected to some degree within Local Plan policies particularly in relation to residential amenity (Policy SC11). However, Paragraph 200 specifically identifies that new development can be integrated effectively with existing businesses and community facilities. This clarifies the NPPF 2012 which provided that planning policies and decisions should "aim to recognise that ..... existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established." The inclusion of an explicit reference to the agent of change principle is a change of emphasis and clarifies the application of the principle.
- 2.14 The Local Plan sets out a shortened definition of previously developed land. As a result, there is some inconsistency between the Local Plan definition and the definition of previous developed land in the NPPF Annex 2. The Local Plan does not include within its definition the curtilage of the developed land or exclude "land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape." In this context the Court of Appeal in *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) has held that development in the curtilage of land that was occupied by a permanent structure (a residential garden) in a rural area as opposed to a build-up area should be classed as previously developed land. In these circumstances, it is anticipated that the NPPF definition would be taken forward as a material consideration.

2.15 The NPPF has strengthened the approach to the economy. Additional policies includes:

- A requirement to have regard to the national industrial policy.
- An emphasis on identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. (NPPF para. 86).
- Identifying that planning policy and decision making should recognise and address “the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.” (NPPF para. 87).

The Local Plan has made substantial provision for logistics development within the district and has made a significant contribution towards meeting these needs through sites at South Normanton and Horizon 29 (Coalite). Therefore, the Local Plan policies are regarded as being consistent with the emphasis on economic growth.

2.16 The Local Plan sets out a Policy covering the Green Belt. There were minor differences between the Policy and the NPPF prior to the December 2024 version, but these were not considered to be significant. However, significant changes have been introduced by the NPPF 2024. These reflect a number of aspects:

- The introduction of a new concept within the Green Belt, the grey belt and the “golden rules”.
- Green Belt boundaries can be amended under a Local Plan in exceptional circumstances. The revised NPPF provides greater clarity on the ‘exceptional circumstances.’ These include, but is not limited to, instances where an authority cannot meet its identified need for ‘homes, commercial or other development’ through other means (NPPF para.146).
- NPPF para.148, in practice, results in two sequential tests. An additional sequential test is introduced for Green Belt release “plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.”
- Housing, commercial and other development is no longer regarded as inappropriate in the Green Belt where (paragraph 155):
  - a) it would be ‘Grey Belt’ land.
  - b) it would not fundamentally undermine the purposes taken together of the Green Belt across the area of the plan.
  - c) it would be in a sustainable location.
  - d) there is a demonstrable unmet need for the type of development proposed.
  - e) the development would meet the golden rules.

2.17 As is set out in Table 1, Bolsover District has a limited area of Green Belt and the Local Plan Review does not anticipate a change in the spatial strategy with sufficient sites to meet the future housing supply. It can also be anticipated that National Development Management Policies will be taken forward in 2025 and will include the Green Belt policies. Nevertheless, currently the Local Plan Green Belt Policy is not reflective of the latest version of the NPPF.

Authority name	Area of land designated as Green Belt	Total area as at 31 December 2023	Percentage of total land area designated as Green Belt
Bolsover	1,080	16,030	6.7
Chesterfield	1,440	6,600	21.8
North East Derbyshire	10,320	27,560	37.5

**Table 1: Green Belt Bolsover District**

Source: <https://www.gov.uk/government/statistics/local-authority-green-belt-statistics-for-england-2023-to-2024>

2.18 On 1st September 2020, changes to the Use Classes Order came into force with implications for employment land. In particular, a number of formerly separate use classes were combined within a new use class E (Commercial, Business and Service). This includes shops (formerly A1), financial and professional services (A2), restaurants and cafes (formerly A3), offices, light industrial and research and development (formerly B1) as well as a number of community and leisure uses formerly within the D1 and D2 use classes. Changes of use within a single use class are not classed as development, and do not require planning permission. Changes to the General Permitted Development Order have also been made since adoption of the plan, to extend permitted development rights. A new permitted development right to convert class E uses to residential came into force on 1st August 2021 and replaced existing permitted development rights for conversion of offices to flats. Legislation now permits specific changes without the need for a specific planning application. However, these changes are not anticipated to have a direct impact which requires policies in the Local Plan to be updated. The new right carries additional restrictions and therefore means that the Policy is more likely to be able to control uses in the way envisaged.

2.19 The Environment Act 2021 introduced significant new provisions which have an impact on the relationship between biodiversity and development. Prior to the Act the duty on public authorities was to conserve biodiversity. This has been amended by the Act to a duty to conserve and enhance biodiversity. The Act also introduces Local Nature Recovery Strategies, which are to include a statement of biodiversity priorities for the strategy area and also a local habitat map for the area. These are to be prepared for defined areas,



and in the case of Bolsover this would cover the county of Derbyshire. The Act amended Town and Country Planning Act 1990 to include “The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.” The Biodiversity Gain Requirements (Exemptions) Regulations 2024 came into force on 12th February 2024. Under the regulations there is the introduction of mandatory 10% biodiversity net gain (BNG) on large development sites, came into force in February 2024. The regulations as they apply to smaller sites (less than 10 units) came into force from 2nd April 2024. Policy SC9 seeks to conserve and enhance biodiversity and geodiversity of the District. The Policy took account of the NPPF 2018 including an expectation that there will not only be no net loss of biodiversity on site but that there will be a net gain wherever possible. The Policy identifies that biodiversity net gain should be achieved where possible, which is consistent with the NPPF paragraph 180 d) which sets out a requirement for net gains for biodiversity but does not specific any specific requirement. Legislation has introduced a legal requirement for development to achieve at least 10% biodiversity net gain. However, there is no evidence that a higher biodiversity net gain could be achieved in Bolsover.

***PAS Toolkit Part 1 A2 “There has not been a significant change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).”***

#### ***Conclusion – Disagree.***

*Prior to the December 2024 changes to the standard method for identifying local housing needs, the Council requirement within the Local Plan at 272 dpa was above the standard method figure of 195 dpa. Planning Practice Guidance was amended on 12<sup>th</sup> December 2024 with the revised standard method for assessing local housing need resulting in a standard method figure of 353 dpa for Bolsover. This is considered to represent a significant change in the local housing need from that specified in the Local Plan. Consequently, it is considered that this factor identifies that the Local Plan policies need updating in this area.*

*The evidence in relation to Travellers identifies that there are no issues in relation to Gypsies and Travellers sites, but for Showpersons there is anticipated to be a shortfall of 6 sites by 2035. However, in relation to the LPR it is anticipate that it is acceptable for this shortfall to be met through the criteria based Policy in the Local Plan.*

- 2.20 The Local Plan for Bolsover District, 2020 took forward a housing need of 272 dwellings per annum. This was based on the evidence from the SHMA which set out conclusions on the demographic need for homes with upward adjustments to support baseline economic growth, and a 10% upward adjustment to the demographic need to support enhanced affordable housing delivery.
- 2.21 The 2018 NPPF introduced the standard method of arriving a local housing need. The standard method for Bolsover identifies a requirement at the commencement of the 2024/25 year of 195 dwellings per annum. However, this figure can vary on an annual basis subject to the amount of increase in household over a 10-

year period set out in the 2014 based household projections and the affordability factor for the year in question. Nevertheless, it has been typically around 200 dwellings per annum for Bolsover.

- 2.22 The government elected in July 2024 placed an emphasis on housing growth. The Written Ministerial Statement of 30<sup>th</sup> July 2024 “Building the homes we need.” Set out that “We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.” The Government’s target is to build 1.5 million homes over the next five years. This has been reflected in changes to the NPPF, which include a new standard method formula with the baseline moving from demographic projections to being based on the housing stock within the district together with an affordability factor. Despite the Council’s track record of delivering significant housing growth there is a requirement under the NPPF for a 5% buffer.
- 2.23 The revised standard method formula results in a requirement for 353 dwellings per annum. An 81% increase on the previous standard method figure of 195 dwellings per annum and an additional 81 dwellings per annum above the Local Plan requirement. The Local Housing Needs Assessment 2025 concludes that the new requirement of 353 dwellings per annum is a reasonable figure for the Council to plan for.
- 2.24 This is considered to represent a significant change in the local housing need from that specified in the Local Plan. Consequently, it is considered that this factor identifies that the Local Plan policies need updating in this area.

***PAS Toolkit Part 1 A3 – “You have a 5-year supply of housing land.”***

***Conclusion – Agree.***

***The Council is able to demonstrate a 5-year supply of housing land, both currently against the Local Plan requirement of 272 dpa and also against the expected new 371 dpa (353 plus 5% buffer) figure. As a result, this factor is considered to identify that the Local Plan policies do not need updating in this area.***

- 2.25 The Council published a Five-Year Housing Land Supply Position Statement on 27<sup>th</sup> November 2024 through the Planning Committee, which was updated on through the report to the Planning Committee of 22<sup>nd</sup> January 2025. The Committee Report demonstrates that as of 1<sup>st</sup> April 2024, the Council could demonstrate 8.35 years supply of deliverable housing sites. Under the changes to the standard method formula and the reintroduction of a 5% buffer for Bolsover the local housing need is identified as 371 dwellings per annum. Based on the 5-year analysis on 1<sup>st</sup> April 2024, the Council would have a 6.12 years supply.
- 2.26 The evidence for Travellers has been updated in The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2020-2040. In relation to the LPR the key findings are as follows:
- In respect of Gypsies and Travellers the allocations at Hilcote Lane, Hilcote

and 3-5 Brookhill Lane, Pinxton have been developed. However, there is no need for new sites to be provide as the 14 pitches required for Gypsies and Travellers are covered through existing local plan applications and planning permissions granted for sites in other locations.

- For Travelling Showpeople, the Assessment identifies that there is a shortage of 13 plots from 2020 to 2040. The need for the period from 2020 to 2040 is identified as 27 plots. However, the Assessment breaks down this need into periods of five years. For the period 2020 to 2030 there is an identified requirement for 14 plots and for 2020 to 2035 20 plots. The adopted Local Plan sets out an allocation of 14 Travelling Showpeople plots at Beaufit Lane, Pinxton. Therefore, based on the evidence, the needs are met to 2030 with a 6 plot shortfall by 2035. However, under the National 'Planning Policy for Traveller Sites' updated 2024 the Council is required:
  - “to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set target.”
  - identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.

2.27 Currently, the Council has a 5 year housing supply but this will only be the case for a limited period into the future for showpeople. The Council’s Land Availability Assessment work has not identified any addition sites that are potentially available for travelling showpersons. Given the potentially limited future shortfall in plots in relation to the Local Plan period of 2033 it is considered that it is a reasonable approach is for the Council to rely on the criteria-based policy set out in Local Plan Policy LC5. The Policy allows sufficient flexibility to meet the need where it might arise and it is reflective of a similar scenario for gypsies and travellers which was deemed acceptable at the Local Plan Examination. It is acknowledged that there are existing and allocated Travelling Showpeoples sites located in higher risk flood zones. However, this is reflective of where sites have already been developed for this purpose or where sites had permission. This approach to this site was found to be acceptable by the Inspector at the Local Plan Examination.

***PAS Toolkit Part 1 A4 – “You are meeting housing delivery targets.”***

***Conclusion – Agree***

***The Council has been found by the Government to have met the Housing Delivery Test every year since it was introduced. In addition, the average annual delivery of housing total is above the new 353 dpa figure, both across the last 10-year and 5-year periods. As a result, this factor is considered to identify that the Local Plan policies do not need updating in this area.***

2.28 The Bolsover Local Plan plans for a minimum of 5,168 new homes for the period 2014 to 2033. (272 homes per annum).

2.29 Based on the housing provision for the period from 2014/15 to 2023/24 the Council has a requirement for 2,720 dwellings, but has delivered 3,679 homes.(See Table 2). The Council has a substantial five-year housing supply at

1<sup>st</sup> April 2024 and there is no evidence to suggest ongoing delivery to the required level will not be achieved in Bolsover.

2.30 The Housing Delivery Test (HDT) is an annual measurement of housing delivery across England. It assesses the number of homes built in each local authority over the previous three-years against their assessed local housing needs. The outcomes of the HDT reflect delivery levels:

- More than 95% of housing requirement – Passed - No action
- 85% - 95% - Action Plan - The local authority must produce an action plan to lay out steps it will take to increase their housing delivery
- 75% - 85% - Buffer - A 20% buffer will be added to the local authority’s 5-year land supply and an action plan must be produced
- Less than 75% (less than 45% up until 2020) – Presumption in favour of sustainable development - All planning applications must be granted if they accord with an up-to-date development plan unless the site is protected under the National Planning Policy Framework or the adverse impacts of development significantly outweigh the benefits

2.31 There have been no issues for Bolsover District in relation to the HDT since it was introduced in 2018. The latest Housing Delivery Test measurement issued on 12<sup>th</sup> December 2024 identifies that Bolsover DC has achieved a figure of 260%. For Bolsover there is no requirement for an action plan and the presumption in favour of housing development is not triggered, Table 3.

20-21	21-22	22-23	Total homes required	20-21	21-22	22-23	Total homes delivered	Housing Delivery Test	Consequence
149	209	216	574	467	537	491	1,495	260%	None

**Table 2: Housing Delivery Test: 2023 Measurement**

Source: [Housing Delivery Test: 2023 measurement](#), MH Government

***PAS Toolkit Part 1 A5 – “Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.”***

***Conclusion – Agree.***

***For affordable housing, the evidence from the updated LHNA identifies there is a requirement for social and affordable rent. The Local Plan policy identifies the need for affordable homes for rent and is consistent with the changes in the NPPF and PPG, which emphasises social rents and removes the requirement in the PPG for a percentage of First Homes to be brought forward.***

***The Authority Monitoring Reports (AMRs) identify that the Council is achieving in excess of the targets for delivering affordable housing.***

***The updated evidence of the ENAS is that the Council should aim to plan***

*positively to meet the indigenous employment space needs generated by either the 'Policy On' or Standard method 3 figure (353 dpa). The implication for the Local Plan Review is that the need for local business sites to 2033 can be met by the existing supply of local sites set out in the Local Plan. It considers the evidence for 'big box' strategic logistic needs (units 9,000 sq. m plus) it is identified that the Property Market Area extends well beyond North Derbyshire and is highly fluid as demand could be met from as far away as the A1 Corridor to the east; Doncaster to the north and Nottinghamshire to the south. Under the scenarios identified in ENAS to 2033 there would be a shortage in the supply of strategic sites specific to North Derbyshire. However, given the extent of the FEMA, the ENAS stresses that it would be a policy choice for the Council to make as to the extent of this wider strategic B2 / B8 need that it should contribute towards.*

(i) Affordable Housing and Other Housing Aspects

- 2.32 Affordable need can be met in many ways and not just through the planning system. However, a local plan can contribute towards meeting affordable housing needs through a policy requirement identifying a percentage figure to be brought forward as affordable housing. This is set out in Policy LC2: Affordable Housing Through Market Housing, where a requirement for 10% affordable rents is identified on site of 25 or more dwellings. The requirement for affordable housing needs to be considered in the context that Bolsover is a District with a relatively low value housing market which impacts upon the viability of residential development and can significantly impact upon the degree of affordable housing that can be delivered.
- 2.33 Under the 2012 NPPF there was a requirement for housing needs to be identified through a Strategic Housing Market Assessment (SHMA) to ensure that the local plan meets the full objective housing needs for market and affordable housing (FOAN). The Courts subsequently clarified that an assessment of affordable housing need should be undertaken, but the level of affordable housing need does not necessarily have to be met in full within the assessment of the Objectively Assessed Need (OAN). However, it may support an upwards adjustment to housing need within the OAN calculation. (Kings Lynn and West Norfolk Council v SSCLG and Elm Park Holdings (2015) EWHC 2464). Based on the SHMA the Local Plan took forward the demographic need of 247 dwellings plus a 10% uplift to identify a requirement of 272 dwellings per annum.
- 2.34 The method of assessing local housing need was amended in the 2018 NPPF to utilise the standard method and this remains the current position. The 2024 NPPF requires affordable housing where a need is identified (para.63) with a requirement for major development to achieve 10% of the total number of homes to be unless this exceeds the level of affordable housing for the area or significantly prejudices the ability to meet the affordable housing needs of specific groups. The Written Ministerial Statement of 24<sup>th</sup> May 2021 and the PPG First Homes introduced guidance which set out that a minimum of 25% of on-site affordable units secured by Section 106 should be for First Homes. First Homes are a specific kind of discounted market sale housing which include discounted market sale units which must be discounted by a minimum of 30% against the market value and are sold to a person or persons meeting the First Homes

eligibility criteria. For Bolsover, the evidence identifies that the cost of buying a home in Bolsover is relatively low in comparison to national figures. Access to capital for the deposit and solicitors' fees is identified as an issue. Therefore, shared ownership is a more appropriate form of "other affordable routes to home ownership" within Bolsover. Under these circumstances, the evidence supports the Councils focussing on meeting the needs of specific groups, which in this case, is the needs of those in need of social and affordable rented products. Delivering the full requirement for affordable home ownership would jeopardise the ability to meet the needs of those most in need in an area where affordable home ownership is not expected to play a significant role in the context of affordable housing. The position regarding First Homes and affordable homes for sale has been amended by the NPPF December 2024 as there is no longer a requirement for the first 10% of affordable homes to be affordable homes for sale, nor is there a specific requirement for First Homes.

- 2.35 The Local Housing Needs Assessment (LHNA) has provided an up-to-date assessment of the affordable housing needs for Bolsover. There remains a high need for affordable housing in Bolsover District particularly relating to renting homes (social and affordable rented) rather than affordable home ownership. In terms of affordable homes for sale the Assessment concludes that given the cost of housing locally, it is difficult for affordable homes ownership products to be provided and considered as 'genuinely affordable.' If affordable ownership is required the Assessment identified that share ownership is likely to be the most suitable for households as it has the advantage of a lower deposit and subsidised rents.
- 2.36 The Assessment emphasises that the relationship between affordable housing need and overall housing need is complex. This was recognised in the Planning Advisory Service (PAS) Technical Advice Note of July 2015. PAS conclude that there is no arithmetical way of combining the OAN (calculated through demographic projections) and the affordable need. For the reasons set out in the report the Assessment identifies that despite the level of affordable housing being high (relative to overall housing requirements) it is not considered that this points to any requirement for the Council to increase the Local Plan housing requirement.
- 2.37 The Local Plan policy requirements for affordable housing are reflective of the up-to date evidence from the LHNA and are consistent with the national approach set out in the NPPF. The trigger for affordable housing requirements in Policy LC2 is 25 dwellings or more dwellings subject to viability and it is considered that remains the appropriate approach to this aspect.
- 2.38 The evidence from the Annual Monitoring Report 2023/24 is that market developments are achieving 10% affordable housing based on affordable rents. The Local Plan identifies a target of 41 affordable housing being delivered per annum. In 2023/24 80 affordable houses were brought forward. For the period 2020/21 to 2023/24, 279 affordable homes (gross) have been delivered which is significant in excess of the Local Plan Target identified in the Annual Monitoring Report.

**Table 3: Affordable Housing Delivery 2020/21 to 2023/24**  
**Source: Bolsover District Council**

	Target	A/H delivered gross
2023/24	41	80
2022/23	41	87
2021/22	41	70
2020/21	41	42

- 2.39 The LHNA identifies that Bolsover has an aging population with the implication that there will be higher levels of disability and health problems requiring a likely increased requirement for specialist housing options moving forward. The Assessment identifies a need for additional housing units with support (sheltered/retirement housing) as well as homes to meet disabilities. This is proposed to be all dwellings at M4(2) and 5% of market homes and 10% of affordable homes to be M4(3) (Wheelchair users). The Government has consulted on amending the building regulation to require all properties to meet M4(2), but it is proposed that any requirements for M4(3) remain an optional proposal. The Council does not have specific allocations for older person accommodation, but the provision for housing for older people and specialist housing provision across all tenures is supported in Local Plan Policy LC3: Type and Mix of Housing.
- 2.40 The LHNA also covers other relevant groups including self-build and custom build development, which is encourage through Policy LC3. The Written Ministerial Statement places an emphasis on the accommodation needs of children in need of social services care and the NPPF has been amended to include “looked after children”.
- (ii) Commercial floorspace/jobs targets over the remaining plan period
- 2.41 Policy SS2: Scale of Development identifies that 92 hectares of employment land has been identified to meet needs from 2015 to 2033. Under Policy WC1 Employment Land Allocations 71.95 ha was allocated to meet future needs. The Local Plan also include a strategic policy SS7: Coalite Priority Regeneration Area. This was a brownfield site with significant costs associated with remediation. Given the uncertainty around viability and delivery, the site was not included within the 92 ha supply of employment land identified within Policy SS2.
- 2.42 The Annual Monitoring Report 2023/24 identifies that 15.8 hectares of development has been delivered at Wincobank Farm, South Normanton. Across the 14 allocation sites, 5 are now completed. The remaining 9 sites are available for future years. To 31<sup>st</sup> March 2024, of the land allocation under Policy WC1 29.04 ha has been developed for employment purposes with 42.91 ha being still available. The Coalite site has been substantially developed to provide six units of which five of the units are of a size to meet strategic logistics needs, which provided an area of 9,293 sq. m (100,000 sq. ft) or more. This is anticipated to be a regional demand rather than a demand specific to Bolsover District.

- 2.43 In conjunction with Chesterfield Borough Council and North East Derbyshire District Council, Lichfields have been engaged to undertake an Economic Needs Assessment Study 2025 (ENAS). The Study applied the guidance set out in national planning policy and guidance to consider the economic position and future employment land requirements from 2022 to 2033 and 2022 to 2044. In this context, employment land is those uses falling under Classes B2, B8 and E g) of the Town and Country Planning (Use Classes) (Order) 1987 as amended.
- 2.44 The Study considers both a local need and a wider strategic logistics/warehouse (units over 9,000 sq. m) in analysing the future requirements for employment land. For local employment land the Study considered a number of scenarios including labour demand, labour supply, past take up rates as well as undertaking consultations with stakeholders. It concludes that Bolsover DC, Chesterfield BC and North East Derbyshire DC comprise a self-contained Function Economic Market Area (FEMA) that represents an appropriate spatial area to plan for planning and employment needs at a local scale. In relation to the strategic logistics market it confirms that the market extends well beyond the three districts.
- 2.45 In terms of local needs for business space, the ENAS recommend that the three Councils should aim to plan positively to meet the indigenous employment space needs generated by either the 'Policy On' or SM3 figures. For Bolsover, the implication for the Local Plan Review is that the need for business sites to 2033 can be met by the supply of local sites, including Clowne Garden Village 20 ha.
- 2.46 In relation to strategic B2/B8 the Study identifies that the situation is more complicated, given that the FEMA covers a substantially wider area than North Derbyshire<sup>3</sup> and some of the sites featuring in the localised supply could potentially contribute to wider strategic needs. The analysis indicates that under every scenario, even under the short-term time period of 2022-2033, there is a need for additional logistics sites to be provided across the FEMA. In practice the strategic logistics market extends well beyond the three districts, particularly along the M1 Corridor. The three recent reports which address this point<sup>4</sup> suggest that the Strategic Logistics Property Market Area (PMA) which North Derbyshire sits within is highly fluid and could meet demand from as far away as the A1 Corridor to the east; Doncaster to the north; and Nottinghamshire to the south and east. Some of the unmet strategic logistics needs generated here could also be met elsewhere in the wider PMAs (and vice versa), although the focus will be particularly on comparable locations in the vicinity of the M1 junctions. Over the period to 2044 the ENAs identifies that there are strong arguments to support a conclusion that there could be a residual need for the three North Derbyshire Districts to provide between 2 and 3 further strategic B2/B8 parks of at least 25 hectares in size, or between 1 and 2 larger logistics parks of which one could be 50 ha or more in size. However, in the shorter term it can be seen that Bolsover has already contributed significantly to the provision of strategic B2/B8 sites. Potentially, there are some smaller sites that may come forward through current planning applications around Junction 28 of the M1

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<sup>3</sup> Comprises Bolsover DC, Chesterfield BC and North East Derbyshire DC.

<sup>4</sup> The Bassetlaw A1 Corridor Logistics Assessment, Nottinghamshire Core & Outer Logistics Study and the Sheffield Logistics Study.



Motorway. In this context, it is considered that there is a justification for not bringing a new local plan forward simply to allocate additional strategic B2/B8 employment sites in the shorter term.

### Town Centres

- 2.47 The Local Plan identifies land available on the edge of the town centres of Bolsover (Policy WC6), Shirebrook (Policy WC7) and South Normanton (Policy WC8). At Bolsover, the site has come forward for retail and other town centre uses. At Shirebrook the land has been developed to provide a convenience store together with affordable housing taking advantage of the town centre location. The South Normanton site remains as available as an opportunity for provision of convenience goods and other town centre uses including offices, leisure, residential, extra care and community facilities.
- 2.48 Under Policy SS5, the strategic site allocation of Clowne Garden Village sets out a masterplan which anticipates development for 1,500 dwellings, 20 ha employment land and additional land which provides the opportunities adjacent to the town centre. The Council has passed a resolution to grant permission for outline planning application, which is subject to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government.

***PAS Toolkit Part 1 A6 – “There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.”***

### ***Conclusion – Agree***

***There have been periods since the Local Plan was adopted on 4<sup>th</sup> March 2020 where there have been negative impacts in relation to the economic context. Nevertheless housing in Bolsover continued to be delivered above the Local Plan requirement of 272 dwellings per annum. In terms of employment land a number of units have being constructed at South Normanton and on the Coalite site. Therefore, the Local Plan continues to deliver both in terms of housing requirements and employment opportunities.***

- 2.49 Shortly after the Local Plan was adopted on 4th March 2020, a national lockdown was introduced in relation to the Covid Pandemic (late March 2020 - June 2020). A further national lockdown was undertaken between January 2021 and July 2021. The lockdowns restricted gatherings and movements of all but essential workers. Business changed how they operated in response to the Pandemic including flexible working with a reduce demand for office space and an expansion of logistics requirements. No significant employer has been identified as recently shut down or moved out of the area, although the indication is that the Fraser Group (Sports Direct) may be vacating their headquarter at Shirebrook at some time in the future.
- 2.50 The increase in inflation seen in 2021 and 2022 was mainly due to international factors. These included global demand for consumer goods, supply chain disruption and substantial rises in energy and fuel prices.

- 2.51 These aspects will affect the scope and scale of growth and are likely to have an impact both on the general economic position and the housing and employment allocations set out in the Local Plan. Housing in Bolsover continued to be delivered above the Local Plan requirement of 272 dwellings per annum. In terms of employment land, a number of units have been constructed at South Normanton and on the Coalite site. These units came forward in 2020/21 and in 2023/24. The Coalite Site has been developed largely with units that would meet strategic logistics needs. Therefore, the Local Plan continues to deliver both in terms of housing requirements and employment opportunities.

***PAS Toolkit Part 1 A7 – “There have been no significant changes affecting viability of planned development.”***

### ***Conclusion – Agree***

***Based on a review of planned major developments, whilst there have been viability aspects on specific sites, based on the good levels of delivery it is concluded that there is not a general issue with viability on development sites in the District, as might be evidenced if there were a large number of stalled sites.***

- 2.52 Parkhurst Road Ltd v Secretary of State for Communities and Local Government and The Council of the London Borough of Islington [2018] EWHC 991 identified that land values should be “informed by,” and not “buck,” an analysis of market evidence which reflects those policies (or where appropriate is adjusted to do so). This approach is reflected in PPG Viability. The amended The RICS guidance Assessing Viability in Planning under the National Planning Policy Framework 2019 for England states that the ‘price paid for land is not a relevant justification for failing to accord with relevant policies in the plan’. However, this has to be balanced against a ‘minimum return at which it is considered a reasonable landowner would be willing to sell the land’(PPG Viability paragraph 013). The viability appraisal that supported the Local Plan looked at a variety of levels from 20% to 5% before concluding that 10% was a reasonable requirement in relation to infrastructure requirements. The Council has not implemented a Community Infrastructure Levy and is reliant on Planning Obligations through Section 106 Agreements. In accordance with the PPG Viability, Local Plan Policy LC2 Affordable Housing Through Market Housing, specifically allows for flexibility regarding potential viability issues through the submission of a viability assessment with an application.
- 2.53 A review of major planning applications from 2021 has been undertaken for the period of 1st April 2021 to 19th November 2024. Issues have been identified in relation to viability for infrastructure where a proposed development site is 100% affordable housing. For market housing, unless there are abnormal costs, there have been limited challenges on viability grounds. However, give the position in relation to registered providers the Council has taken a flexible approach to the affordable housing tenure. Therefore, it is not considered that the Policy requires any amendment at this stage and no recent appeal decisions have identified issues relation to affordable housing for Bolsover.

**PAS Toolkit Part 1 A8 – “Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.”**

**Conclusion – Agree**

**In relation to the housing allocations set out in the Local Plan strategic policies and Policy LC1 Housing Allocation, the AMRs identifies the housing allocations in the Plan are overall on track. Development has been brought forward on the strategic site at Bolsover North (Policy SS4) in 2022/23. There has been a delay in the strategic site at Clowne Garden Village coming forward, particularly due to the Covid pandemic. However, Clowne Garden Village has a resolution to grant planning permission subject to the Secretary of State’s holding consideration. The former Whitwell Colliery strategic site has outline permission and is on track to meet its planned delivery trajectory. In relation to employment sites, particularly for strategic B2 / B8, delivery has been seen at the Wincobank Farm and Coalite (Horizon 29) sites.**

- 2.54 In terms of housing need, the Council is achieving substantially above the requirements identified in the Local Plan. The Local Plan sets out an annual housing need of 272 new homes per annum. From 2014/15 to 2023/24 the Council has completed 912 more dwellings that required, see Table below.

**Table 4, Completions against Local Plan for Bolsover District 2020 Requirements**

Source: Bolsover District Council

Completions 2014/15 to 2023/24	Target (272 dwellings per annum)	Over delivery
3,679	2,720	959

- 2.55 In relation to the housing allocations set out in strategic policies and Policy LC1 Housing Allocation, the Annual Monitoring Report 2023/24 identifies the housing allocations in the Plan are ongoing although behind the target set out in the trajectory within the Local Plan for Bolsover District 2020. However, as set out development has commenced on the strategic site at Bolsover North (Policy SS4) in 2022/23. The strategic site at Clowne Garden Village (Policy SS5) is behind the Local Plan target timescale but this is not unusual for a large site allocation. A resolution to grant planning permission has been granted for the development, but it is subject to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government. The strategic site at Whitwell Colliery Site (Policy SS6) is not anticipated under the trajectory in the Local Plan to come forward until 2026/27.
- 2.56 Developers are routinely surveyed as part of the Council’s annual 5 Year Housing Land Supply position statement to inform forecast completions over the next 5 years. The responses did not reveal a significant slow-down or loss of confidence in the market. Further, while some housing sites have taken longer to come forward than was anticipated no issues to the delivery of housing has been identified and the Council has delivered housing significantly above the Local Plan requirement of 272 dwellings per annum.

- 2.57 Policy SS2: Scale of Development identifies a requirement for 92 ha of employment land for the period 2015 to 2033. This reflected an approach which was at the higher end of the anticipated needs set out in the Economic Development Needs Assessment. Policy WC1 allocated sites meet this demand requirement. A number of the sites have the potential to come forward to meeting existing and future requirements in terms of local needs.
- 2.58 Strategic logistics is a demand based on a regional or sub regional requirement with individual districts contributing towards meeting the demand. In this context:
- Two sites were identified in Local Plan paragraph 6.7 to meet large logistic developments Brook Park Shirebrook and Wincobank Farm, South Normanton, both developments have been completed.
  - Bolsover District has an additional brownfield site identified in the Local Plan under Strategic Policy SS7: Coalite Priority Regeneration Area. The site provides an additional gross area of 32 ha of land which is not reflected in Local Plan demand requirements for uses within Class E g) i, ii and iii, B2 and B8 uses. The site is being marketed as Horizon 29. Units 1,2 3, 4 and 5 are constructed or under construction with Unit 6 being developed and occupied. Units 7 and 8, which are located across the district boundary with North East Derbyshire have not started.
- 2.59 A number of smaller sites have come forward for smaller logistic requirements or B2 employment uses on other sites within the district.
- 2.60 In this context, it is considered that the spatial strategy in the Local Plan remains appropriate and there is no evidence to indicate that key sites will not be deliverable.

***PAS Toolkit Part 1 A9 – “There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.”***

### ***Conclusion – Agree***

***The AMRs do not identify any significant contingency / action required against any of the policies relating to protecting the countryside, the natural environment and heritage assets.***

***Legislation has introduced a requirement for development to achieve 10% biodiversity net gain and the preparation of Local Nature Recovery Strategies. As these are legal requirements and there is no evidence that a larger BNG percentage can be achieved in the District it is considered not necessary to amend the Local Plan policies in this area.***

***No issues have been identified in relation to air quality with three previously declared Air Quality Management Areas (AQMAs) within the Council area having been revoked as of 2<sup>nd</sup> March 2022.***

***A review has been undertaken of the sites allocated in the Local Plan against the Flood Maps for Planning Flood Zones 2 and 3. No significant changes have been identified which impact on the Local Plan allocations.***

- 2.61 Heritage – A new heritage designation is the Oxcroft Settlement Conservation Area. Minor extensions have been made to the Tibshelf and Barlborough Conservation Areas but this will not impact on housing or employment land delivery.
- 2.62 Biodiversity - New environmental designations 2022/23 as noted by Derbyshire Wildlife Trust (DWT) comprise three changes to the LWS Register for Bolsover comprised of one new Local Wildlife Site and 2 extensions as follows:
- Birch Hill Plantation – new site.
  - Poulter Country Park East – extension.
  - Tibshelf Ponds – extension.
- 2.63 DWT do not deal directly with Sites of Special Scientific Interest or Local Nature Reserves, but they are not aware of new designations during 2022/23 and not aware of any losses. Similarly with regard to Regionally Important Geodiversity Sites, they are not aware of any losses or gains during this period.
- 2.64 Biodiversity Net Gain – The Environmental Act 2021 and its supporting regulations have introduced a legal requirement for development to achieve 10% biodiversity net gain. The Local Plan does not identify a specific requirement in Policy SC9: Biodiversity and Geodiversity, but there is no evidence that a higher BNG can be achieved in Bolsover District. As the legal requirement is for at least 10% biodiversity net gain, it is not considered that it is necessary to amend Policy SC9.
- 2.65 Air quality – The Council’s 2023 Air Quality Annual Status Report identifies that the main source of air pollution is from transport sources, the public can support the reduction in air pollutant(s) release and improve air quality within the area by participating in active travel. Three previously declared Air Quality Management Areas (AQMAs) have been revoked within the Council area, as of 2nd March 2022.
- 2.66 Flood Zones - A review has been undertaken of the sites allocated in the Local Plan against the Flood Maps for Planning Flood Zones 2 and 3. No significant changes have been identified which impact on the allocations. In applying the Policy, it is necessary to consider the extensive guidance that is available in the PPG on Flooding and Coastal Change. It is not practical or a requirement to include this guidance with the Local Plan. The PPG also negate the need for a supplementary planning document to facilitate the understanding of the requirements to meet the Policy aspects.
- 2.67 Water Resources – The Environment Agency’s “Water stressed areas – final classification 2021” identifies that Severn Trent Water area – excluding Chester zone (12) is identified as a serious water stressed area. It also identified that

“Local authorities can use the water stress determination to inform whether they can require the tighter standard of 110 litres per head per day in new developments.” On 1st July 2021 the Secretary of State for the Department for Environment, Food and Rural Affairs made a Ministerial Statement on ‘Reducing demand for water’ (Statement UIN HCWS140). It included a number of measures to support water efficiency in homes including: “Write to local authorities to encourage them to adopt the optional minimum building standard of 110 litres per person per day in all new builds where there is a clear local need, such as in water stressed areas.” However, there is no national guidance in the PPGs or Written Ministerial Statements, which requires the application of 110 litres per head per day.

- 2.68 Water quality – At this time no issues have been identified for the District regarding the water quality from adverse nutrient impacts on habitats sites.
- 2.69 Contaminated and unstable land – While Bolsover District is a former mining area no specific issues have been identified in this context which would prevent development coming forward. The Coalite Priority Regeneration Area (Policy SS7) was not included within the supply of employment land site allocations in meeting the demand of 92 ha set out in Policy SS2. This reflected that it was a former chemical works and had a legacy of contamination which led to uncertainty when the site would come forward.
- 2.70 It is not considered that there have been significant changes to the local environmental or heritage context which would necessitate significant changes the relevant local plan policies. Development Management officers have not identified any issues with statutory consultees in relation to these policies.

***PAS Toolkit Part 1 A10 – “No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.”***

#### ***Conclusion – Agree***

***The Council carried out a call for sites in 2021 in order to refresh its land availability records. This identified a number of new sites and has informed the Council’s non-statutory Growth Plan work for Shirebrook and Creswell. However, this work has not reached a stage that would require the spatial strategy to be re-evaluated.***

- 2.71 No new significant sites have become available, which will impact on the spatial strategy sets out in the Local Plan. The spatial strategy in the Local Plan directs development and service provision within the District of Bolsover in accordance with the following settlement hierarch:
- a) First to the small towns of Bolsover and Shirebrook and the emerging towns of South Normanton and Clowne
  - b) Then to the larger villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough

- The Local Plan also support limited development in a number of smaller villages.
- 2.72 Planning consent has been granted for 161 dwellings on land South West Of Brockley Wood, Oxcroft Lane, Bolsover. The development is outside of the development envelope, but a number of benefits were identified in relation to the application, including the delivery of a link road. The development is reflected of the spatial strategy with Bolsover being identified at being at the top of the settlement hierarchy.
- 2.73 Housing development has come forward on permissions granted or submitted prior to the Local Plan being adopted, on allocations or in locations which reflected the spatial strategy. A number of permissions have been granted in the smaller villages, but the permissions are within the development envelope in accordance with Policy SC1 or had permission prior to the Local Plan being adopted.
- 2.74 It is recognised that there is the potential for additional travellers' sites to be needed before the end of the Local Plan, but it is anticipated that they could come forward through the criteria based policy set out in Policy LC5 which was considered as an acceptable approach at the Local Plan Examination.
- 2.75 The Council has undertaken consultations on possible Growth Plans at Shirebrook and Creswell. The Growth Plans look at the potential for how these settlements could grow and prosper going into the future. It is anticipated that they could form the basis of the development requirements for a future Local Plan. However, this work has not reached a stage that would require the spatial strategy to be re-evaluated.
- 2.76 The Council is meeting and going beyond the housing and employment land requirements set out in the Local Plan and remains on target to deliver its development strategy.

***PAS Toolkit Part 1 A11 –“ Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.”***

### ***Conclusion – Agree***

***The Local Plan is not reliant on key infrastructure projects being completed in order for allocated sites to be delivered. The Council's Local Plan is agile in meeting changing infrastructure requirements with the Policy reflecting a requirement towards green, social or physical infrastructure guided by the latest version of the Council's Infrastructure Study and Delivery Plan. The Council through S106 Planning Contributions supports the delivery of infrastructure required from planned development. Under these circumstances the infrastructure requirements are not considered to be prejudicial to the spatial strategy.***

- 2.77 An Infrastructure Study and Delivery Plan (ISDP) was prepared to support the Local Plan. The ISDP is kept under review, with regular contact with the infrastructure providers and an updated version has been prepared as part of the LPR. This updated ISDP has identified that whilst capacity has changed, often

becoming more thinly spread in places or in types of infrastructure most affected by austerity, there have also been improvements in capacity as a result of new developments.

- 2.78 The Council's Local Plan is agile in meeting changing infrastructure requirements with the Policy reflecting a requirement towards green, social or physical infrastructure guided by the latest version of the Council's Infrastructure Study and Delivery Plan. The Council through S106 Planning Contributions supports the delivery of infrastructure required from planned development such as extensions to schools to meet future anticipated need.
- 2.79 Under these circumstances the infrastructure requirements are not considered to be prejudicial to the spatial strategy.

***PAS Toolkit Part 1 A12 – “All policies in the plan are achievable and effective including for the purpose of decision-making.”***

***Conclusion – Disagree***

***Local Plan policies are deemed as being effective and effective for the purpose of decision-making, with no significant issues in relation to applications or appeals.***

***However, the NPPF 2024 makes significant changes to what needs to be taken into account in relation to decision-making in the Green Belt, which are not reflected in the Local Plan Policy SS10: Development in the Green Belt. Consequently, not all policies can be concluded to be achievable and effective in light of this very recent change.***

- 2.80 While the Local Plan was examined against the National Planning Policy Framework 2012 it took into account various aspects of the 2018 NPPF. The analysis of strategies and the policies within the Plan has not identified fundamental issues regarding the Local Plan strategic policies. There are aspects of specific policies which could be updated and amended, but it is considered that the Local Plan remains effective in deliver the spatial strategy and the scale of development identified in the Plan to achieving the Vision and the Local Plan objectives.
- 2.81 A review of appeal decisions in Bolsover has been undertaken from a period prior to the Local Plan being brought forward. No issues have been identified in relation to strategic Local Plan policies. There is a significant supply of housing sites against the five year requirement and no strategic policy areas are regarded as being fundamentally ineffective or unachievable.
- 2.82 Local Plan policies are delivering planning decisions in accordance with the Local Plan with no significant problems in relation to applications or appeals. From discussions with Development Management officers and feedback from the decisions of the Planning Committee there could be amendments to specific policies in the Local Plan but they do not have a fundamental impact that would justify a review of the policy(ies) or Plan under the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.



- 2.83 The NPPF 2024 has made significant changes in relation to Part 13 Protecting Green Belt Land. It has introduced a number of changes including:
- Amending the wording for an exception to circumstances for changes to Green Belt boundaries through the local plan.
  - The introduction of development utilising grey belt land.
  - The introduction of the 'Golden Rules'.

The Local Plan does not reflect any of these aspects. However, only a small area of the District is within the Green Belt. If significant development was proposed in the Green Belt, it would be necessary to consider the Local Plan Green Belt Policy in conjunction with the NPPF. Nevertheless, the Local Plan Strategic Green Belt Policy is not consistent with national planning policy.

***PAS Toolkit Part 1 A13 – “There are no recent or forthcoming changes to another authority’s development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.”***

***Conclusion – Agree***

***Within the North Derbyshire and Bassetlaw Housing Market Area (HMA), the position is that Bassetlaw DC has recently adopted their local plan. Chesterfield BC and North East Derbyshire DC are reviewing their local plans, which were adopted at a later date than Bolsover’s Local Plan. No issues have arisen from other neighbour authorities, who have either a recently adopted local plan, undertaken a LPR or are at Examination with their local plan.***

***The East Midlands Combined County Authority (EMCCA) was established on 28<sup>th</sup> February 2024. It has powers in relation to transport, housing, skills and adult education, economic development and net zero, but has not at this time brought forward any strategies within these areas.***

- 2.84 The Housing Market Area comprises Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council. The councils’ Local Plans were adopted as follows:
- Bolsover District Council Local Plan was adopted on 4th March 2020.
  - Chesterfield Borough Council Local Plan was adopted on 15th July 2020.
  - North East Derbyshire District Council Local Plan was adopted on 29th November 2021.
  - Bassetlaw Local Plan was adopted on 29 May 2024.

The three Derbyshire councils are undertaking Local Plan Five Year Reviews in accordance with the legal requirement under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended and

paragraph 33 of the NPPF December 2023.

- 2.85 In terms of other neighbouring authorities Ashfield DC and Amber Valley BC are at examination on their local plans. Mansfield DC has just commenced a five year review of its adopted Local Plan. Rotherham completed a five year review of its Sites and Policies Local Plan in 2023, concluding that the document remains up to date and continues to comply with national planning policy. Sheffield City Council Local Plan is at Examination.
- 2.86 No additional housing or employment land specific requirements for Bolsover District has been identified as arising from these various plans and actions. The Council has and continues to liaise with these authorities as well as other neighbouring districts and boroughs to understand the pressure across the Housing Market Area and the Functional Economic Market Area.
- 2.87 The East Midlands Combined County Authority (EMCCA) was established on 28th February 2024. It has powers in relation to transport, housing, skills and adult education, economic development and net zero, but has not at this time brought forward any strategies within these areas.
- 2.88 The Tibshelf Neighbourhood Plan is the only 'made' neighbourhood plan within the District. The Neighbourhood Plan does not allocate any housing or employment land sites but sets out 21 policies. It is considered that there are no significant issues associated with the Neighbourhood Plan evidence base or its context that require changes to Local Plan policies in relation to the Local Plan Review.
- 2.89 In accordance with the Planning and Compulsory Purchase Act 2004, Section 13, the Council continues to review the matters which may be expected to affect the development of their area or the planning of its development.

***PAS Toolkit Part 1 A14 – “There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.”***

### ***Conclusion – Agree***

***No political issues have been identified. An analysis of “Bolsover District The Future 2024-2028” identifies that it is consistent between the corporate plan and the Local Plan. The Council places an emphasis on growth, which is reflected in both plans. Other plans set out by the Council have been review and no specific issues with the strategic policies in the Local Plan have been identified.***

- 2.90 The Local Plan was brought forward when the local Labour Party was in control of the Council. In the 2019 local elections, Labour failed to gain a majority by one seat but moved back into overall control in 2021. In the 2023 local elections, Labour took control of the Council again with a significant majority. Overall, the political change has had no direct impact on the Local Plan.
- 2.91 An analysis of the current corporate plan “Bolsover District: The Future 2024-2028” identifies that it is consistent with the Local Plan. The Council places an

emphasis on growth which is reflected in both plans. Other plans set out by the Council have been review and no specific issues with the strategic policies in the Local Plan have been identified.

- 2.92 The East Midland Combined County Authority (EMCCA) effectively came into force on 28<sup>th</sup> February 2024, with has an elected Mayor from May 2024. There are proposed changes with EMCCA having a strategic planning role going into the future. However, at this time, these powers have not been introduced and in any case are likely to take some time in coming forward.

### 3.0 CONCLUSION ON THE LOCAL PLAN REVIEW

- 3.1 Bolsover District Council places a substantial emphasis on growth both in relation to housing and the local economy, but within the context of protecting the local environmental and enhancing biodiversity. This is reflected within the key objectives and policies set out in the adopted Local Plan for Bolsover District with the vision and priorities of the Local Plan aligning both with the NPPF and the Council's Corporate Plan.
- 3.2 The Local Plan Review has followed the guidance set out at a national level for a local plan review and utilised the Planning Advisory Service, Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment to arrive at a conclusion regarding whether an update to the Local Plan is required. There is not a specific requirement to gather new evidence for an LPR. However, it was considered that the Council's Review should be informed by an update of the key evidence base documents in relation to local housing need, the local economy and infrastructure. Consequently, up-to-date assessments / studies have been undertaken to inform the review of the Local Plan. Where appropriate this has been undertaken working with neighbouring authorities. The Council continues to meet on a regular basis with other councils in the North Derbyshire and Bassetlaw Housing Market Area.
- 3.3 In undertaking a LPR the key aspect is where strategic policies in the adopted plan are up to date. The NPPF and PPG places an emphasis on meeting housing need with an update to a plan being necessary whether there has been 'significant' changes to the local housing need. For a substantial period over which the LPR was being brought forward, the Local Plan requirement of 272 dpa was significantly above the standard method requirement (March 2024) of 195 dpa. The Council on 1<sup>st</sup> April 2024 had a substantial Five Year Housing Supply with a figure of 8.35 years. It has met the requirements of the Housing Delivery Test with no issues arising. While some of the strategic sites are taking longer to come forward than anticipated in the Local Plan trajectory, this is not unusual given the additional complexity associated with bringing larger strategic sites forward and particularly the impact of the Covid-19 pandemic. Infrastructure requirements from development are met through an agile policy approach towards green, social or physical infrastructure.
- 3.4 In this context:
- The Local Plan has been very successful in delivering development within the District. In relation to housing, the Plan over the last 10 years has delivered 959 more dwellings that required over the Plan's requirement of 272 dpa. This is an average of 367 dpa over the 10 years period and 454 dpa over the past five years.
  - The Local Plan requirement for housing, 272 dwellings per annum, was significantly above the standard method requirement, at the time of 195 dwellings per annum, (March 2024).
  - The Spatial Strategy and spatial distribution of development remain up to date to meet the requirements set out in the Local Plan and no substantial additional

sites have been identified as being required in the context of a substantial housing supply.

- The strategic sites in the Plan have started to deliver and there is no evidence that the sites that have not currently started will not come forward to meet housing need in future years.

As such, the Local Plan, in terms of housing needs, was considered to be in a healthy position, delivering in excess of the necessary housing need.

- 3.5 On the 30th July 2024, the Government issued a Written Ministerial Statement, “Building the Homes we Need”. The Statement expresses the intention to raise housing targets and facilitate housing delivery. The Government has placed a substantial emphasis on delivering more homes with a target of 375,000 new homes per annum, looking to achieve the delivery of 1.5 million homes over a five-year period. From 12<sup>th</sup> December 2024, the NPPF was amended, and PPG for housing and economic land availability assessment was changed so that the formula provide a stock based approach to local housing need. This has resulted in a revised local housing need for Bolsover of 353 dpa for Bolsover. This is 81 additional dwellings per annum above the Local Plan requirements of 272 dpa and, for the reasons set out in the PAS analysis, is considered to be a significant change to the local housing need identified in the Local Plan.
- 3.6 The updated LHNA identifies that the Local Plan approach to affordable housing is consistent with the revised NPPF. While there have been other additional requirements identified in the LHNA in relation to future policy responses, these are not considered to justify a partial review or a new Local Plan.
- 3.7 The ENAS provides an evidence base in relation to employment land. The evidence identifies that the need for local business sites to 2033 can be met by the supply of local sites in the Local Plan. In relation to strategic B2/B8 the Study identifies situation is more complicated, given that the Property Market Area (PMA) for B2/B8 covers a substantially wider area than North Derbyshire and some of the sites featuring in the localised supply could potentially contribute to wider strategic needs. The analysis indicates that under every scenario for the period 2022-2033, there is a need for additional logistics sites to be provided across the FEMA. However, as the Study emphasises, the strategic logistics FEMA does not stop abruptly at the boundaries of the three districts. Some of the unmet strategic logistics needs generated here could also be met elsewhere in the wider PMAs (and vice versa), although the focus will be particularly on comparable locations in the vicinity of the M1 junctions. It is also expected that the EMCCA will seek to influence the general location of strategic B2/B8 in the future.
- 3.8 The Council’s Authority Monitoring Reports identify that significant employment land has been delivered particularly for strategic B2/ B8 purposes including Wincobank Farm, South Normanton and Coalite (Horizon29). In the short term it can be seen that Bolsover has already contributed significantly to the provision of strategic B2/B8 sites. Potentially, there are some smaller sites that may come forward through current planning applications around Junction 28 of the M1 Motorway. In this context, it is considered that there is a justification for not

bringing a new local plan forward simply to allocate additional strategic B2/B8 employment sites in the shorter term.

- 3.9 An analysis of policies in the Local Plan acknowledged that some policies ideally could be amended to reflect some changes of wording in relation to the NPPF December 2024. However, no fundamental issues in relation to strategic policies and meeting the spatial strategy set out in the Plan were identified.
- 3.10 Overall, 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 12<sup>th</sup> 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 need<sup>5</sup>. 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.
- 3.11 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.
- 3.12 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.
- 3.13 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 and this will be addressed in a new Local Development Scheme.
- 3.14 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.

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<sup>5</sup> 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.

## Appendix One: Bolsover District Council Local Plan Review – Review of Local Strategy

A.1 To consider whether any new social, environmental or economic priorities have arisen since the Local Plan was adopted in March 2020, a review has been undertaken of regional and local strategies. The review also takes account of the implications arising from the Census 2021.

### D2N2 Local Enterprise Partnerships

A.2 The NPPF requires a local plan to have regard to local industrial strategies. D2N2 has been the Local Enterprise Partnership (LEP) for Derby, Derbyshire, Nottingham and Nottinghamshire, and has had a central role in deciding the economic priorities and undertaking activities to drive economic growth and create local jobs. The D2N2 Recovery and Growth Strategy (RGS) “The Heart of the UK’s Green Revolution” builds on and supersedes their Local Industrial Strategy. It is identified as D2N2’s key strategic document up to 2030, albeit it is noted that the work of D2N2 has been incorporated into the new East Midlands Combined County Authority. At published, the D2N2 strategy seeks to drive improvement across three guiding principles, which are supported by a proposition and underpinned by more specific priorities and objectives, see Figure 2.



**Figure 2: Recovery and Growth Strategy D2N2**

Source: D2N2

A.3 It is not considered that the D2N2 Recovery and Growth Strategy requires changes to the Bolsover Local Plan.

## **Derbyshire Economic Strategy Statement (DESS)**

- A.4 The DESS provides a strategic framework to underpin County wide objectives including how Derbyshire can contribute towards the D2N2 priority sectors and setting out an economic vision a, strategic themes and objective. Bolsover forms part of the North East Derbyshire Economic Zone along with Chesterfield Borough Council and North East Derbyshire District. The Zone is influenced by the Sheffield City Region and is characterised by major employment sites. For Bolsover, the priorities including supporting a transition to higher value-added businesses, opening up employment land and raising skill levels. While the Strategy is now somewhat dated, it is not anticipated that the Local Plan spatial approach and policies conflicts with this approach.

## **East Midland Combined County Authority (EMCCA)**

- A.5 Through devolution, the Government has a policy of transferring powers and funding from national to devolved governments to enable decisions to be made closer to local people, communities and the businesses they affect. In November 2022, a devolution deal was agreed by the four upper tier councils of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council. The East Midlands Combined County Authority Regulations 2024 came into force on 28 February 2024, with the majority of its provisions applying immediately and the remaining provisions coming into force with the election of a Mayor for the EMCCA in May 2024.
- A.6 Geographically the area comprises the local authority areas of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council, together with district and borough councils across these counties. The EMCCA covers a population of 2.2 million people with an annual economic output of over £50bn. It is one of the most functional, self-contained economic geographies in the country – 92% of workers live in the Area and 87% of residents work in the Area.
- A.7 EMCCA has a number of functions and powers including transport, housing, skills and adult education, economic development and net zero. It will have £38m funding per year for the next 30 years and an additional £1.5bn in transport funding.
- A.8 Various bodies have been or will be integrated into EMCCA including the Local Enterprise Partnership with the EMCCA taking on their functions and roles. Whilst the role of the EMCCA will be significant, it is too early at this time to take into account the possible impacts of future policies that are not yet determined for implementation by the EMCCA.

## **Bolsover District: The Future 2024-2028**

- A.9 The Council's corporate plan has been updated to consider the period 2024 to 2028. One of the key objectives throughout the Plan is to maximise the influence and opportunities from the newly created EMCCA to drive the continued delivery of excellent services, maximise local aspirations and drive economic prosperity for Bolsover District. Its 'Ambitions' are set out below.





**Figure 3: Ambitions**

Source: Bolsover District The Future 2024-2028

A.10 To achieve this, there are four main aims:

- Customers - Providing an excellent and accessible services.
- Economy - Drive growth, promoting the district and being business and visitor friendly.
- Environment - Protects the quality of life for residents and businesses, meeting environmental challenges, and enhance biodiversity.
- Housing - Delivering social and private sector housing growth.

#### Housing

A.11 Bolsover The District includes within its priorities a commitment to:

- Enable housing growth by increasing the supply, quality and ranges of housing to meet the needs of the growing population.
- Maximising our influence and opportunities within the EMCCA to create affordable, good quality housing options and to retrofit existing homes to be more environmentally sustainable.

A.12 A housing need figure set out in the Local Plan for Bolsover District is 272 dwellings per annum. This figure was based on the evidence provided by the

North Derbyshire and Bassetlaw Objectively Assessed Need Update, Final Report (October 2017) prepared by GL Hearne. For Bolsover DC, the household requirement was identified as being between 235 and 240 dwellings per annum. An upward adjustment of 10% was made to enhance the affordable housing delivery taking into account the judgement in Kings Lynn and West Norfolk Council v SSCLG and Elm Park Holdings (2015) EWHC 2464.

- A.13 In 2018, changes to National Planning Policy Framework introduced the standard method of arriving at housing need. The specific formula was set out in Planning Practice Guidance Housing and economic needs assessment. The current NPPF identifies that “the standard method is an advisory starting-point for establishing a housing requirement for the area.” For Bolsover, the standard method as at March 2024 sets out a starting point for housing need of 195 dwellings per annum. Allowing for a 10% upwards adjustment (215 dwellings) still allows for significant growth within the District reflecting the ambitions of set out in Bolsover District: The Future. Under NPPF paragraph 34, there is an expectation that if there has been a significant change in the local housing need and early review is required. However, this is typically regarded as the Local Plan provision failing to meet the minimum housing need identified through the standard method so there is an unmet housing need. Before the changes to the NPPF and standard method of 12<sup>th</sup> December 2024, this was not the position in Bolsover District. The revised standard method figure is 353 dwellings per annum. The Council has a housing delivery rate, which exceed the revised requirements over the past 10 years, has a significantly positive housing delivery test result and a five year housing supply in excess of five years. In addition, working is on-going towards the future housing supply through the Creswell and Shirebrook Growth Plans. Consequently, the Local Plan is making an important contribution towards enabling housing growth through the identify supply and meeting the ambitions set out in the corporate plan.

### Economy

- A.14 The Local Plan places a substantial emphasis on policies which combined, work to address those physical and spatial issues which support economic productivity and growth. Through local action and policy, the Local Plan maintains a supply of land and premises for new business, and where appropriate for mixed uses including:
- The identification of a variety of sites, in terms of both size and quality, for employment generating uses, which with the Coalite Priority Area, is significantly in excess of the land required based on the evidence for the Local Plan.
  - The protection of employment generating areas but allowing for flexibility if there is no realistic prospect of reuse or development of the employment site.
  - Facilitating working from home where there is no significant adverse impact on the neighbouring amenity.

A.15 Development decisions consider accessibility, proximity of labour supply, upskilling and the potential for generating or supporting agglomeration benefits. For Bolsover it is important to invest in human capital, which is widely regarded as one of the most important elements of a healthy and prosperous economy. Investing in additional skills and education raises the amount of human capital (a person's knowledge and skills) which contributes toward higher wages for the person and higher productivity in terms of output from the worker. The Bolsover Local Plan recognises the importance of initiatives to improve local employment prospects. A skilled workforce, with access to training and work opportunities, is essential to support the District's growth agenda by helping to attract inward investment and enabling local businesses to grow. The Local Plan assists in delivery of the job opportunities needed to achieve this ambition through contributions towards educations and the requirement for 'Employment and Skills Plan" which sets out the opportunities for and enables access to, employment and up-skilling of local people.

### Environment

A.16 'The Future' includes a number of priorities in relation to the environment including:

- Playing our part in achieving our national ambition to achieve net zero by 2050.
- Reducing our carbon footprint and encouraging residents and business to do same.
- enhancing biodiversity across the district.
- Working with stakeholders, regional and local partnerships to deliver shared strategies and priorities that support the environment.

A.17 Addressing climate change is a core planning principle that underpins both plan making and decision taking. Planning has a vital role to play in enabling and encouraging the transition to a competitive and resilient low-carbon society that also supports the environment, health, and wellbeing. The Local Plan does not set out specific targets but sets out a series of policies which contribute towards mitigating and adapting to climate change and climate impacts. This is reflected in Strategic Objective B: Climate Change, and a number of policies within the Local Plan including: Policy SS1 Sustainable Development, and Policy SC2: Sustainable Design and Construction. Various policies emphasis the need to tackle climate change through the approach to sustainable construction, renewable energy and energy conservation. Green infrastructure makes a substantial contribution toward adapting to and mitigating against climate change through the 'heat island effect,' tree planting and green space. There are also a range of other benefits to be gained through green infrastructure networks such as improved opportunities for walking and cycling, reduced carbon emissions and improved health and well-being of local communities. Such natural interventions are a desirable win-win approach combating climate change and delivering multiple other social, economic and environmental benefits.

- A.18 Policies on flooding and sustainable urban drainage will help to mitigate the impact climate change with water management and reducing the risk of flooding from all sources being a key aspect of sustainable development.
- A.19 Policies SC2: Sustainable Design and Construction and SC3: High Quality Development provide opportunities for sustainable design and layout and for efficient use of energy and resources so to mitigate and adapt to the effects of climate.
- A.20 The Local Plan sets out a number of policies which are key to protecting the local environment and enhancing biodiversity across the district. In terms of development viability, Bolsover District is a lower value area when compared against many other districts. Legislation has introduced the requirement for 10% biodiversity net gain (BNG). There is no evidence to identify that Bolsover District could achieve a higher percentage BNG which would require policy changes in the Local Plan. In terms of open space, the Local Plan sets out a policy requiring a minimum quality standard of 60% for green spaces, which is reflects in the Corporate Plan. The Council has adopted a Local Nature Recovery Action Plan and is working with other authorities on the preparation of a Local Nature Recovery Strategy for Derbyshire.

### Conclusion

- A.21 The Local Plan Vision and special objectives are consistent with the aims and priorities set out in Bolsover District: The Future 2024 – 2028. Policies in the Local Plan support these aims and priorities. While the standard method of assessing local housing need has changes resulting in a housing requirement of 353 dwellings per annum, the key objectives of the strategies remain, which includes an emphasis on housing growth.

### **Bolsover Housing Strategy 2024 to 2029**

- A.22 The Housing Strategy is a high-level document with an Action Plan, which sets out how the Council's housing our priorities will be achieved. This enables the Council to respond effectively to new legislation, to changes in national policy, and to local issues as they arise.
- A.23 The Housing Strategy focuses on delivery under the following key priorities for the period from 2024-2029:
- Priority 1 – Providing Good Quality Housing,
  - Priority 2 – Enabling Housing Growth,
  - Priority 3 – Supporting Vulnerable and Disadvantaged People,
  - Priority 4 – Maintaining and improving property and housing management standards and ensuring that standards and living conditions in the district contribute towards better health outcomes for all.

A.24 Priority 2 Enabling Housing Growth reflects the Local Plan policies and the strategic approach set out in the corporate plan, Bolsover District: The Future 2024-2028. Within the context of Priority 2 the Strategy places an emphasis on

- Contributing towards affordable housing needs
- Supporting infrastructure for new homes
- Long-term empty homes
- Needs of specific groups

A.25 As with the Bolsover District: The Future, the specified housing figure within the strategy of 272 dwellings per annum has, in practice, been replaced by the requirement under the standard method of 353 dwellings per annum. Other than this specific aspect, the Strategy is considered to be consistent with the policies set out in the Local Plan for Bolsover District.

### **Bolsover DC Carbon Reduction Plan 2019 - 2030.**

A.26 Following on from the Kyoto Protocol on Climate Change and the UK Government's response embodied in the Climate Change Act (2008) and Carbon Plan (2011), The Carbon Reduction Plan, published by the Council in 2019, is based on a stated vision for Bolsover to be "*A district that balances economic prosperity with environmental sustainability, improving the lives of our people and our environment today and in the future*". The aim is to achieve this working with key partners, including other local authorities and external organisations, to implement and communicate the energy policy objectives and networking with other "Energy Groups" including the Carbon Trust, Bolsover Energy Partnership and Energy Savings Trust.

A.27 The Plan identifies eight themes: Sustainable Buildings and Workplaces, Renewable Energy, Low Carbon Fleet, Transport, Planning, Community and Collaboration, Biodiversity and Procurement. An Action Plan for each theme sets out timescales and targets. In respect of Planning (Theme 5) there are 10 action points. The actions relate to measures to ensure new housing and employment development in the district is striving to achieve climate objectives as well as introducing planning protocols for retro fitting small scale renewable energy technologies. The Reduction Plan identifies various policies in the Local Plan that contribute towards achieving carbon reduction.

A.28 The Written Ministerial Statement (WMS) of 13<sup>th</sup> December 2023 'Planning - Local Energy Efficiency Standards Update Statement' seeks to curtail the use of policy approaches that use energy-based metrics, which are designed to achieve emissions reductions through securing fabric efficiency standards and highly energy efficient buildings. A legal challenge has been launched against the WMS by Rights: Community: Action, supported by the Good Law Project which was rejected in the High Court. However, Bolsover has not sought to introduce policies within the Local Plan for energy performance standards that go over and above the requirements of the Building Regulations. Bolsover District: The Future identifies that the Council will seek to 'play our part in achieving our national ambition to achieve net zero by 2050.' In this context, it is considered the Local Plan is consistent with the Carbon Reduction Plan.

## Sustainable Community Strategy 2020-2023

- A.29 The Local Plan reflected local aspirations and initiatives including the Sustainable Community Strategy for Bolsover 2006 – 2020. The Sustainable Strategy was reviewed to cover the period 2020-2023 but the Vision set out in the Strategy remained unchanged. Both strategies had a shared Vision of a “diverse, healthy, fair and prosperous district, building on the strengths of our industrial past to become a vibrant, thriving community capable of meeting the challenges and opportunities of the future.” In additions the six main themes in the 2006-2020 Strategy remained similar<sup>6</sup>.
- A.30 The current Sustainable Strategy is anticipated to be reviewed later in the current year but set out the following themes and priorities:
- A Safer Better Community. Priorities:
    - Reducing and managing Anti-Social Behaviour and Criminal Damage
    - Reducing the threat of Domestic Abuse and Reducing the harm to Victims and Survivors;
    - Reducing Violent Crime and Sexual Offences;
    - Reducing and Preventing Acquisitive Crime;
    - Reducing Alcohol and Substance Misuse;
    - Reducing the risk of Children at Risk of Exploitation;
    - Cross Cutting Theme: Building Confident and Cohesive Communities.
  - Getting Better All the Time. Priorities:
    - Building Healthy Communities;
    - Promote Healthy Lifestyles;
    - Supporting Effective Health and Social Care.
  - A Better Place to Live. Priorities:
    - Encouraging communities’ participation in cultural activity across Bolsover District;
    - Supporting the visitor economy;
    - Sustainable buildings.
  - A Better Place to Learn, Thrive and Work. Priorities:
    - To ensure that Bolsover District businesses and residents are aware of, and are able to take advantage of, opportunities offered by the digital and technological developments in the travel to work area;
    - Grow the skill base of the district through higher level training and meet the demand of employer;
    - Improve access to skills, training and employment opportunities for those experiencing a number of barriers;
    - Raise the aspirations of children, young people and their families to prepare them for the next phase of education, employment or training by providing positive experiences and introducing them to inspirational role models.

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<sup>6</sup> Reduced Crime - A safer and better community, A Healthy Environment - A better place to live  
Improved Cultural Activities - A better life, Improved Health - Getting better all the time, Greater Prosperity  
- A better place to work, Lifelong Learning - Better results, a better future, Improved Access - Better access  
to all areas.

These remain similar to the six main themes in the 2006-2020 Strategy<sup>7</sup>.

- A.31 The Local Plan policies are consistent with and make a significant contribution towards the themes identified in the Strategy. However, the Local Plan achieves this within the context of its broad purpose to set out a vision and a framework for the future development of the area. The Strategy has more specific actions towards the priorities through an action plan.

### **Bolsover Business Strategy 2021**

- A.32 The Business Strategy focuses on how the Council's Development Directorate will prioritise its own work and its work with internal and external partners to achieve the Council's ambition. Its economic priorities are reflective of the objectives set out in the Council's Corporate Plan 2020 – 2024. This includes working to unlock the development potential of three key sites identified in the Local Plan, namely Clowne Garden Village, the former Coalite Site (Horizon 29) and Whitwell Tip, as well as seeking to enabling housing growth. The approach set out in the Business Strategy 2021 is consistent with the Local Plan strategy and policies.
- A.33 A review of the Strategy has commenced to reflect the updated corporate plan, Bolsover District: The Future 2024-2028.

### **Census - Other changes in circumstances**

- A.34 Key aspects of the Census 2021 are set out below.
- The number of usual residents in Bolsover District has increased by around 5.8% since 2011, rising from 75,866 to 80,273;
  - The number of households has increased by around 7.5%, rising from 32,801 to 35,261;
  - As the rate of population increase is less than the rate of increase in households, it is apparent that average household size has decreased slightly, from 2.31 to 2.27;
  - There has been a shift in tenure from owner occupation towards private renting, with owner occupiers (with or without a mortgage or loan) representing 66% of households compared to 67.2% in 2011, whilst 17.2% of households rented privately in 2021 up by 13% from 2011;
  - The number of people aged 65 or more has increased by around 17.5% from 13,784 to 16,213, which increases the proportion of the population in this age group from 18% to 20%;

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<sup>7</sup> Reduced Crime - A safer and better community, A Healthy Environment - A better place to live  
Improved Cultural Activities - A better life, Improved Health - Getting better all the time, Greater Prosperity  
- A better place to work, Lifelong Learning - Better results, a better future, Improved Access - Better access  
to all areas.

- The percentage of people aged 16 years and over (excluding full-time students) who were employed increased in Bolsover but fell across the East Midlands. In Bolsover, the percentage who were employed rose from 54.3% in 2011 to 56.3% in 2021. During the same period, the regional percentage fell from 56.1% to 55.1%. The percentage of people aged 16 years and over who were unemployed (excluding full-time students) in Bolsover fell from 4.2% to 2.0%, while the percentage of people aged 16 years and over who were retired (economically inactive) decreased from 24.6% to 24.1%.
- The total number of people with no qualifications has decreased from 20,455 to 16,017, this has also decreased as a proportion of the overall population, from 32.9% to 24.2%. Other census data on qualifications is not comparable between 2011 and 2021 due to changes in how it is reported.
- Regarding distance that Bolsover residents travel to work, excluding those who work at home, the overall pattern has changed. In 2011, 31% of people who travel to work were travelling less than 5 km whereas in 2021, 23.4% now travel less than 5 km. However, there has been a significant increase in those who work offshore, in no fixed location or outside the UK, from 7.1% to 15.7%, which may also be an effect of the pandemic;
- In terms of method of travel to work for Bolsover residents, excluding those who work at home, the percentage of people using all modes of travelling to work have decreased slightly, the largest drop is driving a car or van which has dropped 2.1%. Though the actual number of people driving cars and vans has increased from 19,505 in 2011 to 24,349 in 2021. Again, it remains to be seen to what extent these issues will continue long- term.

A.35 Other changes were not anticipated at the time, such as the expansion of working from home and associated changes to travel patterns as a result of the Covid-19 pandemic, although there is lack of clarity on the degree to which these changes are permanent. However, there is little within the Census results that would indicate that the overall spatial strategy based on the settlement hierarchy in the Local Plan does not remain as the appropriate approach.

### **Review of Regional and Local Strategy Conclusions**

A.36 The Vision set out in the Local Plan is that “By 2033, Bolsover will be a growing district, undergoing an economic and visual transformation...” It reflects three key elements:

- An economic role including expanding employment opportunities providing for a greater range of jobs, and remediation of brownfield sites based on the spatial strategy set out in the Plan.
- A social role in providing a range of new housing and supporting infrastructure, including green infrastructure and the value of biodiversity, focusing development on sustainable settlements while supporting regeneration.
- An environmental role with an emphasis on high quality design, addressing climate change, healthy lifestyles, protecting and enhancing the historic and natural environment with enhanced and better integrated green infrastructure.



A.37 The key issues for the Local Plan were identified as:

- Accommodate new growth, whilst ensuring the character of the District is retained and that major new development is supported by appropriate infrastructure.
- Protect and enhance identified heritage and natural assets and their settings.
- Support regeneration of the towns and main villages, to enable them to fulfil their role as service centres, coupled with the need to address the regeneration needs of rural settlements and the few remaining large areas of previously developed land in need of restoration or re-use.
- Improve health outcomes in a district with an above average percentage of retired people and people suffering poor health.
- Improve employment opportunities in the District by increasing the number and range of jobs in the District. Provide significantly greater local job opportunities to reduce out-commuting, improve sustainability and also to avoid the danger of turning some towns and main villages into dormitories' rather than settlements where people can live and work.
- Ensure the delivery of new housing in an area of marginal viability where deliverability has been challenging. Put place making and development quality at the heart of new development.
- Provide improved accessibility to better areas of green space.

A.38 The evidence from the review of local strategies is that these aspects remain the key issues for the Local Plan. Bolsover District: The Future 2024-2028, adopted a very similar approach to the Vision within the Local Plan with four main aims, placing an emphasis on the Economy, Environment and Housing. Bolsover Housing Strategy 2024 to 2029 and other Plans are reflective of the Local Plan approach. The Plan remains consistent with the evidence from D2N2. EMCCA is only just becoming established but can be anticipated to have a more strategic role in future years, particular in the context of the Devolution White Paper 2024. While the specific local housing need figure has changed with the alteration to the standard method formula from 12<sup>th</sup> December 2024, it is not considered that there is evidence of substantial changes to the regional / local strategies approach which are not reflected in the vision, objectives and policies set out in the Local Plan.

## Appendix Two: Bolsover District Council Local Plan Review – Review of Appeal Decisions

### Bolsover District Council, Local Plan Review – Appeal Decisions

A review has been undertaken on appeal decisions in the District of Bolsover from reference: APP/R1010/W/19/3224662, Land to the West of Bridge Close, Clowne, decision date of 22 Jul 2019 to 15<sup>th</sup> January 2025. The appeal decisions considered extend from prior to the adoption of the Local Plan for Bolsover District on 4<sup>th</sup> March 2020 to date.

The purpose of the review of appeal decisions 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 National Planning Policy Framework. From the analysis no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District, which would justify a review of the policies in question.

#### Appeal Decisions

Source: Appeals Casework Portal 15<sup>th</sup> January 2025 ( <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx> )

<u>Case Reference</u>	<u>Site Address</u>	<u>Case Type</u>	<u>Status</u>	<u>Date</u>	<u>Comment</u>
APP/R1010/D/24/3354338	31 Queens Road Worksop Notts S80 4UW	Householder (HAS)	In Progress		
APP/R1010/Q/24/3350501	Rear of 16-124, south west of 124 and between Brickyard Farm & Barlborough Links S43 4ZD	Planning (W)	Complete: Decision issued. The appeal was dismissed.	10/12/2024	The application sought to have the planning obligations modified by way of an additional Deed of Variation in order to remove the obligation to provide any affordable housing and reduce the contributions required in respect of education contributions, off-site sports provision and highways contributions.
APP/R1010/W/24/3348478	16 The Chine ALFRETON	Planning (W)	Complete: Decision	11/12/2024	The development proposed is Change of Use of Existing Dwellinghouse (C3 Use) to

	DE55 3AN		issued. The appeal was dismissed.		Children's Care Home for up to 3no. Children (C2 Use). Minor facilitating works comprising widening of driveway and vehicle access.
APP/R1010/W/24/3347838	Land Adjacent 1 Park Street Barlborough S43 4ES	Planning (W)	Complete: Decision issued. The appeal was allowed	10/12/2024	The development proposed is the construction of a detached single storey dwelling (mezzanine floor over vaulted living accommodation). The main issues were the setting of nearby heritage assets and the living conditions of future residents.
APP/R1010/C/24/3345083	Land South West of Beaumont Cottage Alfreton DE55 5HR	Enforcement Notice	In Progress		
APP/R1010/C/24/3345082	Land South West of Beaumont Cottage Alfreton DE55 5HR	Enforcement Notice	In Progress		
APP/R1010/C/24/3342204	Land South of Pasture lane Hilcote Alfreton DE55 5HQ	Enforcement Notice	In Progress		
<u>APP/R1010/W/24/3347712</u>	Scrap Yard, Pinxton, NG16 6PN	Planning (W).	Complete: Decision issued. The appeal was dismissed.	29/10/2024	The development proposed is change of use of site from Scrap Car/Metal to Self-Storage Containers. The site was not considered to be in a suitable location for the proposed development having regard to flood risk.
<u>APP/R1010/C/24/3342204</u>	Land South of Pasture Lane, Hilcote, DE55 5HQ	Enforcement.	In Progress.		
<u>APP/R1010/W/24/3338263</u>	1 Twinyards Farm, Huthwaite Lane, Alfreton, DE55 5HX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	05.09.2024	Planning permission is granted for temporary change of use from Agricultural to Commercial Storage. Identified that the effect of the proposal upon the character and appearance of the

					area would not be harmful over this temporary period. The development would comply with Policies SS9 and WC3 of the LP. It would also accord with LP Policy SC5 insofar as it supports the change of use of land in the countryside where it is in keeping with the original character of the land and the landscape character type generally.
<u>APP/R1010/W/24/3337881</u>	Westwood House, Alfreton, DE55 5NW.	Planning (W).	Complete: Decision issued. The appeal was allowed.	13.09.2024	The appeal is allowed and planning permission is granted for installation of a raised platform for horsebox parking, a gravel/hardstanding area and timber post and rail fencing. The proposal does not fully accord with the criteria of Policy SS9 relating to supported forms of development in the countryside. However, the development in question is related to an established equestrian use on the land, an activity which the Council accepts is suitable in a countryside setting Also if the scheme related to a commercial equestrian use, it would have the potential to be supported under Policy SS9. In essence, the conflict with SS9 is a technical one based on the particular private nature of the equestrian use to which it relates, rather than development being inappropriate in principle in the countryside.
<u>APP/R1010/D/24/3340677</u>	30 Church Street, Alfreton, DE55 2BT.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	03.06.2024	The development proposed is for a vehicular access and hardstanding.
<u>APP/R1010/C/24/3338467 &amp; APP/R1010/W/24/3338461</u>	67 Chatsworth Road, Worksop, S80 4LH.	Planning (W).	Complete: Decision issued. The	21.05.2024	Enforcement Notice Upheld. The development proposed is described as 'Greenland to garden fence'

			appeal was dismissed.		
<u>APP/R1010/D/23/3327757</u>	The Granary Water Lane, Mansfield, NG19 8UH.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	20.05.2024	The development proposed is a single storey rear sun room  The main issue in this appeal is the effect of the proposed development on the character and appearance of Stony Houghton Conservation Area and The Granary.
<u>APP/R1010/W/23/3320946</u>	Willow Tree Family Farm, Mansfield, NG20 8TF.	Planning (W).	Complete: Decision issued. The appeal was allowed.	31/10/2023	Planning permission is granted for the erection of 2 marquees and toilets, re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals at Willow Tree Family Farm.
<u>APP/R1010/W/23/3317479</u>	St Bernadettes Church, Bolsover, S44 6HF.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	02/11/2023	Conversion of St Bernadettes Church into a residential private property.
<u>APP/R1010/W/22/3311795</u>	Clayton Farm, Stony Houghton, NG19 8TR.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	25/07/2023	Gravel drive to serve touring park. 5 caravan hard standings, toilet block for 10 tent pitches and dog run area.
<u>APP/R1010/D/22/3310301</u>	12 Park Street, Chesterfield, S43 4ES.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	01/03/2023	Widen access drive & increase wall height.
<u>APP/R1010/W/22/3303169</u>	183 Shuttlewood Road, Chesterfield, S44 6NX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	23/03/2023	Variation of Condition 2 (approved plans) of Planning Permission 21/00253/FUL granted on 14 January 2022 by Bolsover District Council, is varied, by deleting Condition No 5.

<u>APP/R1010/W/22/3299172</u>	Marios Motors, Unit 1 Shirebrook, NG20 8SG.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	06/12/2022	Change of use from storage space above reception office into a bedsit room
<u>APP/R1010/D/22/3294811</u>	Claylands Farm Claylands Road, Worksop, S80 4QE.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	16/06/2022	First floor extension and alterations (alternative scheme with glazed gable).
<u>APP/R1010/W/21/3289346</u>	183 Shuttlewood Road, Bolsover, S44 6NX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	08/07/2022	Condition No 5 deleted which states that: Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling must not be extended without the prior grant of planning permission.
<u>APP/R1010/W/21/3285912</u>	Mill Pond House, Langwith, NG20 9HS.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	14/03/2022	Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) - Granny flat and 2 holiday lets.
<u>APP/R1010/W/21/3283765</u>	Golden Cottage Scarcliffe Lanes, Mansfield, NG20 9RQ.	Planning (W).	Complete: Decision issued. The appeal was allowed.	03/05/2022	Deleting Condition No 17 and substituting for it, the following condition: 1) Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take

					place unless authorised by an express grant of planning permission.
<u>APP/R1010/C/21/3283725</u> (lead case)  Linked cases APP/R1010/C/21/3283726 APP/R1010/C/21/3283727 APP/R1010/C/21/3283728 APP/R1010/C/21/3283729 APP/R1010/C/21/3283730	Land at Markland Farm, Markland Lane, Chesterfield S43 4AY.	Enforcement Notice.	Complete: Decision issued. The appeal was allowed.	27/05/2022	Without planning permission, the material change of use of the land to a mixed residential, agricultural and commercial Large Goods Vehicle Haulage business with associated fencing, access way and hardstanding.
<u>APP/R1010/X/21/3272149</u>	2 Oakdale Road, Nottingham, DE55 3PA.	Lawful Development Certificate.	Complete: Decision issued. The appeal was dismissed.	17/12/2021	Conversion of existing garage to form separate staff office and store to facilitate child care home.
<u>APP/R1010/W/20/3265080</u>	Church Hill Farm, Cragg Lane, Alfreton, DE55 5HZ.	Planning (W).	Complete: Decision issued. The appeal was allowed.	30/04/2021	Prior approval agricultural building without the previously imposed conditions.
<u>APP/R1010/V/20/3252020</u>	Land to north and west of Berristow Farm, Alfreton, DE55 2EF.	Call-In Application.	Complete: Appeal Withdrawn		Withdrawn.
<u>APP/R1010/D/20/3248835</u>	7 Clowne Road, Chesterfield, S43 4EN.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	03/09/2020	New pitched roof to replace flat roof to existing detached garage with decorative ball top roof finial.
<u>APP/R1010/W/19/3241610</u>	The Dales, Worksop, S80 3EH.	Planning (W).	Complete: Decision issued. The	23/04/2020	Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development)

			appeal was allowed.		(England) Order 2015 - Change of use of agricultural buildings to storage/workshop.
<u>APP/R1010/W/19/3241373</u>	Ward Lane, Chesterfield, S43 4JD.	Planning (W).	Complete: Decision issued. The appeal was allowed.	14/06/2021	Temporary static residential caravans on land.
<u>APP/R1010/D/19/3238421</u>	37 Low Common, Sheffield, S21 3WG.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	10/02/2020	Proposed tree house together with a pergola.
<u>APP/R1010/W/19/3237017</u>	McDonalds Restaurants Ltd, Chesterfield, S43 4WP.	Planning (W).	Complete: Decision issued. The appeal was allowed.	04/02/2020	Planning permission is granted for 'application for the variation of condition 4 of planning permission 17/00153/FUL' without complying with condition number 4 previously imposed on planning permission Ref 17/00153/FUL. 26 May 2017 and subject to the conditions set out in the schedule to this decision.
<u>APP/R1010/F/19/3236163</u>	The Coach House, Brookhill Lane, Nottingham, NG16 6JU.	Enforcement Listed Building and Conservation Area.	Complete: Decision issued. The appeal was allowed.	07/01/2021	The listed building enforcement notice is quashed, and listed building consent is granted for the retention of alterations/works at The Coach House, Brookhill Lane, Pinxton
<u>APP/R1010/W/19/3229146</u>	Beeston House, Milking Lane, Chesterfield, S43 4LH.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	01/10/2019	Demolition of a farm cottage and outbuilding and the construction of a replacement dwelling
<u>APP/R1010/W/19/3224662</u>	Land to the West of Bridge Close, Clowne, S43 4AX.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	22/09/2019	New dwelling with supported living annexe, construction of new barn, conversion of existing barn to microbrewery/kitchen with associated office



## Appendix Three: Bolsover District Council Local Plan Review – Review of Major Applications in Relation to Viability

### Viability

A review has been undertaken of major planning applications received by Bolsover District Council from 1<sup>st</sup> April 2021 to 19<sup>th</sup> November 2024.

21/00266/REM	Glapwell Nurseries, Glapwell Lane, Glapwell.	Approval of reserved matters in relation to planning permission 17/00598/OUT for Layout, appearance, landscaping and scale for relocation of nursery and garden centre.	No viability issues identified.
21/00273/REM	Glapwell Nurseries, Glapwell Lane, Glapwell.	Approval of reserved matters in relation to planning permission 17/00598/OUT Layout, appearance, landscaping and scale for residential development of 64 dwellings	No viability issues identified.
21/00301/FUL	Land Rear Of 39 To 59 The Woodlands, Whaley Thorns.	Construction of 19 dwellings	100% Affordable Homes Viability Assessment undertaken Site is below the threshold of 25 dwellings where affordable housing would be sought. However, proposal for 100% social housing for affordable rent. Policy requirement for contributions to recreation and leisure facilities is not being met for financial viability reasons
21/00306/FUL	Former Direct Services Depot Unit 2 Mill Lane, Bolsover.	Demolition of existing industrial buildings and proposal for 32 dwellings (residential development) at the former Mill Lane depot site. Meeting affordable housing requirements affordable rents.	Viability summary provided for infrastructure contributions but did not include works to Mill Lane which would reduce profit below the Planning Practice Guidance recommendations.
21/00331/FUL	Open Space East Of Dahlia Avenue, South Normanton.	Full Planning Application for Residential Development. Initially 25 dwellings reduced to 21 dwellings.	100% Affordable Homes Social housing Financial Viability Assessment. Proposed development for 100% affordable homes. Identified that S106 contributions were not viable in this context..
21/00386/REM	Land South Of Model Village, Creswell.	Application for approval of layout detail (reserved matter following outline planning permission 18/00087/OUT) for first phase works including retail unit and 7no dwellings to east side of Colliery Road.	Withdrawn.

21/00395/REM	Land To The Rear Of 17 To 95 Alfreton Road, Pinxton.	Approval of Reserved Matters	No viability issues identified.
21/00421/FUL	Land East Of Market Close, Shirebrook.	Construction of 24 single storey dwellings	100% social housing for affordable rent. Viability assessment identifies that cannot meet S106 contributions towards recreation and leisure facilities.
21/00471/REM	Land Between Welbeck Road And Oxcroft Lane, Bolsover.	Approval for reserved matters for attenuation basin serving residential phase 1a	No viability issues identified.
21/00640/FUL	Land South Of 69 Oxcroft Lane, Bolsover.	Full planning permission for the development of the site to deliver 38 residential dwellings (Use Class C3) inc. new access, hard and soft landscaping and associated development	S106 Agreement amended affordable rents replace by discounted market sales First Homes. 11/08/2022.
22/00229/FUL	Amberleigh Manor, Primrose Hill, Blackwell.	Change of use of former care home to 10 residential units and erection of two further residential units and associated development - total of 12 residential units (Use Class C3)	Viability appraisal. 7 <sup>th</sup> June 2023, On this basis, we conclude that planning application (22/00229/FUL) is unable to support any planning policy contributions. Officer's report identifies that the scheme is still unable to support any planning policy contributions across the entire site. Does not trigger affordable housing requirements.
22/00283/REM	Phase 1C Development Site, Meadow Lane, Shirebrook.	Application for reserved matters approval pursuant to outline permission 14/00594/OUT. The application proposes 265 dwellings, of which 214 would be open market and 51 affordable dwellings.	No viability issues identified.
22/00380/FUL	Development Site at Woburn Close, Blackwell.	Demolition of existing bungalows and assisted living building. Replacement with 23no. new dwellings (comprising 8no. houses and 15no. bungalows), and a 20no. flat independent living building.	100% Affordable Homes This scheme does deliver 23 no. new dwellings and 20 no. flats within the ILS, but taking into account the relative no. of units to be demolished across the site there is fact a comparative net loss of 12 no. flats and a net gain of 3 no. dwellings overall. In addition the Applicant is the Local Authority, who have confirmed that the scheme will be a 100% social housing development. Infrastructure net loss homes therefore does not appear to be a S106 agreement.

22/00402/FUL	Land South West Of Brockley Wood, Oxcroft Lane.	Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm.	Viability on this site is tight if it is to also deliver the other policy requirements for S106 obligations (schools, affordable housing, leisure etc.).
22/00478/FUL	Land Between St Lawrence Avenue and Rotherham Road, North Of Langwith Road, Bolsover.	Residential development of 218 homes with associated open space, vehicular access roads, landscaping and infrastructure (Revised layout plan reducing the number of dwellings from 248 to 218 and submission of viability report)  Application in progress at 19 <sup>th</sup> November 2024	BDC Viability Report CP Viability Ltd "In summary, we agree with the applicant that the scheme cannot viably support the full planning affordable housing policy requirements. However, we do find that the scheme can provide 10% onsite affordable housing, plus a S106 contribution totalling £700,000. Alternatively, if the Council was willing to accept nil onsite affordable housing, this would push up the overall S106 'pot' to circa £1.35 - £1.4million."
22/00485/FUL	Land To The Rear of 1 To 35 Red Lane, South Normanton.	Residential development comprising 52 no dwellings, with associated access, infrastructure, amenity space, boundary treatments, landscaping and external works.	100% Affordable Homes Full affordable housing scheme. CP Viability Ltd undertook a viability assessment. Viability assessment establishes that not all policy requirements can be met – Leisure and NHS contributions. 24 Shared ownership and 29 social rented.
22/00668/REM	Townend Farm, Lees Lane, South Normanton.	Development of 50no. dwellings, together with landscaping proposals and the access arrangements to individual dwellings and discharge of condition 14 (scheme of sound insulation) of outline planning permission ref. 20/00185/OUT.	No viability issues identified.
23/00084/REM	Land South of Model Village, Creswell.	Reserved matters application for layout of a phase of road infrastructure between the approved highway access and the Gleeson Link Road on Land South of Model Village (outline planning permission ref. 18/00087/OUT).	Application relates to a limited area of the outline permission. Not applicable to viability.
23/00086/REM	Land Off Blacksmiths Close and Park Avenue, to the rear of 7 - 53 Mansfield Road, Glapwell.	Approval of Reserved Matters for appearance, landscaping, layout and scale for residential development of 50 dwellings in relation to Outline Permission 19/00583/OUT.	Not determined at 19 <sup>th</sup> November 2024. No viability issues identified at this stage.
23/00180/OUT	Bolsover Business Park, Woodhouse Lane, Bolsover.	Outline planning application with access detail only, for mixed-use development comprising of up to 5,000 sqm of employment units, 2 retails units (total	Not determined at 19 <sup>th</sup> November 2024. No viability issues identified at this stage.

		gross area approx., 3,200 sqm one being for discount food retail), a drive-thru take-out unit and up to 35 dwellings including associated parking, infrastructure and access.	
23/00238/REM	Land between Welbeck Road and Oxcroft Lane, Bolsover.	Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA.	Application relates to a limited area of the outline permission. Not applicable to viability.
23/00263/REM	Land South of Model Village, Creswell.	Application for the approval of matters reserved by outline planning permission 18/00087/OUT relating to the layout, scale, appearance and landscaping of residential development and associated works. 297 dwellings.	15 two bed units would be affordable, in line with the 5% requirement of the S106 associated with the outline permission.
23/00367/OTHER	Rear of 16 to 124 and South West of 124 and between Brickyard Farm and Barlborough Links, Chesterfield Road, Barlborough.	Application for variation of section 106 legal agreement, based on latest viability assessment, to reduce the amount of local infrastructure obligations currently required for schools, highways, affordable housing, recreation and play facilities.	<p>Section 106 Developer raised viability issues. CPV Viability Ltd undertook viability assessment. Site has significantly progressed. At situations such as this, the guidance is clear that there is no obligation on a Local Authority to reduce its planning policies just to boost a profit which a developer considers to be below their initial expectations.</p> <p>Planning appeal decision 10<sup>th</sup> December 2024. Inspector found that the appellant has demonstrated that the obligations without modification would still deliver a profit, albeit not one as large as projected or desired, given the challenging market conditions. That is unfortunate but the evidence shows that the development is still viable. The contributions within the obligations all continue to meet the relevant policy and legal tests.</p>
23/00439/FUL	Land At The Rear Of The White Swan, Market Place, Bolsover.	Proposed 9 x 1 bed (ground floor flats) and 9 x 2 bed, 2 storey (first and second floor flats).	Not determined at 19th November 2024. No viability issues identified at this stage. Does not trigger the threshold for affordable housing

23/00463/FUL	Land to the rear of 57 To 111 Shuttlewood Road, North of Mill Lane and West of Nether View, Bolsover.	Erection of 74 dwellings (including 7 affordable dwellings) and associated infrastructure including street layout, public open space and drainage.	Not determined at 19th November 2024. No viability issues identified at this stage. Affordable housing proposed to be shared ownership that will be delivered in partnership with Heylo Housing.
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## Appendix Four: Bolsover District Council Local Plan Review – Tibshelf Neighbourhood Plan

### Tibshelf Neighbourhood Plan

Within the District of Bolsover there is one ‘made’ neighbourhood plan, the Tibshelf Neighbourhood Plan 2017 – 2033. Planning Practice Guidance Plan Making stresses that there is no requirement for a neighbourhood plan to be reviewed every five years. However, individual policies may become out of date if they conflict with policies in a plan that is subsequently adopted.

- 3.1 A neighbourhood plan is required to be in general conformity with the strategic policies contained in the development plan for the District. Subject to modifications, the independent examiner concluded the Neighbourhood Plan was in general conformity with the strategic policies contained in the Local Plan for Bolsover. The Neighbourhood Plan was reviewed against the NPPF 2021 and against Planning Practice Guidance which was most recently updated, in part, on 25 August 2022.
- 3.2 The Neighbourhood Plan was ‘made’ on 15th May 2023. The Neighbourhood Plan does not allocate any housing or employment land sites but sets out 21 policies identified in the Table below with a brief commentary. It is not considered that there are any substantial issues associated with the Neighbourhood Plan policies in relation to the Local Plan Review.

<b>Policies</b>	<b>Comments</b>
Policy ENV1 Local Green Spaces	Consistent with NPPF paragraphs on Local Green Space.
Policy ENV2 Protection of Important Views	Views from private properties are not a material planning consideration, however, views from publicly accessible and enjoyable vantage points that have value to the community are of relevance to planning decisions. The NPPF recognises the importance of landscape setting and visual amenity (paragraphs 135 and 187), and the protection of such assets. The Neighbourhood Plan Policy sets out what views development proposals will need to take into consideration and reflected through good design. The Neighbourhood Plan Policy is a further consideration with Bolsover LP Policy SC8.
Policy ENV3 Dark Skies	The NPPF looks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. This includes limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. (Paragraph 198). Further guidance is set out in the PPG Light Pollution. Consistent with Bolsover LP Policy SC11.
Policy ENV4 Biodiversity and Nature Conservation	Consistent with Bolsover LP Policy SC9 and the NPPF in relation to Part 15 Conserving and enhancing the natural environment, particularly paragraph 192 and 193.
Policy H1 Housing Mix	The Policy is consistent with the NPPF paragraph 63. It also reference the most up to date SHMA available so enables the Policy to reflect the up to date information on housing mix.

Policy H2 Affordable Housing	The Policy is consistent within the provisions of the Local Plan for Bolsover District. It is also reflective of the finding of the Local Housing Need Assessment 2024, which places an emphasis on afford housing for rent, on smaller housing in terms of housing mix and meeting the accessibility requirements of an older population.
Policy H3 Long Term Empty Housing and Other Properties and Housing Standards	Consistent with NPPF paragraph 124 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions” and supporting the development of under-utilised land and buildings. (Para. 125 d). It also reflective of Bolsover LP Policy SS1 which promotes the efficiency use of land and reuse of previously developed land.
Policy BE1 Building Design Principles in Tibshelf Conservation Area and its Immediate Setting	Consistent with Bolsover LP Policy LC3 and is also reflective of NPPF aim of setting a positive strategy for the conservation and enjoyment of the historic environment.
Policy BE2 Building Design Principles for Development Outside Tibshelf Conservation Area	Consistent with Bolsover LP Policy SS1 and Policy LC3 and is also reflective of NPPF emphasis on good design which is a key aspect of sustainable development .
Policy BE3 Conserving Tibshelf Character Buildings and Structures of Local Heritage Interest	The Local Plan in Policy SC21 places an emphasis on conserving and enhancing non designated heritage assets. The NPPF include non-designated assets within the definition of heritage assets and sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. (Paragraph 216).
Policy EB1 Protection of Employment Sites	Policy protection for employment land site is set out in Bolsover LP Policy WC2 subject to marketing of the site. The Neighbourhood Plan is consistent with this policy as well as the NPPF emphasis on the economy while allowing for flexibility under paragraph 127.
Policy EB2 Home Working	The Policy is consistent with the NPPF with its emphasis on flexible working practices.
Policy EB3 Connecting Local People to Local Jobs	The NPPF in Part 6 requires that policies should help create conditions in which business can invest, expand and adapt. The Policy adds support to the Bolsover LP policies which support upskilling the local workforce such as Policy I12.
Policy S1 Tibshelf Village Centre	The NPPF definition of ‘Town Centre’ includes local centres. Tibshelf village centre is defined by the Bolsover LP as a Local Centre and the Neighbourhood Plan Policy is consistent with both the NPPF and the Local Plan, particularly Policy WC5.
Policy S2 Design of Shop Fronts in Tibshelf Village Centre	The Policy is consistent with the NPPF which place a substantial; emphasis on design and the Bolsover LP policies, particularly SS1, SC2 and SC3.
Policy S3 Shopping Mix in the Village Centre	The Policy reflects the changes to the Town and Country Planning (Use Classes) Order which introduced the new Class E. It is reflective of the legislation and the wider policy aspects set out above under Policy S1.
Policy S4 Shops outside of Tibshelf Village Centre	The Policy reflects that the NPPF paragraph 98 that it is necessary to plan positively for the provision of community facilities which includes local shops. The Policy would have to be seen in the context of the provisions of the Town and Country Planning (Use Classes) Order including whether the shop fell within the definition of a Class F2 ‘Local Community Uses’.

Policy CF1 New and Enhanced Important Community Facilities	The Policy is consistent with the NPPF paragraph 98 and the Bolsover Local Plan policies that support new and enhanced community facilities.
Policy CF2 Assets of Community Value	This Policy is in conformity with the NPPF paragraph 98 relating to community facilities and the legislation that provides for the listing of assets of community value.
Policy T1 Transport, Highway Safety and Parking	The policies is considered to be in conformity with Bolsover LP policies and more specifically SC1 and ITRC10 and NPPF Part 9. The Neighbourhood Plan Examination Report identified that the Policy had sufficient regard to what is now NPPF paragraph 116.
Policy T2 Ultra Low Emissions Vehicle Infrastructure	The NPPF in paragraph 117 e) identifies that development should be designed to enable charging of plug in and other ultra- low emission vehicles in safe, accessible and convenient locations. In relation to climate change it also facilitates the transition to a low carbon future set out in paragraph 163.