

PARISH

Old Bolsover Parish

APPLICATION

Dragonfly metal sculpture

LOCATION

Roundabout with Intake Road and Riverside Way and Chesterfield Road
Bolsover

APPLICANT

Justyna Majer, Bolsover District Council, The Arc, High Street, Clowne

APPLICATION NO.

26/00068/FUL

CASE OFFICER

Mr Mark Penford

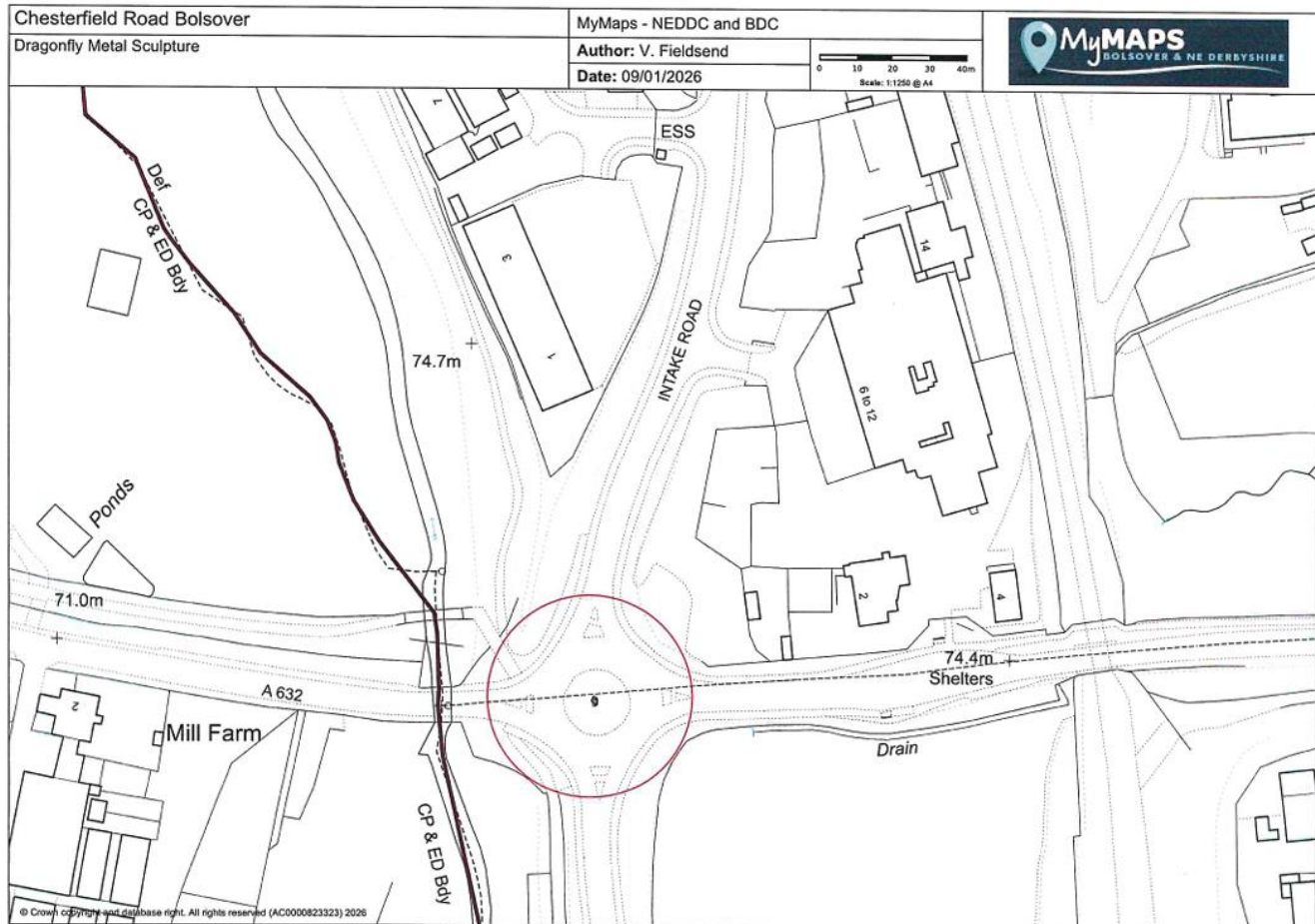
DATE RECEIVED

3rd March 2026

SUMMARY

This is a Bolsover District Council full planning application for the erection of a steel dragonfly sculpture on the central island of the roundabout with Intake Road, Riverside Way and Chesterfield Road, Bolsover.

Site Location Plan



The site comprises a roundabout which is landscaped to grass with some ornamental stones and bedding areas for plants. The highways surrounding the roundabout are classified. To the east is the town of Bolsover, to the north commercial premises off Intake Road. To the south is Carr Vale Nature Reserve and to the west Chesterfield Road.



PROPOSAL

The freestanding steel sculpture is proposed within the central island taking the form of a dragonfly as shown below. The sculpture measures 5m in length by 5m in width and 2m high. The sculpture was initially proposed to be supported by a 2.2m high steel square galvanised post with a diameter of 15cm with a maximum height of the development of 3.5m. However, this has been amended to provide a 1.5m high post and a maximum height of the sculpture of 2.8m during the course of processing the application (see condition 3). The findings of giant, millions of years old dragonfly fossils in Bolsover Colliery by miners in the 1970's is understood to have inspired the design and as such the concept is relevant to local context. The sculpture is proposed to be maintained in its original steelwork.



AMENDMENTS

No amendments received.

PLANNING HISTORY

No planning history

CONSULTATIONS

Bolsover District Council – Heritage & Conservation Manager

The proposal is within the wider setting of Bolsover Castle - GI listed, Scheduled Monument, GI Registered Park and Garden, Bolsover Conservation Area, New Bolsover Model Village – GII listed. To prevent intervisibility between heritage assets and sculpture, it would be preferable if the overall height of the sculpture is kept to a minimum required, to clear the top of the highway signage on the roundabout. As a result, a condition would be supported which restricts the overall height of the post to 1.5m resulting in a total height of 2.8m. On balance, no objection raised subject to a restriction in height given the distance from the designated heritage assets it is considered that the proposal will not have an impact on the wider setting and significance of the designated heritage assets.

Derbyshire Wildlife Trust – Confirms the proposal is well below the threshold to require 10% Biodiversity Net Gain. There are no records of protected species and no further ecological appraisal is required.

Derbyshire County Council Archaeology – The site is on the HER. Though not entirely impossible it is very unlikely the proposal will have any archaeological impact and no objection is raised.

Derbyshire County Council Highway Authority – The placement of the sculpture applied will not have an unacceptable impact on highway safety. The works will require the applicant to enter into an agreement with DCC under S278 of the Highways Act 1980 to ensure that the works are constructed to required standards.

Derbyshire County Council - Lead Local Flood Authority – Comments not received.

Old Bolsover Town Council – Response not received.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

Site notice posted.

Publicity expired 07.04.2026

REPRESENTATIONS

None received

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable Development
- SS9 – Development within the Countryside
- SC3 – High Quality Development
- SC7 – Flooding and Drainage
- SC9 – Biodiversity and Geodiversity
- SC11 – Environmental Quality
- SC16 – Conservation Areas
- SC17 – Listed Buildings
- SC18 – Scheduled Monuments and Archaeology
- SC20 – Registered Park and Gardens

National Planning Policy Framework (“the NPPF”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

Supplementary Planning Documents

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

The Historic Environment – May 2026:

The Historic Environment Supplementary Planning Document (SPD) has been developed to provide guidance on the protection of the district’s historic environment. The document defines how the best parts of the district’s wider cultural heritage will be protected and conserved encompassing Conservation Areas, historic agricultural buildings, Listed Buildings and archaeology.

ASSESSMENT

Key issues

- The Principle of Development
- Heritage Impacts
- Design and impacts on the Countryside
- Residential Amenity
- Highway Safety
- Biodiversity
- Flooding and Drainage

The Principle of Development

The application site is located outside the development envelopes of the district defined under Policy SC1 of the Adopted Local Plan and is therefore within the countryside.

For the principle of development to be acceptable the application must meet one of the criteria to policy SS9 'development in the countryside'. The policy states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of the following categories

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism
- d) Secure the retention and / or enhancement of a community facility
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction
- f) Are in accordance with a made Neighbourhood Development Plan
- g) The building is of exceptional quality or innovative design

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials

The central island is considered to reasonably constitute previously developed land when considered with the construction of the highway network that surrounds it. As such the principle of development is acceptable in accordance with Policy SS9 (a) of the Adopted Local Plan subject to the application of all relevant policy, the NPPF and any other material planning considerations. There are also significant material planning considerations that weigh in favour of supporting the application, namely what is considered to be a significant visual enhancement to the roundabout.

Heritage Impacts

The site lies within the wider setting of the following designated heritage assets:

- Bolsover Castle - GI listed, Scheduled Monument, GI Registered Park and Garden
- Bolsover Conservation Area
- New Bolsover Model Village – GII listed

The application is accompanied by a Heritage Impact Assessment as per the requirements of paragraph 207 of the NPPF. This considers the significance of the designated heritage assets and concludes the development would cause no harm to the setting and significance of the heritage assets.

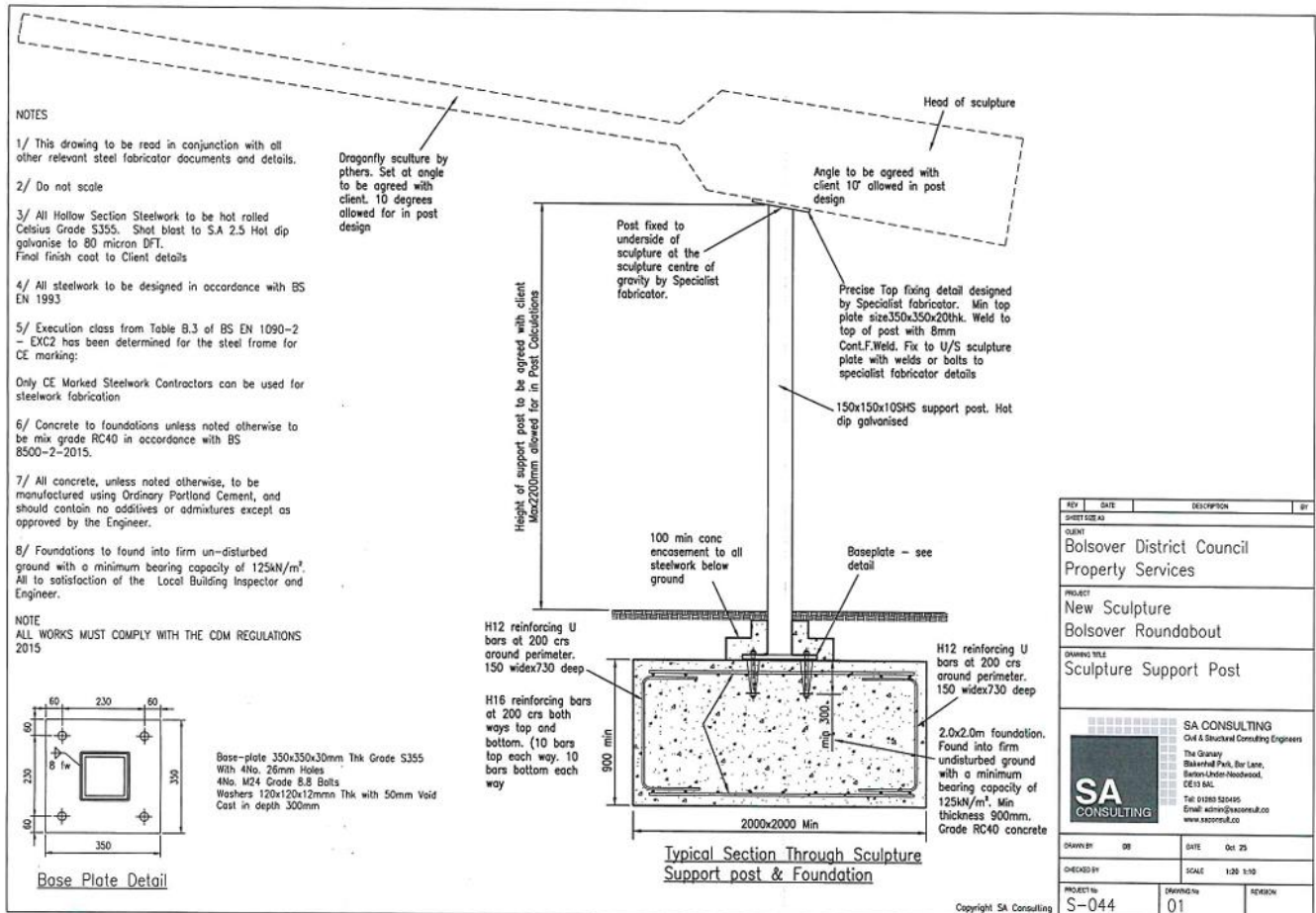
The District Council's Heritage Conservation Manager has confirmed no objection to the application and that on balance there would be no impact on the wider setting and significance of the designated heritage assets. No harm has been identified to the setting of the assets due to the distance of the development from those assets, and the relatively small-scale development which is proposed. There is also mature trees and vegetation surrounding the roundabout that provides screening.

The sculpture was initially proposed on a 2.2m high post with a maximum height of 3.5m, achieved by the legs of the sculpture hanging below the post. To ensure the sculpture is not prominent with intervisibility between the assets, the Heritage Conservation Manager has requested the sculpture is lowered to be on a 1.5m high post, providing a total height of 2.8m. A planning condition is recommended to secure this, and the applicant has agreed that the sculpture will be lowered prior to installation. In addition, the development's engineer has confirmed that it will be possible to lower the supporting post in order to accommodate the revised height.

The application causes no harm to designated heritage assets in accordance with policies SC16, SC17, SC18 and SC20 of the Adopted Local Plan and with part 16 of the framework 'Conserving and enhancing the Historic Environment'.

Design and impacts on the Countryside

The metal sculpture would be centrally located within the island on a baseplate of 2m x 0.9m. The sculpture is the result of a project called Fusion Learning, where students from local schools took part in a 20-week programme to learn metal cutting, design, and welding. As such, the design has been a joint collaboration of the project and students. To celebrate the children's work, Bolsover District Council has applied for planning permission and to locate the sculpture where it may be experienced daily on a key gateway route to and from Bolsover town.



The sculpture is considered to be of a unique and interesting design, which will visually enhance the appearance of the central island, and which represents good quality design in accordance with policy SC3 of the Adopted Local Plan and Paragraph 135 of the NPPF. The applicant intends to keep the natural steel finish, which is considered acceptable. Although

the site is within designated countryside, within its context surrounded by the highway network and adjacent to and on the approach to a main market town, the sculpture would not cause any harm to the rural character of the area and is considered in accordance with Policy SS9 of the Adopted Local Plan, which requires all development to prevent harm to the rural character of the countryside.

Residential Amenity

In the absence of surrounding residential property, the scale and nature of the development raises no residential amenity concerns. The development is as such considered in accordance with Policy SC3 (n) of the Adopted Local Plan, which requires development to ensure a good standard of amenity for the occupants of any neighbouring properties as well as future occupants; and with paragraph 135 (f) of the NPPF, which seeks to protect the residential amenity of existing and future users.

Highway Safety

The local Highway Authority has confirmed that the placement of the sculpture will not have an unacceptable impact on highway safety and there are no highway safety objections to the application. In this situation the local Highway Authority has not raised any concern regarding any issue of distraction for motorists caused by the development.



The works will require the applicant to enter into an agreement with Derbyshire County Council under S278 of the Highways Act 1980 to ensure that the works are constructed to required standards. The applicant will also be required to gain authorisation for an 'object in the highway' licence from Derbyshire County Council; and it is understood that an application has already been submitted for this. An advisory note is attached to this recommendation to make the applicant aware of these requirements.

The application has demonstrated a safe form of development in highways terms in accordance with policy SC3 (e) of the Adopted Local Plan and no unacceptable impacts on highway safety in accordance with paragraph 116 of the NPPF.

Biodiversity

The base plate of 2m x 0.9 metres means the development meets the de minimis exemption and 10% biodiversity net-gain is not required for the development.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Subject to the de minimis exemption

Although Policy SC9 of the Adopted Local Plan seeks to provide some biodiversity net gain where possible, which is in line with paragraph 187 (d) of the NPPF, the nature of this application is that this would be difficult to achieve on a small application site surrounded by the highway network; and it is noted that Derbyshire Wildlife Trust has not requested a condition to secure a scheme of biodiversity enhancement in this instance. A scheme of biodiversity enhancement is not considered to be reasonable or necessary in this particular instance.

In terms of impacts on protected species, Derbyshire Wildlife Trust confirms its Biological Records Database shows there are no designations for the roundabout, nor records of protected species or notable habitats that could be affected by the proposed works. Given the limited extent of impacts, the Derbyshire Wildlife Trust confirms it would not be proportionate to require any other ecological appraisal for this proposal. The development conserves the biodiversity of the district in accordance with policy SC9 of the Adopted Local Plan.

Flooding and Drainage

The site is within flood zone 1, classified by the Environment Agency as land with the lowest probability of flooding from rivers and sea. The District Council's records have identified a low risk of surface water flooding at the roundabout. However, this is to the southern and western and northern sides of the central island and does not affect the development area. As such, whilst the Lead Local Flood Authority has not commented on the application, the comments are not required as no specific surface water flood risk is identified for the development. The nature of the development is not sensitive to flood risk/drainage and the small base plate retains areas of soakaway within the central island. The application raises no flooding/drainage concerns in accordance with Policy SC7 of the Adopted Local Plan.

RECOMMENDATION

The current application be approved as a sustainable form of development subject to the following conditions:

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
 - Site location plan - dated 09/01/2026
 - Base Block Plan - dated 16.03.2026
 - Sculpture Support Post - drawing 01 dated October 2025
 - Dimensions received 12/03/2026
 - Photographs received 03/03/2026
3. Notwithstanding the submitted details the hereby approved sculpture shall be erected on a 1.5m high supporting post with a maximum height of the sculpture of 2.8m.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in order to define the planning permission.
3. To ensure acceptable visual impacts of the development and no harm to designated heritage assets in accordance with policies SC3, SC16, SC17, SC18, SC20 of the Adopted Local Plan for Bolsover District.

Statement of Decision Process

1. The proposal has been considered against the policies and guidelines adopted by the Council in the Adopted Local Plan and the decision has been taken in accordance with the guidelines of the Framework.

Notes

1. Derbyshire Wildlife Trust advises that should any grassland re-seeding be required, it would be beneficial to use a native seed mix of either meadow grassland or flowering lawn, dependent on the management regime.
2. This application is considered to be one which will not require the approval of a biodiversity gain plan before development is begun, because one or more of the statutory

exemptions or transitional arrangements are considered to apply. However, you are still required to observe the statutory requirements of the Biodiversity Net Gain Plan Advice Note.

3.

WORKS ON THE PUBLIC HIGHWAY

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

IMPACT ON THE HIGHWAY NETWORK DURING CONSTRUCTION

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

SECTION 115E LICENSE

This permission does not authorise the construction of the proposed (disabled access/structure) facility until: - engineering details of the works within the public highway have been approved by the Highway Authority and; - the applicant has applied for and obtained from the County Council, as the Highway Authority, a license under Section 115E of the Highways Act, 1980 for the construction and retention of the proposed disabled access facility within the confines of the public highway.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.