

Bolsover District Council

Planning Committee

12th February 2020

<p>Local Plan for Bolsover District</p>
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Report of the Head of Planning

This report is public.

Purpose of the Report

- To report the findings of the Inspector's Report and recommended Main Modifications;
- To incorporate the Inspector's recommended Main Modifications and identified Additional Modifications to the version of the Local Plan for Bolsover District approved in April 2018;
- To recommend to Council that the Local Plan for Bolsover District is adopted as the development plan for Bolsover District and replaces the Bolsover District Local Plan (February 2000) and the saved policies within it.

1 Report Details

Background

- 1.1 Members will be aware that the Council resolved to commence the preparation of a new Local Plan for Bolsover District in October 2014 and that this new Local Plan would replace the currently adopted Bolsover District Local Plan (February 2000).
- 1.2 In accordance with this resolution, the Council set about developing the required evidence base to shape and inform its potential planning strategy and policies for the period up to 2033. Alongside this work, public engagement and consultation was carried out in accordance with the Council's Statement of Community Involvement whilst the Council was preparing its Local Plan and this saw the following stages of consultation:
 - a) Initial Consultation on what the Plan should contain (Oct-Nov 2014)
 - b) Consultation on Preferred Options and Reasonable Alternatives (Oct-Dec 2015)
 - c) Consultation on the Draft Local Plan for Bolsover District (Oct-Nov 2016)
- 1.3 This preparation work culminated in April 2018 when the Council approved its proposed Local Plan for Bolsover District in advance of carrying out the required public consultation before being able to submit the Local Plan to the Secretary of State for Examination. These final two steps were carried out:
 - d) Consultation on Publication Local Plan for Bolsover District (May-June 2018)

- e) Submission of the Local Plan for Bolsover District to Secretary of State (Aug 2018) (submission version appended as Appendix A to this report)
- 1.4 Following submission of the Local Plan for Bolsover District in August 2018, Inspector Karen Baker DIPTP MA DIPMP MRTPI was appointed to undertake an independent examination of the document.
- 1.5 The Local Plan Examination commenced and the Inspector held Hearing Sessions between Tuesday 21st January to Wednesday 6th February 2019 with an additional and final session on Tuesday 12th March 2019.
- 1.6 Members will recall that the Inspector provided her judgement on the necessary Main Modifications on 14th May 2019 and that these were approved for public consultation by Planning Committee at its meeting on 5th June 2019. In accordance with this approval, consultation on the necessary Main Modifications commenced on 10th June and ran to 22nd July 2019. Following this, the Council submitted the representations received on the Main Modifications to the Inspector on 1st August 2019.
- 1.7 The Planning Inspectorate issued the Inspector's Report to the Council on 15th January 2020. The Inspector's Report was published on 20th January 2020 and notice of its publication was given to those persons who requested to be notified. The Council has also extended this notification to all people who made representations during the consultation on the Publication Local Plan in May-June 2018 and during the consultation on the necessary Main Modifications in June-July 2019.

Findings of the Inspector's Report

- 1.8 The Report contains the Inspector's assessment of the Local Plan for Bolsover District in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Local Plan's preparation has complied with the Duty to Co-operate. It then considers whether the Local Plan is sound and whether it is compliant with the legal requirements.
- 1.9 The Inspector's Report explains that the starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound Local Plan. Where elements of the Local Plan are found to be unsound during the independent examination, the Inspector will assess whether modifications can be made to make the Local Plan sound. To aid this process, the Council requested that the Inspector should recommend any Main Modifications necessary to rectify matters that make the Local Plan unsound. In accordance with this request, the Inspector's Report explains why her recommended Main Modifications, all of which relate to matters that were discussed at the Examination Hearings, are necessary.
- 1.10 The Inspector's Report sets out the findings of the Examination and concludes that, with the recommended Main Modifications set out in the Appendix, the Local Plan for Bolsover District satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF. The Inspector's Report and recommended Main Modifications form Appendix B to this report.
- 1.11 In light of this judgement, the Council now has the ability legally to adopt its approved Local Plan, i.e. the version approved in April 2018, subject to incorporation of the Inspector's recommended Main Modifications.

Additional Modifications and Policies Map Changes

- 1.12 Additional modifications set out a number of changes that do not materially affect the Policies of the Local Plan and do not fall within the scope of the Examination. As such, the Inspector has not ruled upon whether these should be incorporated into the Local Plan for Bolsover District. However, the Council is able to agree to make these changes to correct typographical and factual errors within its approved Local Plan. These Additional Modifications are set out in Appendix C to this report.

Policies Map

- 1.13 The Policies Map is not defined in statute as a development plan document and so it does not fall within the scope of the Examination. However, the Council is obliged under the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. As a result, the decision to adopt the Local Plan for Bolsover District will necessitate an update to the Adopted Policies Map that accompany the Bolsover District Local Plan that was adopted in February 2000.
- 1.14 To inform this update, the Council published a set of Policies Maps to accompany the consultation on Publication Local Plan for Bolsover District in May 2018 and these were submitted to the Secretary of State in August 2018 alongside the Local Plan for Bolsover District. However, during the Examination a number of proposed changes to the submitted Policies Map were also identified that corresponded to certain proposed Main Modifications and these were also subject the consultation between 10th June and 22nd July 2019.
- 1.15 During this consultation exercise, over 200 objections were received in relation to the proposed Policies Map Change that removed the Wildlife Corridors and Stepping Stones Designation from a site at Ball Hill, South Normanton (ref. PMC13). Whilst not part of the Examination, the Inspector has advised in paragraph 185 of her Report that she was “not satisfied that such a change would be necessary as any development proposal should have regard to this designation in order to ensure that biodiversity is not harmed.” In light of this statement, proposed Policies Map Change PMC13 has been reviewed and a much more limited change is now considered appropriate in order to only exclude land recently built upon. This minor change would see only a small strip of the proposed Wildlife Corridors and Stepping Stones Designation removed and this is now shown within the set of Proposed Changes to the Submitted Policies Map that form Appendix D to this report.

2 Conclusions and Reasons for Recommendation

- 2.1 The Inspector’s Report concludes that, with the recommended Main Modifications set out in the Report’s Appendix, the Local Plan for Bolsover District satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

- 2.2 In light of this very positive judgement, the Council now can plan to adopt the Local Plan for Bolsover District as amended by the Inspector's recommended Main Modifications and the Additional Modifications discussed above.
- 2.3 Therefore, it is recommended that Planning Committee:
- note the findings of Inspector's Report as set out in Appendix B;
 - note the Inspector's recommended Main Modifications as set out in Appendix B to make the plan sound and accept their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
 - note the Additional Modifications as set out in Appendix C to correct typographical and factual errors and agree to their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
 - note the Policies Map Changes as set out in Appendix D and agree to those changes being incorporated into the version of the Policies Map submitted to the Secretary of State in August 2018.
- 2.4 Based on the approval of these incorporated changes, it is also recommended that Planning Committee recommends to Council that the Local Plan for Bolsover District is adopted as the development plan for Bolsover District and to replace the Bolsover District Local Plan (February 2000) and the saved policies within it.
- 2.5 For information, a version of the Local Plan for Bolsover District incorporating the approved changes will be appended to the Council report in order to provide clarity at the meeting.

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Head of Planning, Planning Policy Manager, Principal Planning Officers, Senior Planner and Planning Officer.
- 3.2 Members consulted during the preparation of the report: Members of the Local Plan Steering Group and Portfolio Holder.
- 3.3 An Equality Impact Assessment was carried out to inform the Publication Local Plan and the modifications were screened for any changes that might be deemed significant within the Equality Impact Assessment process.

4 Alternative Options and Reasons for Rejection

- 4.1 Section 23(4) of the Planning and Compulsory Purchase Act 2004 indicates that the Committee cannot choose to accept some of the Inspectors' modifications but reject others. Thus, the only alternative options available to the Committee are as follows:

Option 1: not adopt the Local Plan

Option 2: adopt the Local Plan as modified by the Main Modifications but not the Additional Modifications.

- 4.2 It is not an option for the Committee to adopt the Local Plan in part. Nor is it an option for the Committee to make any modifications to the Local Plan that would impact on its meaning.
- 4.3 Option 1 has been rejected as it would not provide certainty to the communities of Bolsover District and all other stakeholders as to the level of planned growth to be expected to 2033. It would also expose the Council to the threat of Government Intervention retuning. It would also prove costly as further evidence base work and Sustainability Appraisal / Habitats Regulation Assessment would be required.
- 4.4 Option 2 has been rejected as it would leave several typographical and factual errors within the Local Plan for Bolsover District.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None. This is part of the existing work plan and is budgeted for. It also accords with the requirements of the Secretary of State, so minimising the risk of Government Intervention.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council has a statutory duty to prepare and keep up to date a Local Plan. The Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the statutory procedures for preparing planning policy documents. The Local Plan has been prepared in line with these regulations.
- 5.2.2 There are no specific data protection issues arising from this report. Consultation processes result in the Council handling a customer's personal data. This information is stored securely in line with the Council's procedures and provisions of the Data Protection Act.

5.3 Human Resources Implications

- 5.3.1 There are no human resources implications arising from this report.

6 Recommendations

- 6.1 That Planning Committee:

- 1) note the findings of Inspector's Report as set out in Appendix B;
- 2) note the Inspector's recommended Main Modifications as set out in Appendix B to make the plan sound and accept their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;

- 3) note the Additional Modifications as set out in Appendix C to correct typographical and factual errors and agree to their incorporation within the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018;
- 4) note the Policies Map Changes as set out in Appendix D and agree to those changes being incorporated into the version of the Policies Map submitted to the Secretary of State in August 2018;
- 5) recommends to Council that the Local Plan for Bolsover District is adopted as the development plan for Bolsover District and to replace the Bolsover District Local Plan (February 2000) and the saved policies within it.

7 **Document Information**

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All but none affected with a significant impact.
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>The Local Plan for Bolsover District identifies suitable areas for development to help to deliver the Council's Growth Agenda. It assists local residents, infrastructure providers and developers by providing certainty about the way the District will develop over the Plan period. It therefore contributes to the following Corporate Aims and their identified priority actions:</p> <ul style="list-style-type: none"> • Unlocking Our Growth Potential (main aim);

	<ul style="list-style-type: none"> Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.
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8 Document Information

Appendix No	Title
A	Submission version of the Local Plan for Bolsover District
B	Inspector's Report and recommended Main Modifications to the Local Plan for Bolsover District
C	Additional Modifications to the Local Plan for Bolsover District
D	Changes to the Submitted Policies Map
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
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