

## **Bolsover District Council**

### **Council**

**4<sup>th</sup> March 2020**

<b>Local Plan for Bolsover District</b>
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### **Report of the Portfolio Holder – Corporate Governance**

#### **Purpose of the Report**

- To adopt the Local Plan for Bolsover District as the development plan for Bolsover District.

#### **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. The Local Plan had 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 further public consultation before submitting 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)
- 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 21<sup>st</sup> January and Wednesday 6<sup>th</sup> February 2019 with an additional and final session on Tuesday 12<sup>th</sup> March 2019.
- 1.6 The Inspector provided her judgement on the necessary Main Modifications on 14<sup>th</sup> May 2019 and these were approved for public consultation by Planning Committee on 5<sup>th</sup> June 2019. Consultation on the Main Modifications commenced on 10<sup>th</sup> June and ran to 22<sup>nd</sup> July 2019. Following this, the Council submitted the representations received on the Main Modifications to the Inspector on 1<sup>st</sup> August 2019.
- 1.7 The Planning Inspectorate issued the Inspector's Report to the Council on 15<sup>th</sup> January 2020. The Inspector's Report was published on 20<sup>th</sup> January 2020 and notice of its publication was given. The Council notified all people who made representations during the consultations in May-June 2018 and in June-July 2019.
- 1.8 The findings of the Inspector's Report and her recommended Main Modifications were reported to Planning Committee on 12<sup>th</sup> February 2020. The Planning Committee resolved unanimously:

That Planning Committee:

- 1) notes the findings of Inspector's Report as set out in Appendix B to the report;
  - 2) notes the Inspector's recommended Main Modifications as set out in Appendix B to the report 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) notes the Additional Modifications as set out in Appendix C to the report 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) notes the Policies Map Changes as set out in Appendix D to the report 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.
- 1.9 On this basis, in line with the Constitution it is now for Council to consider the recommended course of action from Planning Committee and make a decision to adopt the Local Plan for Bolsover District.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 Planning Committee has accepted the incorporation of the Inspector's recommended Main Modifications and agreed the incorporation of the prepared Additional Modifications to the version of the Local Plan for Bolsover District submitted to the Secretary of State in August 2018. Planning Committee has also agreed the prepared

changes to the version of the Policies Map submitted to the Secretary of State in August 2018.

- 2.2 On this basis, an updated version of the Local Plan for Bolsover District incorporating these modifications has been prepared and is attached as Appendix A. Furthermore, an updated version of the Policies Map that incorporates the agreed changes has been prepared and this is attached as Appendix B.
- 2.3 As set out in Section 1 of this report, the Local Plan for Bolsover District has been subject to a significant amount of public participation to inform its preparation before being subject to an independent Examination in Public.
- 2.4 Once adopted, the Local Plan will:
  - become part of the statutory development plan for Bolsover District;
  - replace the Bolsover District Local Plan (2000).
- 2.5 In addition, an up-to-date development plan will provide more certainty for the District's communities, infrastructure providers and the development industry about where development will and will not be permitted.
- 2.6 Furthermore, an up-to-date development plan will eliminate the risk of the Local Plan Intervention by the Government as stated in the letter from the Secretary of State dated 23<sup>rd</sup> March 2018.
- 2.7 Therefore, it is recommended that the Council:
  - adopts the Local Plan for Bolsover District (see Appendix A) as the development plan for Bolsover District and that it replaces the Bolsover District Local Plan (February 2000) and the saved policies within it;
  - approves the updated Policies Map (see Appendix B) which illustrates geographically the application of the policies in the adopted development plan.

### **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 Planning Committee, 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 Council cannot make any modifications to the Local Plan that would impact on its meaning. Therefore, the only alternative option available to the Council is to not adopt the Local Plan for Bolsover District.

4.2 This alternative option 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 significantly expose the Council to the threat of Government Intervention returning. It would also prove costly as further evidence base work and Sustainability Appraisal / Habitats Regulation Assessment would be required.

## **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 eliminating 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 Council:

- 1) adopts the Local Plan for Bolsover District (see Appendix A) as the development plan for Bolsover District and that it replaces the Bolsover District Local Plan (February 2000) and the saved policies within it;
- 2) approves the updated Policies Map (see Appendix B) which illustrates geographically the application of the policies in the adopted development plan.

**7 Document Information**

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <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>	<p>No</p>
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	<p>No</p>
<p><b>Has the relevant Portfolio Holder been informed</b></p>	<p>Yes</p>
<p><b>District Wards Affected</b></p>	<p>All but none affected with a significant impact.</p>
<p><b>Links to Corporate Plan priorities or Policy Framework</b></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"> <li>• Unlocking Our Growth Potential (main aim);</li> <li>• Supporting Our Communities to be Healthier, Safer, Cleaner and Greener.</li> </ul>

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>	
A	Local Plan for Bolsover District <i>*Will be provided in paper copy for Members separate to the Agenda</i>	
B	Updated Policies Map <i>*Will be available online and for inspection in the Council offices only due to the size of the maps.</i>	
<b>Background Papers</b> (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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