

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**25 July 2018**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION ON BOLSOVER DISTRICT PUBLICATION LOCAL PLAN**

- (1) **Purpose of Report** To agree the County Council's formal response to Bolsover District Council (BDC) on the Bolsover District Publication Local Plan (PLP).
- (2) **Information and Analysis** BDC commenced preparation of a new single Local Plan for Bolsover District in October 2014 to replace the Bolsover District Local Plan (BDLP), which was adopted in February 2000. In October 2015, BDC published for public consultation its Bolsover Local Plan: Identified Strategic Options (ISO), which set out a range of options on the possible scale and distribution of the District's future development growth up to 2033. In October 2016, BDC published its Consultation Draft Local Plan (CDLP), which set out BDC's preferred scale and distribution of housing and employment growth, together with a range of other policies for a number of strategic site allocations, Green Belt, environment, town centres, transport and infrastructure.

Derbyshire County Council submitted extensive comments on both of the above documents for which those relating to the CDLP were reported to, and agreed at, the Cabinet Member Meeting on 7 February 2017 (Minute No. 21/17 refers). The majority of the County Council's comments on the CDLP were supportive of the proposed policy approach, particularly relating to the scale and distribution of housing growth and allocation of key strategic sites. Concerns were expressed, however, that BDC proposed to remove land from the Green Belt to facilitate the Clowne Garden Village strategic allocation and that this needed to be justified by a Green Belt Review for the District. Other concerns related to the scale of employment land allocated, highways and transport policies in the CDLP, particularly in relation to key highway improvements necessitated by the proposed scale of growth set out in the CDLP.

BDC has now consulted Derbyshire County Council on its PLP. This is the last stage of public consultation before it is submitted to the Secretary of State and for which an Examination in Public will be held in due course. The PLP sets out BDC's housing and employment land requirements up to 2033, including

the provision of a minimum of 5,168 new homes (272 per annum) and 92 hectares (ha) of employment land over the period 2014 to 2033. Three large strategic site allocations are identified, including Bolsover North, Clown Garden Village and Whitwell Colliery, together with two Regeneration Priority Areas (RPAs) at the former Coalite Chemical Works Site and at Pleasley Vale. These strategic sites and RPAs are proposed to accommodate the vast majority of the District's housing and employment land requirements over the period. Specific policies are included for each of the strategic site allocations and RPAs, including the identification of necessary new infrastructure to support their development. A Green Belt Review has been undertaken as part of the preparation of the PLP, particularly to justify the inclusion of a sizable area of land in the Clown Garden Village allocation, which currently falls within the Green Belt.

The remainder of the PLP includes policies for affordable housing; gypsies and travellers, including a requirement for the provision of 17 gypsy and traveller pitches and 13 travelling showpeople's plots; the countryside; historic environment; town centres and retailing; highways and sustainable transport; renewable energy; the environment; and infrastructure and green infrastructure.

In order to meet BDC's statutory deadline for submission of comments, provisional comments were submitted on 16 June 2018, subject to agreement at this Cabinet Member Meeting. A copy of the response can be made available on request. Overall, these comments consider that the County Council's previous concerns raised on the CDLP have been largely addressed by the PLP and that in view of Derbyshire County Council, it appears that the PLP is now considered to be sound and legally compliant. A summary of the County Council's comments is set out below.

Full details of the PLP consultation can be viewed on BDC's website at the link below:

<http://www.bolsover.gov.uk/index.php/resident/local-plan?accid=5>

### **Member Comments**

All local County Councillors with electoral divisions in Bolsover District were consulted on the PLP. No comments have been received at the time of writing this report. However, any comments subsequently received will be reported to this meeting and forwarded to BDC.

### **Officer Comments**

#### **Housing Requirement and Land Supply**

The housing provision requirement of 5,168 new houses over the period, is fully supported, particularly as this is based on robust and up-to-date evidence in the North Derbyshire and Bassetlaw Strategic Housing Market Assessment (SHMA). The housing requirement of 5,168 new houses would ensure that

BDC meets its objectively assessed housing need (OAHN) and will not need to rely on other housing market areas (HMAs) of Chesterfield, North East Derbyshire and Bassetlaw to make up the shortfall in housing provision. It is also supported that BDC proposes to identify a housing land supply of 5,700 new homes (10% above the housing requirement) as this would ensure there was sufficient flexibility in the land supply to meet the overall need should any sites not come forward for delivery as anticipated.

The PLP identifies 22 proposed housing allocation sites that would accommodate the full housing requirement. Each of these allocations, however, will raise a range of infrastructure requirements to support their development, particularly primary and secondary school place provision (including new schools), highway and access improvements and green infrastructure. Derbyshire County Council has previously provided comments on the strategic policy implications and developer contributions requirements of many of these sites. However, under the Duty to Cooperate, BDC is requested to liaise with the County Council on an ongoing basis to identify and secure the strategic infrastructure requirements required to support the development of the allocated sites. In this respect, it is welcomed and supported that the PLP includes a policy which indicates that BDC will impose planning conditions on planning permissions for these sites or seek to enter into planning obligations to secure the expected infrastructure requirements for each site.

### **Affordable Housing**

The policy approach to affordable housing is fully supported which requires applications for residential development of 25 houses or more to provide 10% as affordable housing on the site. Derbyshire County Council is aware that viability and deliverability are key concerns throughout much of the District and, in this context, it is considered that the policy approach in the PLP provides a well-balanced and reasoned justification for the 10% affordable requirement. From the County Council's point of view as a strategic infrastructure provider, it is important that developer contributions, towards infrastructure of a more local nature, are set at an appropriate level to ensure there is sufficient viability in development schemes to also fund infrastructure of a more strategic nature, such as school place provision. The 10% affordable requirement is supported as being appropriate in this context.

### **Strategic Sites and Green Belt Issues**

The PLP identifies three large strategic site allocations at Bolsover North, Clowne Garden Village and Whitwell Colliery which could accommodate up to 2,650 new homes and 25ha of employment land. The former Coalite Chemical Works site is further identified as a RPA. Derbyshire County Council provided extensive strategic planning policy and infrastructure comments on these strategic sites in its responses on the ISO and CDLP consultations, which remain largely relevant and are reaffirmed. More detailed planning policy and developer contributions comments have also been submitted to BDC in

respect of planning applications that have been submitted for the Bolsover North, Coalite Chemical Works and Clowne Garden Village sites, which also remain relevant. Overall, these previous comments have indicated Derbyshire County Council's support for the three strategic sites and RPAs in principle as potentially they could provide for sustainable forms of development either as sustainable urban extensions or facilitate the remediation or redevelopment of previously developed land, subject to the provision of the necessary supporting infrastructure, including new or expanded schools, highway and Greenways improvements.

Derbyshire County Council's key concern is, and remains, the Clowne Garden Village strategic site. In the CDLP, the County Council expressed concerns that a significant proportion of the land identified for the allocation was located within the Green Belt, the use of which could have an adverse impact on the main Green Belt purposes set out in the National Planning Policy Framework (NPPF) and impact on the openness of the Green Belt to the north-west of the site. The County Council's comments on the CDLP indicated, therefore, that it was important that BDC carried out a strategic Green Belt Review of the District, particularly to justify the release of Green Belt within the Clowne Garden Village site.

In the context of the above, BDC accordingly commissioned a Green Belt Review, which was published in November 2017. The conclusions of the Review indicated that the majority of the Green Belt in the District continued to fulfil one or more of the main Green Belt purposes set out in the NPPF but that the Green Belt land, included within the Clowne Garden Village allocation, did not impact significantly on the main Green Belt purpose, which is to prevent the settlements of North Derbyshire from merging into one another.

In the context of the County Council's previous concerns on this matter, officers are now satisfied that the conclusions of the Green Belt Review demonstrate that that part of the site within the Green Belt proposed for employment use could be accommodated on the site without compromising the main Green Belt purposes. However, it will still be important as part of the masterplanning of the site for BDC to ensure that the layout and design of the site, including any necessary landscape mitigation, should ensure that the development of the site will have no significant impact on the openness of the wider area of Green Belt outside the area which is to be released.

In addition, the Council maintains its concerns and comments regarding potential highway impacts from these major developments and the need for BDC to ensure that impact on the continuing safety of highways network can be mitigated. In particular, BDC will be aware that Derbyshire County Council, as Highway Authority, has recently raised significant concerns in relation to a planning application for the Clowne Garden Village site and the need for a range of highway mitigation measures to be secured by the BDC to ensure

that the proposed development has an acceptable impact on the surrounding highways network.

### **Employment**

Derbyshire County Council's comments on the ISO and CDLP consultations previously expressed concern about the scale of employment land provision that was being proposed by BDC in the Local Plan (approximately 100ha) due to concerns about deliverability and likely market demand. However, BDC has commissioned new evidence in its Economic Development Needs Assessment which indicated there was significant market demand for large-scale logistics development in the District and that if BDC was to plan for an employment land requirement of 100ha, then the availability of large sites would be of critical importance to meet market demand. In this context, Derbyshire County Council's officers are satisfied that an employment land requirement of 92ha of land set out in the PLP is justified by this evidence and is deliverable.

### **Settlement Hierarchy**

The definition of a settlement hierarchy in the PLP is fully supported as it is well conceived, justified and based on evidence in BDC's Settlement Hierarchy Study. The hierarchy defines the settlements of Bolsover and Shirebrook as Small Towns and Clowne and South Normanton as Emerging Towns. The Settlement Hierarchy is fully supported as it should ensure that an appropriate scale of new development will be directed towards the most sustainable locations in the District, which should reduce the need to travel and be accommodated by existing infrastructure as far as possible.

### **Highways**

As Highway Authority, the County Council has been working with BDC to support the development of its Local Plan's transportation evidence base. Much of this work, particularly the transport studies for Bolsover and Clowne, has been developed to support inclusion of the strategic sites of Bolsover North and Clowne Garden Village. These studies have been carried out to assess the cumulative highways impacts of the levels of development in Bolsover and Clowne. The studies have concluded that whilst levels of development in these settlements can be achieved, appropriate highway and junction improvements will be essential to mitigate the impact on the existing network.

This work has been supplemented with a number of transportation assessments submitted in support of a number of planning applications, which have been subsequently consented. This has, in turn, both informed the site allocations within the PLP and Policy ITCR9: Local Transport Improvement Schemes, which provides for the granting of planning permission in cases where the proposal would not prejudice the delivery of a number of listed highway schemes. Whilst this is helpful, however, it is of concern that the PLP

appears to be bereft of any actual policies that would ensure the delivery of the schemes.

Beyond that, on balance, it is considered that the PLP does not present any insurmountable issues in terms of the Plan's test of soundness in relation to highways matters notwithstanding comments i.e. mitigating impacts. The County Council's officers are reasonably satisfied that the Highway Authority should, with the assistance of BDC, be able to address the Inspector's 'Matters of Clarification' on highways matters at the subsequent Examination in Public and that the PLP could, in due course, meet its test of soundness, at least in terms of the Inspector's likely highways and transportation considerations.

### **Gypsies and Travellers**

The policy approach to the provision of sites to meet the needs of gypsies and travellers and travelling showpeople is fully supported. It is particularly welcomed that the PLP makes reference to the Derby, Derbyshire, Peak District National Park Authority (PDNPA) and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA), which was commissioned by Derbyshire County Council on behalf of the 9 city, district and borough councils in Derbyshire, the PDNPA, East Staffordshire District Council and the Derbyshire Gypsy Liaison Group; and to its recommendations for Bolsover District that between 2014 and 2034, provision should be made for 17 residential pitches; 7 bricks and mortar units; and 13 travelling showpeople's plots. These requirements are appropriately set out in Policy LC6 of the PLP and should ensure that the full assessed need for pitches and plots is met within the District.

### **Flood Risk**

In its role as Lead Local Flood Authority, the County Council's officers have assessed the flood risk issues and implications raised by the PLP. In particular, detailed comments have been provided by officers on each of the strategic allocation sites and RPA sites, particularly relating to the relevant flood zone within which the sites are located and history of surface water flooding on each site.

### **Landscape**

The County Council's Conservation and Design officers have previously provided detailed landscape comments on the ISO and CDLP consultations. Furthermore, officers have also provided assistance to BDC in the site selection process and masterplanning of the strategic allocation sites, particularly in respect of how these areas might be developed so that they respect and enhance the established landscape character of the District, which continues to be a key objective of the PLP and is protected by other policies within it. These previous comments remain largely relevant and have been reaffirmed.

## **Public Health**

The County Council's Public Health officers have considered how the PLP aligns with the agreed Strategic Statement – Planning and Health across Derbyshire and Derby City, and have indicated whether the PLP supports the priorities, where it can be strengthened or where it may need to be more explicit. Overall, officers consider that the PLP demonstrates an extensive and significant commitment to support and enhance the health and well-being of local residents of the District through a positive planning policy approach.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing has been considered in the preparation of this report. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans.

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Steve Buffery, extension 39808.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member delegates authority to officers to send a formal response to Bolsover District Council on its Bolsover District Publication Local Plan, in line with the issues and comments set out in this report.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**