

Agenda Item No. 4(h)

DERBYSHIRE COUNTY COUNCIL

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

7 February 2017

Report of the Strategic Director – Economy, Transport and Communities

CONSULTATION: DRAFT LOCAL PLAN FOR BOLSOVER DISTRICT

(1) **Purpose of Report** To agree the County Council's formal response to Bolsover District Council (BDC) on its Consultation Draft Local Plan for Bolsover District (CDLP).

(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. Derbyshire County Council submitted detailed, technical comments on the ISO in December 2015, which are referred to in the report below, where appropriate. Having considered stakeholders' comments on the ISO, BDC has now published its CDLP which includes:

- a Vision, Spatial Portrait and 16 strategic objectives for the District;
- policies on the scale of future development, which proposes that 3,600 dwellings (240 per annum (pa)) and 100 hectares (ha) of employment land will be provided in the District over the period 2018 – 2033;
- 4 large strategic housing and employment allocation sites including:
 - Bolsover North: 900 dwellings;
 - Clowne Garden Village: 1,000 dwellings and 25 ha of employment land;
 - Former Coalite Chemical Works: 660 dwellings and 70,000 square metres of employment land; and
 - Former Whitwell Colliery: 200 dwellings and 5 ha of employment land;
- 20 other smaller scale housing allocations in and around the main towns of Bolsover, Clowne, Shirebrook and South Normanton and other larger settlements in the District; and

- a range of other policies on affordable housing, gypsies and travellers, the countryside, the rural economy, retailing and town centres, renewable energy, tourism and infrastructure.

Full details of the CDLP can be viewed at:

<http://www.bolsover.gov.uk/planning/new-local-plan>

In order to meet BDC's statutory deadline for submission of comments, provisional informal comments were submitted on 13 December 2016, subject to agreement at this Cabinet Member Meeting. A copy of the previous response can be made available on request.

Local Member Comments

Local County Councillors with electoral divisions in Bolsover District were consulted on the CDLP. 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 Provision

Derbyshire County Council's officers provided comments on 3 potential options set out in the ISO for the District's proposed housing provision requirement for the Local Plan; the preferred option was for a housing requirement of 3,600 dwellings (240 dwellings pa) over the Plan period. This level of housing provision would meet the full objectively assessed housing needs (OAHN) of the District based on extensive evidence provided in the North Derbyshire and Bassetlaw Strategic Housing Market Assessment (SHMA), which was jointly commissioned by BDC with Chesterfield, North East Derbyshire and Bassetlaw councils. It is welcomed and supported, therefore, that Policy SS2: Scale of Development indicates the Local Plan will ensure that 240 dwellings pa (3,600 in total) will be delivered in the Plan period, plus any shortfall against that annual target in delivery between the period 2011 to 2018.

This policy approach is fully consistent with the requirements of Paragraph 47 of the National Planning Policy Framework (NPPF). It will also ensure that neighbouring local authorities in the Northern Housing Market Area (HMA) will not need to meet any potential shortfall in housing provision in Bolsover District.

Housing Allocations

It is supported in principle that Policy LC1: Housing Allocations identifies a range of 24 proposed housing allocations that would meet the full housing requirement set out in Policy SS2. Each of these proposed allocations, however, will raise a range of strategic infrastructure requirements to support

their development, particularly primary and secondary school place provision (including new schools), highway and access improvements and Green Infrastructure. It is noted that a number of the proposed allocations already benefit from planning permission. The County Council has previously requested developer contributions towards strategic infrastructure required as a result of development on these sites, and these requirements remain largely relevant to their development. Under the Duty to Cooperate, BDC is requested to liaise with the County Council on an ongoing basis to identify and secure funding towards the strategic infrastructure that would be required to support the development of the proposed allocation sites in order to ensure that they provide for a sustainable form of development.

Affordable Housing

The policy approach to the provision of affordable housing is fully supported, which indicates that BDC will require applications for residential development comprising 25 or more dwellings to provide 10% as affordable housing on site, or to pay for a detailed viability analysis of the development proposal to negotiate a lower level of provision. Viability and deliverability are key concerns in the District. National planning guidance requires that planning obligations should not be so onerous as to prevent development coming forward. From the County Council's point of view as a strategic infrastructure provider, it is important that developer contributions secured towards infrastructure of a more local nature, such as for affordable housing, are set at an appropriate level to ensure that there is sufficient viability in development schemes also to fund essential infrastructure of a more strategic nature, such as school place provision and highway improvements. In principle, therefore, the 10% requirement for affordable housing is considered to be justified and appropriate, notwithstanding the above need to provide essential strategic infrastructure.

Gypsy and Traveller Issues

The policy approach to gypsies and travellers is supported, which identifies a need for 17 traveller pitches and 13 travelling showpeople's plots over the Plan period. It is welcomed that these pitch and plot requirements are based on the recommendations of the Derby, Derbyshire, Peak District National Park Authority (PDNPA) and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA), which was commissioned by the 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.

Strategic Sites

Section 4 of the CDLP sets out details for the 4 large strategic allocation sites, which could accommodate up to 2,760 dwellings. Derbyshire County Council has provided extensive strategic policy and infrastructure comments on each of the strategic sites in its response, dated 21 December 2015, on the ISO

consultation, which remain largely relevant and are reaffirmed. More detailed comments were made to BDC in respect of the planning applications that have been submitted for the Bolsover North and former Coalite Chemical Works sites and pre-application advice relating to the former Whitwell Colliery site. These comments also remain largely relevant.

Overall, the Council has indicated broad support in principle for the four allocations as potentially they could:

- provide for sustainable forms of development as either large sustainable urban extensions (Bolsover North and Clowne Garden Village); or
- facilitate the remediation and redevelopment of previously developed land (Coalite and Whitwell Colliery sites).

Officers' concerns are reaffirmed, however, that the scale and extent of the Clown Garden Village allocation may be disproportionately large, particularly given that the western and north-western parts of the site are located within the Green Belt. A Green Belt Assessment should be carried out to assess whether the loss of this Green Belt land would impact adversely on any of the five main purposes of the wider Green Belt in the area. It is welcomed, therefore, that Paragraph 4.35 of the CDLP indicates that BDC is carrying out further work to assess whether 'exceptional circumstances' exist to justify the release of Green Belt as part of the allocation and that no decision has yet been reached.

Employment

In its comments on the ISO consultation, it is considered that a proposed employment land allocation of 100 ha appeared ambitious and may be difficult for the market to sustain and so would need to be justified by supporting evidence. The Bolsover Economic Development Needs Assessment (EDNA), subsequently commissioned by BDC, indicates there is significant market demand for larger scale logistics development in the District. Consequently, the availability of a number of large sites is of critical importance to meeting this identified demand. The evidence is considered to justify the allocation of 100 ha of employment land in the CDLP.

Green Belt

Concerns remain on the ISO consultation that:

- the Local Plan should set out a clear commitment that the principle role of the North East Derbyshire Green Belt will be maintained; and
- in respect of the Clowne Garden Village allocation, BDC should carry out a Green Belt Assessment to assess whether the potential loss of Green Belt would be likely to harm any of the five Green Belt purposes of the wider area of the North East Derbyshire Green Belt.

Highways

A number of highway concerns have been identified regarding the Plan's policies and supporting evidence as follows:

- the need for BDC to update the Transport Evidence Information Note, particularly to draw upon and reflect the conclusions of a range of transport studies (as referred to below);
- the need for the Plan to make reference to the Bolsover and Clowne Transport Studies and the range of recommended highways mitigation works that are required to support proposed growth in these areas;
- the need for specific policies to be included in the Plan on the provision of public transport; accessibility and transport; and managing travel demand, similar to those policies included in the Derbyshire Dales Local Plan Pre-Submission; and
- additional reference needs to be made to the policy approach in the NPPF, which highlights that development should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.

Education Provision

The County Council has previously made comments on the implications for school place provision of the four strategic allocation sites and a number of the other smaller proposed allocation sites through the ISO consultation and the planning application process for individual sites. These comments remain largely relevant and are reaffirmed. In summary, a number of schools within whose normal areas the four strategic allocations are located are under pressure for school places. Pressures are particularly acute in Clowne where a new primary school is proposed as part of the Clowne Garden Village strategic allocation to deal with existing pressures from development. Hodthorpe may also be subject to significant levels of growth prior to the proposed redevelopment of the former Whitwell Colliery site, which has further potential to put pressure on school place planning in the area. The Bolsover North allocation includes proposals for the relocation of the Bolsover Infant and Nursery School to within the site to address pressure on school places within the town.

Landscape

The County Council's detailed comments made on the landscape impact implications of the policies set out in the ISO consultation are largely reaffirmed. Assistance has been provided to BDC in the master planning of the four strategic allocations referred to above, particularly relating to how they might be developed in order to respect and enhance the established landscape character of the District. The landscape comments on these strategic sites indicate that:

- Bolsover North: If the proposed development is implemented in accordance with the Masterplan, it should be deliverable without significant adverse effects on the landscape character or visual amenity of the area;
- Clowne Garden Village: Concerns are reaffirmed that the large extent of the allocation site cannot be delivered without having a significant adverse impact on the established landscape character and visual amenity of the area. As a consequence, a smaller allocation should be considered;
- former Whitwell Colliery: The overall proposals for housing and business development are acceptable in principle, but the proposal to restore the former Whitwell Colliery Tip to a country park continues to be at odds with the established character of the wider landscape; and
- former Coalite Chemical Works: The primary issues identified relate to the scale of development proposed and its potential impact on the established character of the local landscape; the cumulative effects of development when considered alongside the proposed strategic allocation at Bolsover North; and the potential impact on the setting of Bolsover Castle and historic town.

Minerals

The policy for the strategic allocation on the former Whitwell Colliery site should include reference to the need for development to avoid the potential sterilisation of the mineral resource on the site. Concerns made on the ISO consultation are also reaffirmed about the proximity of the strategic allocation to Whitwell Quarry, which is currently subject to a planning application to extend the extent of mineral workings at the quarry. Given the close proximity of the two sites, there is a potential conflict of interest between the expansion of the quarry and the development of the strategic mixed-use site. The proximity of the working quarry and its potential expansion may have unacceptable impacts on the proposed mixed-use development and prejudice delivery of the site whilst development of the mixed-use site may lead to sterilisation of part of the mineral resource and prejudice the delivery of potential mineral development at Whitwell Quarry. Officers will continue to work with BDC, the Whitwell Quarry operator and the Whitwell Colliery site promoter to seek resolution of the identified issues and positive outcomes for both sets of proposals.

Greenways

The policy approach to the safeguarding and continued development of the Green Infrastructure network is supported as is the commitment to seek developer contributions towards the delivery of Green Infrastructure associated with new development.

(3) **Financial Considerations** There are no financial considerations associated with this report beyond the planning implications (e.g. Section 106 Agreements) of relevant Plan policies.

(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.

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 Communities 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 Consultation Draft Local Plan for Bolsover District, in line with the issues and comments set out in this report.

Mike Ashworth
Strategic Director – Economy, Transport and Communities