BOLSOVER DISTRICT COUNCIL
LOCAL PLAN EXAMINATION
Matter 2 SOUNDNESS OF THE LOCAL PLAN

Issue 11: Is the Local Plan justified, effective and consistent with national policy in respect of the natural environment, biodiversity and geodiversity?

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Q189. Does the Local Plan adequately support the natural environment?  
[Policies SC8, SC9 and SC10]

Council Response

189.1. Overall, it is considered that the strategy of the Plan and the policies within it positively support the natural environment. It is considered that the Local Plan is justified, effective, and consistent with national policy in respect of the natural environment, biodiversity and geodiversity.

189.2. Under Conserving and enhancing the natural environment, the 2012 NPPF (Para 114) advises that Local planning authorities should:
   a) set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
   b) maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined Heritage Coast, and improve public access to and enjoyment of the coast.

189.3. Whilst maintaining coastal character is not an issue for Bolsover District Council, the Plan recognises the importance of the natural environment through:
   a. Key Issue b, protecting and enhancing identified heritage and natural assets
   b. Through Objectives A, Sustainable Growth, B, Climate Change, C, Countryside Landscape Character and Wildlife and I, Green Spaces and Green Infrastructure

189.4. Through the strategic approach to the allocation of sites and the application of the Sustainability Appraisal of Policies and allocations the Local Plan has sought to remain in accordance with national policy on the Natural environment and through a variety of policies, particularly SC7 to SC 10, supporting policies such as SS9 and 10 (Development in the Countryside and Green Belt respectively) and SS11 (Development in Important open breaks).

189.5. In relation to Policy SC8: Landscape Setting, the Council in discussions with Historic England have agreed a way of improving the policy by a modification (PM37) to the policy to add in a reference to ‘Historic Landscape Character Data’. This modification is considered to improve that Policy SC8 would protect the landscape character of the district. Both Derbyshire County Council, and Natural England have expressed their support for this policy.
189.6. Policy SC9: Biodiversity and Geodiversity is specifically addressed in Q192 below.

189.7. It is considered that the provisions in Policy SC10: Trees, Woodland, and Hedgerows will protect key natural habitats such as hedgerows, wood pasture and parkland (including veteran trees) within the District. Paragraph 118 of the 2012 NPPF contains guidance on how developments, including ancient trees and woodlands should be considered. Hedgerows are a UK priority habitat and a key action for local authorities in the Lowland Derbyshire Biodiversity Action Plan is to protect priority habitats and species and promote conservation management, restoration and creation through the effective use of the planning system. This policy will help achieve these aims.

189.8. The Sustainability Appraisal found that ‘Overall, no significant or minor negative cumulative effects have been identified during the appraisal of policies that comprise Chapter 7 of the Publication Local Plan’. (paragraph 5.6.21)

Q190. Should Objective C: Countryside, Landscape Character and Wildlife (page 28) be amended to include reference to protecting and enhancing sites designated for their biodiversity interests, particularly SSSIs?

190.1. Yes. This is proposed as modification PM4, which proposes amending Objective C by adding a new criterion, g) to read: Protecting and enhancing sites designated for their biodiversity interest (for example SSSI’s). This was based on discussions and agreement with Natural England.

Q191. Does the Local Plan accurately reflect the number of SSSIs within the District? [7 are referenced in the introduction and only 6 in para. 7.55]

191.1. It is accepted that there is an error in the Plan as there are 7 SSSI’s either wholly or partly within the District. Proposed modification PM38 proposes to correct this by amending paragraph 7.55 to read, “The district has six-seven nationally important sites”.

Q192. Is Policy SC9 consistent with national policy in respect of biodiversity and geodiversity?

192.1. Paragraph 109 of the 2012 NPPF requires the planning system to contribute to and enhance the natural and local environment by (amongst other requirements) protecting and enhancing geological conservation interests; and minimising impacts on biodiversity where possible. This requirement is reflected in paragraph 1 of Policy SC9.

192.2. Paragraph 113 of the 2012 NPPF requires local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites will be judged. Distinctions should be made
between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. This requirement is reflected in paragraph 2 of policy SC9.

192.3. Paragraph 117 of the 2012 NPPF states planning policies should:
   a. Plan for biodiversity at a landscape scale. The Lowland Derbyshire Biodiversity Action Plan referred to in the policy is a landscape scale Plan, covering Derbyshire (outside of the area of the Peak Park);
   b. Identify and map components of the local ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity, wildlife corridors, and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
   c. Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. This requirement is reflected in the 5th paragraph of policy SC9. The monitoring indicator is set out at page 219 of the LPIBD;
   d. Aim to prevent harm to geological conservation interests. This requirement is reflected in part b of paragraph 2.

192.4. As the Plan does not seek to designate Nature Improvement areas, the policy is silent on this issue. Where designated,

Q193. Are the Local Wildlife Site designations shown correctly on the Policies Map?

193.1 There is one instance where a Local Wildlife Site has been drawn incorrectly and two instances where Stepping Stones and Corridor sites have been drawn incorrectly.

193.2 The Local Wildlife Site at Steetley was shown in the Publication Local Plan to cover a large part of the Employment allocation at Explore Works, Steetley. The Derbyshire Wildlife Trust have agreed that the Local Wildlife site should no longer cover this area, and have agreed that it should be removed from the Policies Map. Subject to the formal agreement of the Council, a modification is proposed to the plan to remove the wildlife site from the Policies Map.

193.3 A stepping stones and corridors site at Bolsover Moor Quarry was the subject of representation 8866 whereby it was contended that the designation should not be shown because it is on a live minerals site and
could not be an effective designation due to the active minerals designation. The Derbyshire Wildlife Trust have agreed to remove the areas from the Policies Map on the basis that once the extant permission expires the area should be re-included within the ecological network. Subject to the formal agreement of the Council, a modification is proposed to the plan to remove this stepping stones and corridors site from the Policies Map.

193.4 The Council has been made aware that an area shown on the Policies Map as a stepping stones and corridors site at Ball Hill, South Normanton has been cleared of vegetation and does not have any ecological value, and a planning permission for residential development was granted on appeal in October 2018. The Derbyshire Wildlife Trust have agreed that the site can be removed from the Policies Map. Subject to the formal agreement of the Council, a modification is proposed to the plan to remove this stepping stones and corridors site from the Policies Map.