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

Issue 12: Is the Local Plan justified, effective and consistent with national policy in respect of the countryside?

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Q194. Is the inclusion of Important Open Breaks consistent with national policy? [Policy SS11]

Q194.1. The Council considers that the inclusion of Important Open Breaks is consistent with national policy. The Important Open Breaks document (EB35) sets out the national context at section 3 (page 3):

“3.1 The Ministerial foreword to the National Planning Policy Framework (NPPF), stresses that “Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers”. Towns and villages often rely upon that break between settlements in order to give them a sense of individuality and distinctiveness.

3.2 Para 17 NPPF take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Important Open breaks help protect the natural beauty of the countryside, often where it is most appreciated, close to, and between, existing built up areas.

3.3 The NPPF goes on to suggest at Para 109 that the planning system should contribute to and enhance the natural and local environment by, amongst other things, “protecting and enhancing valued landscapes”.

3.4 Once again, it is considered that the countryside between settlements is often valued highly by local residents as it is the countryside that they see most and which prevents the coalescence of villages.”

Q194.2. The Policy proposed is intended to replace Policy Gen 10 of the Adopted Bolsover District Local Plan (2000). It is important to note that at several appeals on planning decisions in the past, Inspectors have found the Important Open Areas policy to be generally compliant with the NPPF. The Inspector of the appeal of planning application 14/00367/OUT stated they can “accord this policy significant weight”. In the appeal of application 15/00124/OUT, the Inspector, even after concluding that the policy was not up to date due to the council not having a 5 year housing land supply at that time, concluded that they could “still subscribe weight to this policy”. The Inspectors of earlier appeals (13/00422/FUL and 12/00071/FUL) also supported the policy. This further reinforces that the inclusion of Important Open Breaks is consistent with national policy and the policy fulfils an important role.
Q194.3. While the Local Plan is not assessed against the new NPPF (2018), as the revised framework continues to address these issues, it is considered that the inclusion of Important Open Breaks is also consistent with the new national policy.

Q194.4. Although land outside of development envelopes has a level of protection due to its countryside status, some settlements are more vulnerable to losing their individuality and distinctiveness due to urban expansion and ribbon development. This has eroded and weakened the delineation of urban boundaries, especially in times where the Council could not demonstrate a 5 year supply of deliverable housing land. It is therefore important to carefully apply Important Open Breaks to those areas where they are necessary and can be fully justified; areas where further urban creep or the coalescence of settlements would adversely and unacceptably impact the settlements involved and the sensitive gaps between them.

Q195. Is the extent of the Important Open Breaks appropriate? Have they been designated on the basis of a robust assessment and evidence? [Policy SS11]

195.1. The Important Open Breaks document (EB35) sets out a clear methodology for identifying areas that should be designated. The existing Important Open Areas were assessed against this methodology to establish whether their designations required either amending or removing. Plans of the District were then examined to identify any new areas that warranted designation under the new methodology. Where relevant, Officers carried out site visits to establish if the area accorded with the criteria and if so, the extent of land to be designated. Representations made to the Consultation Draft Local Plan were also considered in this review process. In undertaking the desk top review and site surveys, it was found that the guidelines set out in paragraph 5.5 of the Important Open Breaks document worked well in identifying and protecting appropriate areas.

195.2. In the designation of Important Open Breaks, the Council carefully considered the purpose of the policy, taking into account national policy and the local context. A methodology was formulated and the designation process tested its appropriateness throughout by its application to the desk based study and site surveys, which led to the identification of land which accords with the policy. The Council reviewed previously allocated sites and comprehensively assessed potential land areas across the District to ensure its approach was consistent and justifiable; according with the methodology and meeting the aims of the policy. The Council therefore considers that Important Open breaks have been designated on the basis of a robust assessment and evidence, through an approach proportionate and in response to the local context of the District.
Q196. Should greater use be made of the Important Open Breaks to maintain openness between South Normanton and the neighbouring settlements? [Policy SS11]

196.1 South Normanton has a number of constraints to development. The M1 motorway and A38 trunk road dissect the settlement and there is a large employment area to the west of the settlement that has both Hazardous Substances Consent Zones and Explosive Safeguarding Zones.

196.2 Development outside of South Normanton’s development envelope is already governed by countryside policies. Notwithstanding this, Important Open Areas have been designated between the settlement and Pinxton, Blackwell Workshops Business Park (and Blackwell beyond), and towards EPC-UK and Alfreton. Given the countryside status between settlements, the constraints mentioned and the need to designate Important Open Breaks only in areas where they are fully justified, the Council considers they have designated Important Open Breaks appropriately between South Normanton and the neighbouring settlements.

Q197. Is Policy SC5: Change of Use and Conversions in the Countryside overly restrictive?

197.1 Policy SC5: Change of use and Conversions in the Countryside sets out a number of criteria that proposals need to be in accordance with in order to be acceptable forms of development. The Council considers that this list achieves a good balance of supporting appropriate development to help support the rural economy and allowing for necessary diversification, while protecting the landscape and character of the countryside in accordance with national policy.

197.2 Paragraph 28 of the 2012 NPPF states that amongst other things, Local Plans should, “promote the development and diversification of agricultural and other land-based rural businesses” and “support sustainable rural tourism”, but it also recognises that such developments need to “respect the character of the countryside”. Paragraph 109 reinforces this point stating that, “the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes”.

197.3 The 2018 NPPF continues to recognise these important considerations at paragraphs 83 and 170. Paragraph 83 uses the word “enable” instead of “promote” that is in the corresponding paragraph (28) of the 2012 NPPF. Paragraph 170 (paragraph 109 of the 2012 NPPF) adds “recognising the intrinsic character and beauty of the countryside” to its list of what planning policies should contribute to and enhance in terms of the natural and local environment.
197.4. It is therefore considered that the 2018 NPPF aims to achieve the same balance as the 2012 NPPF in realising and enabling appropriate types of development in the countryside but not at the detriment of its landscape and character. Policy SC5 allows for development that would not detrimentally harm its setting by prescribing a list of criteria which development must meet to be considered acceptable. In considering a situation where a development was contrary to any of these criteria, it would seem difficult to accept that the proposal would be suitable. It is therefore considered that the criteria set out within the policy facilitates development that accords with national policy and only requires what one would reasonably expect in a countryside location. Accordingly, the policy is not considered overly restrictive and is appropriate for enabling suitable changes of use and conversions in the countryside whilst protecting its landscape and character.