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

Issue 13: Is the Local Plan justified, effective and consistent with national policy in respect of climate change, renewable energy, flood risk and water management?

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Issue 13: Is the Local Plan justified, effective and consistent with national policy in respect of climate change, renewable energy, flood risk and water management? (RR)

Q198. Should the Plan include a specific policy on climate change in the Plan?

Council Response

198.1. In the Council’s opinion there is no need for a specific policy on Climate change, as it is already an integral to so many parts of the Local Plan. Whilst it is recognised that Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”, this is not the same as requiring a specific policy on the subject.

198.2. In many ways the issues of climate change are synonymous with the issues of sustainable development, sharing many of the same characteristics and needing to address many of the same issues. Therefore the Council’s response to Issue 3 and Q16 is relevant.

198.3. It is considered that all through the Plan, from recognising key issues through our visions and objectives and into our strategy and policies the Council has sought to bring forward a sustainable Local Plan that addresses the issues of Climate change in a variety of ways.

198.4. A specific Objective of the Local Plan relates to Climate Change (Objective B) and is stated as:

“To mitigate against and adapt to the impacts of climate change through

a) The increased use of renewable energy resources

b) Energy reduction to minimise pollution including greenhouse gas emissions

c) Minimising carbon emissions in new development

d) Promoting sustainable design that takes account of more extreme weather patterns and reduces the demands placed upon ecosystem services

e) Avoiding inappropriate development in flood risk areas

f) Promoting the efficient use of water resources, and water efficiency measures in new development to reduce the demand placed on water resources

g) Protecting and supporting the ability of wildlife to respond and adapt to
198.5. It is considered that this clearly shows the Plans aims to play a positive role in relation to climate change issues.

198.6. In relation to specific National Planning Policy Guidance (Paragraph: 003 Reference ID: 6-003-20140612), we have:
   a. Sought to allocate sustainable development sites through the application of our SA approach and a strategy aimed at reducing the adverse impacts of development on climate change by utilising the most sustainable sites
   b. Having policies throughout the Plan aimed at supporting sustainable development and protecting the environment in a way that would reduce any impact on climate change
   c. Promoting adaptation approaches in design policies for developments and the public realm
   d. Engaging with appropriate partners, including utility providers, to manage the impacts of development on climate change.

198.1. It is considered unfortunate that at the very time that the Government is pressing for more development to occur, that there has been cancellation of both the zero-carbon commitment and the Code for Sustainable Homes, as well as the deregulation of planning through the expansion of permitted development, which has led to the conversion of buildings for residential use without effective planning control. However, it is for Local Plans to align with Government policy and given the need in this area to maintain viability and ensure that a Plan is deliverable, it is considered that the Council’s policies of encouraging developments that are sustainable and address Climate control issues are a reasonable balance at this time.

198.2. Overall, the Council considers that the Local Plan policies provide an effective tool to deliver sustainable development that positively supports the move towards a low carbon future, in line with the Plan’s overarching Objective B on Climate Change. A specific policy on climate change would only provide for repetition of existing policy requirements.

Q199. Is the Local Plan’s approach to renewable energy justified, effective and consistent with national policy? [Policy SC6]

Council Response

199.1. Yes. The key Bolsover specific study underpinning energy efficiency and renewable energy proposals in the Local Plan for Bolsover District is the Renewable Energy and Low Carbon Study for Bolsover (EB9b), which was completed in May 2009. There have been significant changes since this time in both national guidance, and later evidence base studies. The study is
supported within the evidence base with a review Paper (EB9a), which addresses the age of the study and the changing factors over the interim period.

199.2. The Study
   a. assessed the District’s low and zero carbon resources;
   b. considered the potential of a range of different types of renewable energy resource in the district to make a contribution to the District’s energy supply;
   c. suggested a policy framework to inform policies in the emerging Local Plan

199.3. In particular the Study assessed the following potential renewable energy resources in the District:
   a. Large wind power development
   b. Small Wind Power development
   c. Biomass
   d. Photovoltaics
   e. Solar thermal
   f. Ground source heat pump
   g. Hydroelectricity

199.4. The main source of renewable energy identified for the district was large wind power schemes, followed by biomass. In the case of large wind power schemes, the identification of potential sources of supply did not include the constraints imposed by what might be considered acceptable on landscape and visual grounds. In fact due to the presence of woodland areas, air safeguarding zones, and the presence of important landscape features, such as the limestone ridge running down the district, the potential for large scale wind energy schemes was considered to be severely constrained.

199.5. The Review paper in 2017 concluded that whilst in general issues had not changes in relation to most renewable energy sources, the issue of wind power had seen a substantial cut in Government funding and a hardening of concerns over the impact of land based wind power installations on local communities, landscape character and countryside views.

199.6. On that basis, and as explained within the Review Paper, it was not considered that the Council could have confidence that any location would be suitable for wind turbine developments and that such an allocation would be available, suitable and deliverable. For these reasons Policy SC6 does not give positive support for such renewable sources of energy.

199.7. A respondents has suggested that as the plan does not identify suitable areas for wind turbine development’, there is a “blanket ban on all wind turbines”. This is clearly incorrect. Applications for such proposals would always be judged on their merits and against existing policies within the Plan.
199.8. It is worth noting that no low carbon energy operator or production company have objected to the policy or the lack of an allocation for wind energy. No one has come forward highlighting an area of land that they consider is suitable for allocation of wind turbine developments.

199.9. The policy does support all other forms of Renewable and low carbon energy in accordance with the NPPF and in particular the relevant Core principle at Para 17, and Para 97 which requires local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources.

199.10. However, it is recognised that there has been some confusion over what land will generally be suitable for Photovoltaic developments. The Council have tried to be consistent in confirming that in general proposals will be supported on Grade 3, 4 and 5 land but on Grade 1 and 2 land they will only be allowed in exceptional circumstances, that is to say generally discouraged on the best and most versatile land.

Q200. Is it appropriate for Policy SC6 to expect major new developments to connect to, or be designed to connect in the future to, district or community heating networks?

Council Response

200.1. The main aim of Policy SC6 is to promote and encourage renewable and Low carbon energy in accordance with Government Policy within the NPPF and its overall approach to sustainable development.

200.2. At Para 17 the NPPF sets out core land-use planning principles which should underpin both plan-making and decision-taking. In relation to this issue the most relevant bullet point states:
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)

200.3. Para 96 states: “In determining planning applications, local planning authorities should expect new development to:
- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

200.4. Para 97 states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility
on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

200.5. On the basis of this national policy, it is considered that the Plan in general and Policy SC6 in particular, are fully compliant with and supportive of the Governments approach to this issue.

200.6. It is noted that parts of the development industry are concerned with the fact that the policy relates to ‘expecting major new developments’ to address this issue which is very important in relation to sustainable development and addressing the issues of Climate change. However, given the clear advice within the NPPF, especially Para 96 and the first bullet point, I would suggest that any other approach would be a dereliction of the duty of the Local Plan in relation to this issue. It is noted that Para 96 is repeated almost identically within the 2018 NPPF, (Para 153) showing long term government support for this expectation.

Q201. Is Policy SC7 effective, justified and consistent with national policy in respect of flood risk and the management of surface water?

Council Response

201.1 The Council consider that the Policy is sound. It is based on earlier work and consultations with the Environment Agency and others.

201.2 The objection to the Policy from Persimmon homes is noted. The Policy recognises that a SuDS solution may not be the best approach, however it is still the preferred approach unless proved otherwise. Para 103 of the NPPF requires that development ‘gives priority to the use of sustainable drainage systems’. Strengthening the possibility that SuDS might not be the best solution to manage surface water on the site, as requested in the representation, would be contrary to this guidance.
201.3 The request for additional wording by the Environment Agency in relation to the potential requirement for financial contributions is not at odds with what the policy aims to achieve, although the contributions requirement is covered by Policy II1 Developer contributions as referred to within the last paragraph. Whilst the Agency also requests reference to Strategies and Management Plans, it is considered that this is better covered by the reference to having regard to the Environment Agency standing advice.

Q202. Is Flood Zone 3 accurately shown on the Policies Map?

202.1 Yes, the information shown is based on the most recent Environment Agency Flood Risk map.

202.2 In relation to the objection received on this matter, there is now a statement of Common Ground between the Council and DPA planning which recognises that being within the mapped flood zone does not prohibit development, but requires a Flood Risk Assessment (FRA). The advice is that developers check the Environment Agency website for the most up-to-date information concerning both fluvial and surface water flooding. Whilst there is not a modification proposed, better understanding of the position has led to the withdrawal of this objection as shown in the agreed Statement of Common Ground with DHA planning (ED17)