Bolsover District Council Local Plan Examination

Main Matter 1 Hearing Statement – Legal Compliance including the Duty to Co-operate

Prepared by
DLP Planning Ltd
East Midlands

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Main Matter 1 Hearing Statement: Legal Compliance including Duty to Co-operate

Prepared by: 
[D. ABBOTT]

Approved by: 
[J. Terry]

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Darren Abbott
BSc (Hons) MSc MRTPi
Associate Director

Jane Terry
BA (Hons) Dip M, MRTPi
Associate Director

DLP (Planning) Ltd
East Midlands
1 East Circus Street
Nottingham
NG1 5AF

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1. INTRODUCTION

1.1. This Statement is prepared by DLP Planning Ltd on behalf of our client Keepmoat Homes Ltd and is submitted as evidence as part of the Bolsover District Local Plan examination. Our client is a regional housebuilder committed to the delivery of housing in Bolsover District and is promoting a site for development at land to the rear of 64 Hardwick Street, Tibshelf.

1.2. The issues covered by this Statement relate to Matter 1: Legal Compliance including the Duty to Co-operate of the Examining Inspector’s ‘Main matters, issues and questions (MIQs)’ dated 30/11/18 and forming the basis of the Examination Hearings, specifically question 3 of Issue 1: Overall, has the Local Plan been prepared in accordance with the relevant legal requirements.

2. COMMENTS

Q3. Is the Local Plan legally compliant with respect to Sustainability Appraisal?

2.1. The 2012 National Planning Policy Framework (NPPF) details at paragraph 165 that a sustainability appraisal meeting the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process and should consider all the likely significant effects on environmental, economic and social factors.

2.2. This is amplified in the Planning Practice Guidance (PPG) which sets out that Local Plan’s must be informed and accompanied by a Sustainability Appraisal. This allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account and should play a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the Local Plan reflects sustainability objectives and has considered reasonable alternatives. The Sustainability Appraisal should incorporate a Strategic Environmental Assessment to meet the statutory requirement for certain plans and
programmes to be subject to a process of ‘environmental assessment’ (paragraph: 016 Reference ID: 12-016-20140306).

2.3. The Sustainability Appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan (Paragraph: 009 Reference ID: 11-009-20140306).

2.4. The Council has prepared a Sustainability Appraisal Report dated April 2018 in support of the draft Plan to be examined. The Appraisal concludes that the Publication Local Plan objectives are broadly supportive of the Sustainability Appraisal objectives, with any incompatibility not necessarily resulting in an insurmountable issue.

2.5. Section 5.3 and Table 5.2 of the SA appraises the preferred strategic site options and concludes that overall (paragraph 5.3.5) the preferred strategic options have a significant positive effect on the economy but no further cumulative significant positive effects have been identified. Paragraph 5.3.9 notes that mixed positive and negative effects have been identified in respect of a number of the SA objectives. Paragraph 5.3.10 notes that the settlements that are to be the focus for additional growth under the preferred spatial strategy are well connected to the public transport network, allied to the provision of key services and facilities and employment opportunities. The SA concludes (5.3.10) that overall, mixed positive and negative effects have been identified in respect of transport, air quality and climate change.

2.6. The SA goes on to appraise each of the strategic site options at Table 5.3. ‘Reasonable alternatives’ have been assessed but only in so far as alternatives to the strategic sites themselves whereas we consider (reference our statement on Matter 2) that greater consideration should have been given to the contribution that the lower tier Rural Villages can make including the potential for additional development to enhance the sustainability of these settlements. This is an alternative that has not been assessed through the SA.
2.7. Paragraphs 5.5.2 – 5.5.9 and Table 5.13 within the SA presents the appraisal summary of proposed housing allocations. Reference should however also be made to representations made to Matter 2 which make reference to the settlement hierarchy and considers that insufficient consideration has been given to the allocation of sites in the lower tier Rural Villages. Specifically, there appears to have been no appraisal of the potential for additional development at these villages to enhance the overall sustainability of those settlements or the District overall.

2.8. In the same way, there appears to have been no appraisal of the potential to increase the size of allocations such as B2295 Land South of Overmoor View, Tibshelf which would score favourably alongside those sites already proposed for allocation and contribute towards a robust 5-year housing land supply, robust delivery of the housing trajectory and the increased sustainability of these smaller settlements. This is an omission which goes to the heart of the SA process.