Bolsover District Local Plan
Hearing Position Statement

On behalf of Welbeck Estates Company Ltd

4th January 2019
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1.0 Introduction

1.1 This Hearing Position Statement sets out P&DG’s representations submitted on behalf of the Welbeck Estates Company Ltd.

1.2 Separate Hearing Statements Representations are provided in response to the following Matters and Questions:

- Hearing Statement 1 - Matter 2, Issue 5, Q24, Q27, Q28;
- Hearing Statement 2 - Matter 2, Issue 5, Q32, Q34, Q38, Q47, Q48 and Q53;
- Hearing Statement 3 - Matter 2, Issue 5, Strategic Sites, Clowne Garden Village, Bolsover North and Whitwell Colliery (Q77-Q83); and
- Hearing Statement 4 - Matter 2, Issue 7, Q157, Q158

1.3 This Statement should be read in conjunction with P&DG’s previous representations made to the Bolsover District Local Plan 2011-2036, including the Publication Draft (June 2018) refs: 9104-9109, 9111, 9114-9121 and Consultation Draft (October 2016).
2.0 Hearing Statement 1

Matter 2, Issue 5, Q24, Q27, Q28;

Question 24: Is the Objectively Assessed Housing Need (OAHN) for the housing market area based on up to date evidence, including household and population projections, local migration and demographic adjustments and market signals?

2.1 Our concerns raised in representation ID: 9304 remain valid, since it cannot be considered correct that the District Council is using their evidence base effectively to ensure that their Local Plan meets the full, objectively assessed needs for both market and affordable housing in the Housing Market Area (HMA), as required by Paragraph 47 of the National Planning Policy Framework (NPPF). The Council must plan more proactively than it is doing through inclusion of more in-built reserve and appropriate consideration of the Housing Market Area (HMA).

Question 27: Does the housing requirement of 5,168 dwellings between 2014 and 2033 (272dpa) reflect the full OAHN need for market and affordable housing in the HMA?

2.2 We consider that the identified OAHN for the HMA should be a minimum to truly reflect the expectations of the NPPF. A 10% buffer above the OAHN is one such means to help assist and we continue to be of the view that its application (leading to an annual housing requirement of 300dpa) is more realistic for this authority.

Question 28: Should the housing requirement be increased to include a 10% buffer above the OAHN given the lapse rate of 5.1% identified within the District for major applications between 2009/10 and 2014/15 which would give a target of ‘up to 5,700 dwellings’?

2.3 Yes, and especially so given that in order to be truly NPPF compliant, the housing requirement must be expressed as a minimum figure so as to not prejudice delivery, or so that the plan is more adaptable to renewed confidence in the market that may have an influence on rates of delivery.

2.4 There are concerns about five year supply in the District and this has been raised as late as 12th December 2018 in the appeal decision for land at Glapwell Nurseries. (APP/R1010/W/18/3198897)¹. The case suggests that contrary to the Council’s own estimates in their submitted 5 Year Housing Land Supply Assessment, they can only demonstrate 5.2 years housing land supply. This neither suggests a comfortable or progressive supply position to be in, in the context of pro-growth national policy expectations.

¹ https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3198997
3.0 Hearing Statement 2

Matter 2, Issue 5, Q32, Q34, Q38, Q47, Q48 and Q53

**Question 32:** Does the distribution of housing in the Local Plan reflect the spatial strategy of focusing development on the more sustainable settlements, whilst also supporting regeneration needs and tackling deprivation?

3.1 Yes. We support the distribution of housing in the Local Plan and its premise of allocating development in the most sustainable settlements, mindful of regenerative needs of specific settlements such as former colliery and industrial sites. The long term future of these sites depends upon high quality place making and as some of the last remaining key brownfield sites in the District, they were often integral to the communities in which they served and development would enable such prospects again. The principle of this has been proven in the Council’s recent resolution to grant planning permission on the former Creswell Colliery site for residential led redevelopment and the restoration of the former colliery lagoons site into agriculture and public open space (18/00087/OUT). As per our representation ref: 9111 we request the amendment of the settlement boundary to include this development particularly given that a resolution to grant planning permission has been achieved on 19th December 2018 at Planning Committee and a S106 Agreement is in advanced stages of preparation.

**Question 34:** Are the 3 Strategic Sites at Bolsover North, Clowne Garden Village and the former Whitwell Colliery site located in the appropriate place to assist the delivery of the Council’s spatial strategy? [Policies SS4, SS5 and SS6]

3.2 We maintain our support to the Council’s proposed settlement hierarchy which seeks to direct development growth across the District’s towns and more sustainable villages. We do however have concerns as to the scale of development directed towards Clowne and the reliance upon delivery rates at the Garden Village site, and the Council’s continued assertion that this site will feature within the first 5 year period of the plan. The recent appeal case we have cited in Glapwell suggests there is no confidence this will be the case, same with the site at Bolsover North.

3.3 We support the level of growth apportioned to Whitwell through the revitalisation of the Colliery site, which as a key brownfield site in the area and with positively justified, is a sustainable location for growth. The Council’s estimate of delivery during the plan period is conservative at this stage, since the reclamation scheme for this site will be carried out in the early part of the site’s development programme, meaning it and the first phases of development can confidently feature in the first five year period of the Local Plan to assist the Council’s housing needs and delivery estimations. Our submitted trajectory informing our representations to the Publication Draft Local Plan provide our estimations for the build out of the Whitwell Colliery site.
Question 38: Are the development envelopes defined on the Policies Map justified and effective? [Policies SS3 and SC1]

3.4 We have previously raised concerns with the policies map concerning how the Whitwell Colliery site is represented. Land to the north of Station Road has not been included in the policies map to the extent of the land area promoted, tested and the subject of an outline planning application for the mixed-use redevelopment of the site (18/00452/OUT).

3.5 We hope to reach agreement with Bolsover District Council on a Statement of Common Ground so that the policies map, Policy SS6, SS11 and Figure 4D be amended as an ‘Additional Modification’.

Question 47: Are the housing sites allocated in the Local Plan deliverable and/or developable having regard to Footnotes 11 and 12 in the National Planning Policy Framework 2012 [NPPF]?

3.6 In respect of the Strategic Site at Whitwell Colliery, the site is available now, and can offer a suitable location for development following the completion of the reclamation process which has been identified in the trajectory as 3 year period. We remain of the position this timescale is both realistic and up to date, and while the Council has not considered the requirement to include this site in the first 5 year period we are confident of the prospects that the initial dwellings on the first phases of the site can be delivered within this timescale. This is again identified in our trajectory, and would accord with the Council’s Policy SS6 which expects a minimum of 200 dwellings during the plan period – if more come forward than this and they are delivered earlier in the way we consider is possible, then this would not be prejudicial to the Local Plan.

3.7 The landowner has made a commitment to complete the reclamation process early which would unlock opportunity of the mixed-use development that will follow. This would also allow the greatest possible maturity of all landscaping and biodiversity improvements proposed for this site, so that they are establishing during the course of the built development that will follow.

3.8 The site currently benefits from an outline planning application submitted to Bolsover District Council (18/00452/OUT) for its mixed-use redevelopment and a Full Minerals and Waste application submitted to Derbyshire County Council (CM5/0818/42) for the reclamation works. The latter is supported by an Environmental Impact Assessment (EIA).

3.9 Our client has confidence in the viability of this site, and this is with an acknowledgement there will be up-front remediation costs involved. There has been no need to prepare a viability appraisal with the application to demonstrate that the development cannot meet its obligations towards local amenities and infrastructure. This
is since there is no proven evidence that this site is unviable and the landowner is committed to working proactively with Bolsover District Council and statutory parties to reach a conclusion on the relevant trigger points in a future Section 106 Agreement.

3.10 We therefore believe that the site is developable, located in a suitable location for housing development, is available and can be viably developed at the point envisaged in our trajectory. The Strategic Site at Whitwell Colliery meets the expectations of Footnotes 11 and 12 of the NPPF 2012.

*Question 48: Is too much reliance placed on the development of large sites? Are there any risks to the housing supply in this approach?*

3.11 We maintain clear and valid concerns as to the scale, suitability and achievability of the Clowne Garden Village site and the delivery rates put forward in the Council’s trajectory. Sites of this extent place exorbitant pressure upon any in-built flexibility of the Local Plan and there is too much reliance upon them as a key solution to the Council’s objectives.

*Question 53: What evidence is there to show that those sites included in the 5 year housing land supply are deliverable?*

3.12 In respect of the land at Queens Road Hodthorpe, included as a proposed allocation for 38 dwellings in Policy LC1, our client is anticipating a Reserved Matters submission prior to March 2019. This accords with the Council’s expectations and we believe there is every confidence that a commencement on site would take place immediately following the approval of Reserved Matters. The site is therefore deliverable in the 5 year housing supply period.
4.0 Hearing Statement 3

Matter 2, Issue 5, Strategic Site, Clowne Garden Village

Question: 68: Is the proposed housing allocation deliverable and/or developable in accordance with the housing trajectory?

4.1 The delivery of major strategic urban extensions such as this one do not escape the view that significant preparatory works will take time and sites as large as this create added complexity and risk. Concerns about the delivery of this site towards the Council’s five year supply have been proven in a recent appeal at Glapwell Nurseries (ref: APP/R1010/W/18/3198997) where the Inspector, in allowing the granting permission for residential development, had concerns about the existence of the Clowne Garden Village site in the supply and stated the delivery expectations were “excessively optimistic”.

4.2 An outline planning permission has been pending on the Clowne Garden Village site since late 2017 and the s106 agreement has not yet been signed by one of the parties. There are also a number of other complexities, including the agreement of reserved matters schemes with the eventual housebuilders, the need for upfront infrastructure works, and the time required to discharge conditions and prepare/submit reserved matters applications. At this stage, there are therefore a number of uncertainties regarding the delivery of this site and we question whether Bolsover District Council should be as reliant upon this site as they are seeking to.

Matter 2, Issue 5, Strategic Site, Bolsover North

Question 57: Is the proposed allocation deliverable and/or developable in accordance with the housing trajectory?

4.3 We express similar concerns to the strategic site at Clowne Garden Village in that the Council’s expectations of delivery for this site appear to be overly optimistic. The Glapwell appeal Inspector’s view where the site’s contribution towards the five year supply was taken out adds testimony to this.
Question 77: Is the proposed allocation justified and appropriate in terms of the likely impacts of development?

4.4 Subject to our comments regarding the proposed development boundary (and accordingly the proposed settlement boundary for Whitwell on the Policies Map) the proposed allocation is justified. The likely impacts of development have been tested through several rounds of public consultation with officers and members of Bolsover District Council, the general public including the Parishes of Whitwell and Hodthorpe & Belph.

4.5 During previous consultations of the Bolsover District Local Plan before submission to the Inspectorate, the promotion of the Whitwell Colliery site attracted the lowest levels of comment (and the lowest levels of objection). We can also confirm that the current application before the Council has received minimal levels of local objection including the support of both Parishes, who require assurances of infrastructure delivery in their local area to mitigate. The application demonstrates positive site deliverability with the support of key statutory parties who have been consulted both prior to and during the application.

4.6 The site is located in a sustainable location adjoining Whitwell village, within walking distance of its centre and key amenities, and is adjacent to Whitwell railway station. Proposals for housing co-existing with employment, transport links and a small scale retail facility can encourage the scheme to be more self-sufficient where possible. Whitwell, Hodthorpe & Belph currently experience high levels of out commuting, similar to Bolsover as a whole, and the proposals will play its part in reducing this issue which has a knock on effect on the economic strength of the District.

4.7 The development of Whitwell Colliery is vital for resolving the key issues for the Local Plan and delivering its wider objectives. In particular, it will:

- Accommodate sustainable patterns of new growth that complements local character and supported by appropriate infrastructure;
- Protect and enhance identified heritage and natural assets;
- Supports regeneration of the main villages and the last remaining areas of previously developed land in need of restoration/re-use;
- Improve health outcomes through access to green infrastructure;
- Improve employment opportunities through the allocation of land for such growth, which in turn seeks to keep jobs local and reduces levels of out-commuting;
- Puts place making and well-connected communities at the heart of the development; and
- Mitigate and adapts to the impacts of climate change.
Question 78: Is the proposed allocation deliverable and/or developable in accordance with the housing trajectory? In particular, is it:

a) Confirmed by the landowner involved as being available for the use proposed?

4.8 The entirety of the site at Whitwell Colliery is available for the proposed land uses.

b) Supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?

4.9 The development can demonstrate safe and deliverable access arrangements to service the development and the reclamation / construction periods beforehand. Members of the project team will be in attendance at Examination to expedite the matters of access.

c) Deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

4.10 The proposals have been fully tested as part of the planning applications submitted for the reclamation and mixed-use development of the site and are considered to be deliverable to meet the expectations of Footnotes 11 and 12 of the NPPF. The development would actually not only provide infrastructure and services for the proposed development but will also provide new infrastructure and services for Whitwell village and seek to provide betterment to drainage infrastructure in both the Parishes of Whitwell and Hodthorpe & Belph for mitigation of long term impacts of climate change on and offsite.

Question 79: Are there any constraints to development?

4.11 This is a site that has been shaped over years of technical assessment and the landowner has worked proactively with Bolsover District Council to bring forward this site. We have engaged with members of the local community during several rounds of public consultation and this has generated local support. Our position to be able to deliver this within the first five years of the Local Plan is testament to the confidence we have in the site that it is viable and technical assessment has found a deliverable solution for all material considerations that has shaped the development masterplan supporting the planning applications. The significance of environmental effects associated with this proposal have been tested by way of Environmental Impact Assessment.

Question 80: Is Policy SS6 sound given that it refers to an ‘indicative masterplan for the site’? Should the policy clearly set out the requirement for the development of this site?

4.12 The indicative masterplan that has been produced for the planning application has been fully tested by third parties and represents the deliverable development scheme. Figure
4D does not represent this masterplan. We have suggested to the Council an amendment to Figure 4D and amended wording and propose this be arranged as an additional modification to the plan as part of our Statement of Common Ground.

**Question 81: Should Policy SS6 include reference to the proposed SPD or would this be better located in the supporting text?**

4.13 We consider that the proposed SPD would be best addressed in the supporting text since the SPD would underpin all of the design and technical considerations required by other criteria of Policy SS6.

**Question 82: Has full consideration been given to the impact of this development on flood risk, landscape and biodiversity?**

4.14 The proposals are supported by a full assessment of the environmental impacts upon flood risk, landscape and biodiversity, which has been scoped at length with the Lead Local Flood Authority, Derbyshire County Council (landscape and ecology officers). Members of the project team will be present at Examination to discuss these matters further.

**Question 83: Does the proposal retain a break between the parishes of Whitwell and Hodthorpe?**

4.15 We are of the view that the proposals do retain a break between the two parishes, providing that our concerns are addressed in relation to the land north of Station Road, Whitwell. The development boundary in Figure 4D accompanying Policy SS6 has not previously reflected that shown on the proposed development masterplan for the site which has been supported by qualified landscape visual impact advice and a review of the Whitwell-Hodthorpe Important Open Break. We have worked with the Council to come to a position of common ground on this issue whereby an amended Figure 4D inclusive of a ‘transitional zone’ can be implemented and we propose that this be addressed by the Council as an additional amendment to the Local Plan.
5.0 Hearing Statement 4

Matter 2, Issue 7, Q157, Q158

Question 157: Is the approach to the protection of existing employment areas in the policy effective and justified?

5.1 No, for reasons given in our representations to the Publication Draft Local Plan (June 2018) requiring employment land targets to be expressed as a minimum, and for greater flexibility of land uses required in employment sites that are to be protected (Bolsover Business Park and Intake Way).

Question 158: Should Bolsover Business Park and Intake Way be protected solely for employment uses or should retail uses be allowed to support high quality employment development on these sites?

5.2 Our representations submitted to the Inspector in the Publication Draft Local Plan Consultation (June 2018 ref: 9119) when concerning Policy WC2 largely address this question. We confirm that as of the date of the hearings this remains our position and that we seek greater flexibility to be afforded by this policy protecting existing employment sites to account for retail in the mix of land uses. We believe that Bolsover, with a population of just over 11,600 people in the 2011 Census excluding surrounding villages, has the ability to host additional retail facilities without prejudice to the town centre allocation or the existing floor space in the town centre itself. There is significant growth forecast to the west of the town in the proposed Coalite regeneration site, and this would require additional amenities within walking distance. Greater flexibility of land uses in Policy WC2 concerning the Bolsover Business Park and Intake Way site would help secure the long term future of this site.