BOLSOVER DISTRICT COUNCIL
LOCAL PLAN EXAMINATION

Matter 2: Soundness of the Local Plan

Issue 7: Is the Local Plan positively prepared, justified and effective in respect of employment?

Rob Routledge, Jonathan Hendy and Chris McKinney on behalf of the Council
Issue 7: Is the Local Plan positively prepared, justified and effective in respect of employment?

Employment Requirement (Policy SS2)

Q120. Does the requirement for 92ha of employment land meet the economic development needs of the District? Is it based on an appropriate assessment?

Council Response

120.1 Yes. The Council’s employment land requirement is based upon its Economic Development Needs Assessment or EDNA (2015) (EB18). The EDNA recommends an employment land requirement of between 65 and 100 hectares.

120.2 In 2015 the Council consulted on Identified Strategic Options and put forward 3 options for consultation 65 ha, 80 ha and 100 ha. The Council decided upon a high target range between 80 and 100 ha. Therefore the 92 hectare requirement is within that range and therefore meets the Economic Development needs of Bolsover District. The development of the Local Plan Employment Target is covered in more detail between paragraphs 3.2 to 3.7 of the Position Paper in relation to Employment Provision (PP3).

120.3 The 92ha is based upon an appropriate assessment. The EDNA is strongly based upon the Planning Practice Guidance - Housing and Economic Needs Assessments, paragraph 1.10 of the EDNA demonstrates how the methodology used to undertake the EDNA conforms to the requirements of the NPPF and the PPG. It takes into account Quantitative analysis that considers two different employment forecasts, demographic trends (labour supply), take-up rates and losses data, and qualitative analysis that takes into account market signals, growth sectors, stakeholder consultation and economic vision.

120.4 In addition, the Sustainability Appraisal Report (SD 3) in paragraphs 5.3.20 – 5.3.22 has considered the Employment Land Target Options, and the reasons for the selection of the preferred employment land target option and the reasons for the rejection of alternatives. Therefore, the 92 ha employment land requirement is justified in this respect also.

Q121. Is Policy SS2 sufficiently clear in respect of the employment land requirement?

Council Response

121.1 The employment land requirement is clear as it states 92 hectares of land will be accommodated across the Plan period, between 2015 and 2033. This reflects the base date of the evidence, which clearly sets out that the target range is over an 18 year period from 2015 to 2033 (see paragraph 9.96 of the Economic Development Needs Assessment (2015) (EB18).
121.2 This is a reasonable way of presenting the Employment land requirement. Other local plans adopted in 2018, for example Burnley, show its employment land requirement covering its local plan period 2012 to 2032 of 66 ha. It shows that 27 ha have been completed from 2012 – 2017, 10 have planning permission and that 27 ha is a residual requirement to be met by site allocations. The Employment Land requirement however is the figure at the start of the plan period.

121.3 As 4 sites have been developed in Bolsover District between 2015 and 2017, totalling around 20ha. (Para 6.8) this has left a residual requirement of just under 72 ha.

Q122. Should the target be expressed as a minimum?

Council Response

122.1 The target is not a minimum and therefore to express it as such would be false.

122.2 Whilst Paragraph 11 of the NPPF (2018) states that ‘b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses,’ this does not correlate with suggesting that this target should be expressed as a minimum. The 2012 NPPF, which this Plan is judged against contains no such assertion.

122.3 However, in considering the evidence base it would be fair to say that if the Council had adopted the ‘minimum’ requirement, there may have been a case to suggest that the Plan should have reflected that fact. However, as clearly set out within our evidence and at Para 120.1 above, the minimum requirement would have been 65ha.

122.4 Therefore there is no credence in any suggestion that because the requirement is not expressed as a minimum that the Policy is not positively prepared. The employment provision is significantly in excess of the minimum requirement showing the Council’s commitment to positive growth.

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Employment Distribution (Policy SS3)

Q123. Does the distribution of employment in the Local Plan reflect the spatial strategy of focussing development on the more sustainable settlements, whilst also supporting regeneration needs and tackling deprivation?

Council Response
123.1 Yes, the Council’s strategy and approach to employment development has been to focus on the most sustainable areas where such development can be considered to be achievable, viable and deliverable.

123.2 The Settlement Hierarchy Study (2018) EB 39, recognises that the most sustainable settlements are the small Towns of Bolsover and Shirebrook, and the Transitional Emerging Towns of South Normanton and Clowne. 61% of the employment requirement is distributed close to three of these 4 settlements. Also if the next tranche of sustainable settlements, the Large Villages, are included 75% of the employment requirement is distributed close to seven out of the nine most sustainable settlements. Therefore the distribution of employment in the local plan clearly reflects the spatial strategy of focussing development on the more sustainable settlements.

123.3 One of the Regeneration aims of the plan is to support suitable deliverable opportunities for the comprehensive redevelopment of brownfield sites. The distribution of the employment requirement includes 4 settlements where brownfield sites in the form of former colliery land are located.

123.4 According to the English Indices of Deprivation (2015), Bolsover District was ranked the 61st most deprived district out of 326 local authorities in England. Two of the deprivation indicators relate to income deprivation, and employment deprivation, both of which could be improved by employment sites being developed and jobs created. Any sites creating jobs would therefore help the district as a whole improve its deprivation ranking. Whilst there are areas or pockets of the district that are more deprived than others, the spatial strategy as a rule does not specifically target those. Jobs can come forward in many other sectors that the local plan does not allocate land for from which those in areas of deprivation could also benefit from.

123.5 In addition the Sustainability Appraisal Report (SD 3) at paragraph 5.3.6 concludes that a minor positive effect of the cumulative effects of the development requirements (including the employment provision) were achieved against SA Objective 5 – Regeneration, and it also states that “and for economic development to support jobs creation, training and regeneration including in the District’s more deprived areas such as Shirebrook”.

123.6 Furthermore, the Sustainability Appraisal Report (SD 3) at paragraph 5.3.6 concludes that “by concentrating the new residential development and employment uses in the district’s more sustainable settlements, the preferred spatial strategy should ensure that prospective workers and residents have good accessibility to key community facilities, services and employment opportunities.”

Q124. Is the distribution of employment development around the District appropriate? Are there sufficient employment sites available of the appropriate nature and in the right place to meet anticipated needs?
Council Response

124.1 Yes, the distribution of employment development is considered to be appropriate. It is distributed throughout the district i.e. it is not all in one or just a few places. Generally, the largest settlements get the larger amounts. 21 ha are distributed to countryside locations but this reflects well established cross boundary industrial estates where planning permissions exist.

124.2 There are sufficient employment sites available of the appropriate nature and in the right place to meet anticipated needs. 25% of the employment sites have already been developed to provide for jobs within the Plan period. All of the allocations have been put forward by a landowner/developer. 12 out of the 14 sites are either within of adjacent to well established industrial estates where the market has delivered in the past to create such successful employment areas as Barlborough links, Brook Park, Markham Vale, Castlewood and Berristow Lane, South Normanton. This makes it extremely likely that anticipated needs will be met in the future. In addition to this:
   a. 4 out of the 14 sites have development plateaux created.
   b. 4 have outline planning permission,
   c. 2 have detailed planning permission,
   d. 1 site is awaiting the signing off of S.106 and conditions.
   e. 8 out of the 14 sites are within 5 minutes drive from M1 motorway junctions demonstrating good connectivity to the M1.

Employment Land Supply [Policy WC1]

Q125. Have sufficient sites been allocated in the Local Plan to meet the target of 92ha of B class employment land?

Council Response

125.1 Yes, sufficient sites have been allocated to meet the target of 92 ha of B class employment land, across the Plan period. Policy WC 1 lists 14 sites, one under construction, 7 with planning permission and 6 Local plan allocations. The combined area of these sites is 71.95 ha and when added to the 4 sites that have been developed within the Plan period, referenced in paragraph 6.8, a grand total of just under 92 ha is arrived at.

Q126. Is the overall level of employment provision of just under 92ha of B1, B2 and B8 employment land sufficient to meet the needs of the District?

Council Response

126.1 This response to this question would repeat many of the comments made to Q.120, above.
126.2 The employment provision is well above the minimum requirement assessed within the relevant studies. In addition, the Coalite site and Pleasley Vale provide additional potential for employment growth if required.

Q127. Should the sites at Sports Direct, Brook Park, Shirebrook [9.75ha]; Beaufit Lane, Brookhill Industrial Estate, Pinxton [1.23ha]; Land off Midland Way, Barlborough [1.5ha]; and Castlewood Business Park, North [7.13ha], totalling 19.61ha, be included as allocations given that they have been developed? If these sites are removed the supply would be reduced to around 72ha. Would this be sufficient to meet the employment land target?

Council Response

127.1 The 72ha, referred to would be sufficient to meet the employment land target over the Plan period. This question overlaps with the answer given to Q121 above. The sites listed were part of the Local Plan’s intended allocations to meet the 92 ha target within the Plan period of 2015 - 2033. They are clearly referenced in Paragraph 6.8, as sites that have come forward and been developed within the Plan period. Therefore they have already contributed to the amount of land required within the Plan and study periods and cannot be disregarded.

127.2 The EDNA (2015) recommends an Employment Land target of between 65ha and 100 ha for an 18 year period from 2015 to 2033. However, to remove the developed sites or indeed not reference them at all, would ignore the base date of the evidence, and the effect of this would be to say that 72 ha is the requirement from now (2018) onwards.

127.3 The difficulty with this approach is that there is no evidence to say that from 2018 onwards 72 ha is the correct requirement. The figure has not been objectively assessed in an evidence base document from 2018, and the figure would not be justified and may be considered unsound. It has no relevance other than it is the total requirement minus what has already been developed and this will probably change again dependant on how much land has been developed by the time that the Plan is actually adopted.

Q128. Has the employment site selection process been based on a sound process of SA and the testing of reasonable alternatives?

Council Response

128.1 To inform the selection of these sites all proposed plan allocations and reasonable alternatives have been subject to Sustainability Appraisal using appraisal criteria and associated thresholds of significance.

128.2 Paragraphs 5.5.20 – 5.5.24 from the Sustainability Appraisal report describes in more detail the outcome of how the employment sites were appraised. The appraisal of the reasonable alternative employment sites can be found in Appendix G to the Sustainability Appraisal report.
Q129. Are the sites allocated for employment uses deliverable?

Council Response

129.1 Yes the sites are deliverable over the plan period as demonstrated by clear evidence in the Employment Land Availability Assessment (EB 17). There are no constraints that the Council is aware of that would mean the sites would not be delivered over the plan period.

Q130. What evidence is there to show when the development of these sites would occur?

Council Response

130.1 The development of these sites is demonstrated by clear evidence in the Employment Land Trajectory (ED 10) that seeks to provide an indication about when the sites allocated in the Publication Local plan for B class employment may be likely to come forward.

130.2 To help provide further evidence of site delivery the Council is currently in discussions with landowners and developers to enter into Statements of Common Ground. Should these be achieved, the Statement of Common Ground will be added to the Examination Library.
**Strategic Sites:**

*Clowne Garden Village Strategic Site [20ha] [B1, B2 & B8]*

**Q131. Is the proposed allocation justified and appropriate in terms of the likely impacts of development?**

**Council Response**

131.1 Yes, the proposed Clowne Garden Village Strategic Site Allocation is justified and appropriate and this is demonstrated by clear appraisal and evidence.

131.2 In relation to the allocation being justified as the most appropriate strategy when considered against the reasonable alternatives, the Council’s Sustainability Appraisal Report [SD3] found that the Clowne Garden Village option was the best performing option available to the Council for consideration. This finding followed a rigorous appraisal of the potential social, environmental and economic effects of the Clowne Garden Village option and of several other alternatives for broad strategic directions for growth in Clowne. This is set out in detail in Section 5.4 of the Sustainability Appraisal Report [SD3].

131.3 The Council used the findings of the Sustainability Appraisal process to inform its plan-making. Based on this, together with the findings of the Council’s proportionate evidence base, the Council is clear that the proposed Clowne Garden Village Strategic Site Allocation is justified.

131.4 In relation to the allocation being appropriate in terms of the likely impacts of development, the Council’s Residential Land Availability Assessment [EB27] concluded for the Clowne Garden Village site that “the site is available, possibly suitable and achievable. From testing, it is expected to deliver approximately 1000 dwellings between 2020 and 2033.” The Council’s Employment Land Availability Assessment [EB17] concluded that “the site is available, suitable and achievable, and could be considered for allocation within the Local Plan.”

131.5 In addition to this evidence, the Council resolved to approve the outline planning permission for the Clowne Garden Village site and refer the application to the Secretary of State subject to a number of conditions and signing of a S106 Agreement on 26th June 2018 (application reference 17/00640/OUT) following careful assessment of the benefits and any adverse impacts of the proposed development. In accordance with this resolution, the application was referred to the Secretary of State on 2nd July 2018. On 19th July 2018, the Government wrote back to the Council to advise that the Secretary of state had decided to not call in the application and to leave the decision to the Council.

131.6 Based upon the findings of the Residential Land Availability Assessment [EB27], Employment Land Availability Assessment [EB17] and the resolution to grant outline planning permission for the development of the site and that the Secretary of State decided to not call in the application, the Council is clear that the proposed Clowne Garden Village Strategic Site Allocation is appropriate in terms of the likely impacts of development.
Q132. Is the proposed allocation deliverable and/or developable? In particular, is it?
   a. confirmed by the landowner involved as being available for the use proposed?
   b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
   c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

Council Response

132.1 Yes, the site is deliverable and developable. In overview, the Council’s provided Employment Land Trajectory [ED10] advises that the 20 hectares of employment land within the Clowne Garden Village site will come forward at a rate of 2 ha per year from 2020/21 for 10 years based on discussions with the master developer bringing the site forward, Waystone Limited. As such, this updates the information set out in the Position Paper relating to Employment Provision [PP3]. To help provide clear and substantial evidence of these discussions and the milestones underpinning the planned build out trajectory, the Council has entered into a Statement of Common Ground with Waystone Limited [ED 26]. Based on this evidence, the Council believes that the proposed Clowne Garden Village Strategic Site Allocation is deliverable and developable in accordance with the Council’s provided employment land trajectory.

132.2 In relation to question a., Waystone Limited have confirmed they have controlling interests over the land and that the site is available for residential and employment development. This is clearly demonstrated within the Residential Land Availability Assessment [EB27], the Employment Land Availability Assessment [EB17] and the outline planning application documents (application reference 17/00640/OUT).

132.3 In relation to question b., the background documents to the Residential Land Availability Assessment [EB27], the Employment Land Availability Assessment [EB17] and the outline planning application documents (application reference 17/00640/OUT) clearly demonstrate that safe and appropriate access for vehicles and pedestrians can be provided. Furthermore, the Council’s decisions to allocate the Clowne Garden Village site and to grant outline planning permission for the proposed development of the site underline this position.

132.4 In relation to question c., the background documents to the Residential Land Availability Assessment [EB27], the Employment Land Availability Assessment [EB17] and the outline planning application documents (application reference 17/00640/OUT) clearly demonstrate that the provision of the necessary infrastructure and services can be provided and that no outstanding environmental or other constraints remain. Furthermore, the Council’s decisions to allocate the Clowne Garden Village site and to grant outline planning permission for the proposed development of the site underline this position. In addition to this, in relation to off-site highway infrastructure the Council has entered into a Statement of Common Ground with Highways England, Derbyshire County Council, North East Derbyshire District Council, Chesterfield Borough Council and Bassetlaw District Council regarding the cumulative impact of Local Plan allocations across the North Derbyshire area on the operation of M1 Junction 30 and the A616 / A619 Treble
Bob roundabout (the Treble Bob junction) [ED 12]. This Statement of Common Ground sets out the organisations’ common position on the impacts of planned development and the proposed mitigation.

Q133. Has full consideration been given to the relationship between the housing and employment elements of the Strategic Site? Would the comprehensive development of this site be guided by a masterplan?

Council Response

133.1 Yes, full consideration has been given to the relationship between the housing and employment elements of the Clowne Garden Village Strategic Site Allocation.

133.2 This consideration began in early 2015 following the Commencement (Regulation 18) Consultation where a number of responses to what the Local Plan Vision ought to contain suggested that “growth should be sustainable and the best way to achieve this is to provide jobs and services locally rather than develop sites that are dependent on private vehicles”. This was one factor that informed the Local Plan Vision and Local Plan Objectives that formed part of the consultation on the Local Plan for Bolsover District: Identified Strategic Options [BD4] in October 2015.

133.3 In addition to this, the Council’s 2015 Settlement Hierarchy Study (subsequently updated in March 2018 [EB39]) identified Clowne as one of the District’s more sustainable settlements, with a relatively large population, good public transport links, a large number of shops and services but with a limited employment base / number of jobs. This evidence clearly demonstrated that increasing the available land for employment uses within Clowne would improve the sustainability of the settlement as a whole.

133.4 As the Council’s plan-making work progressed, the relationship between the housing and employment elements of the Clowne Garden Village Strategic Site Allocation were considered further. During the detailed site testing carried out with the site promoter, Waystone Limited, with the support of the (as was) Homes and Communities Agency’s ATLAS Team, the overall form and layout of the proposed development was established. This was then published in the Council’s Consultation Draft Local Plan for Bolsover District (October 2016) [BD1]. In particular, this saw the spatial relationship between the employment and housing zones being established to ensure that the differing environmental and social impacts of employment and residential uses were carefully managed and unacceptable neighbouring uses avoided. In addition, the overall form and layout sought to position the employment zone closer to the successful employment area of Barlborough Links to take advantage of this more attractive location to the market. Beyond this, the overall form and layout of the development has also included a network of green corridors that will provide sustainable modes of transport both between the employment and housing zones and to the town centre and wider settlement.

133.5 This relationship and the benefits for achieving sustainable development that it provides are discussed further within the Council’s Position Paper relating to the Clowne Garden Village Strategic Site Allocation [PP5].
133.6 The question about comprehensive development of the Clowne Garden Village Strategic Site Allocation being guided by a masterplan is discussed in the Council’s response to Q70. However, for clarity the Council can confirm that it has specified within policy SS5: Strategic Site Allocation - Clowne Garden Village the requirement for the development to be guided by the indicative masterplan for the site as outlined in Figure 4C within the Local Plan or any subsequent approved masterplan. Again, the expected route to agreeing changes to the masterplan is through subsequent reviews or revisions to the proposed Supplementary Planning Document.

Q134. Is this site in a sustainable location?

Council Response

134.1 Yes, the Clowne Garden Village Strategic Site Allocation is in a sustainable location.

134.2 At the District level, this is evidenced by the Council’s Settlement Hierarchy Study [EB39] identifies Clowne as one of the District’s most sustainable settlements and the Local Plan’s Spatial Strategy and Distribution of Development accordingly directs development and service provision firstly to these most sustainable settlements. The Council’s Sustainability Appraisal Report [SD3] found that this Spatial Strategy and Distribution of Development was the best performing option available to the Council for consideration. This is set out in detail in Section 5.3 of the Sustainability Appraisal Report [SD3].

134.3 At the settlement level, the broad strategic direction of growth represented by the Clowne Garden Village Strategic Site Allocation was also found to the best performing option available to the Council when considered against the Reasonable Alternatives. This is set out in detail in Section 5.4 of the Sustainability Appraisal Report [SD3].

Q135. The Position Paper relating to Employment Provision [PP3] shows that 17ha of employment plateaux is anticipated to come forward between 2021 and 2027 [paragraph 4.16]. When would this employment land be developed? When would the remaining 3ha of employment land be developed?

Council Response

135.1 The Position Paper relating to Employment Provision [PP3] was written to provide a summary of the evidence demonstrating the deliverability of the Local Plan’s employment allocations. In relation to the proposed Clowne Garden Village Strategic Site Allocation, this provided an extract of the phasing and delivery plan that was prepared during the detailed site testing in 2016. This extract set out the areas of the individual employment land plots and excluded the land used to deliver
the highway infrastructure and areas of landscaping. As such, this accounts for the difference between the 20 hectares being allocated and the 17 hectares outlined in the extract shown in the Position Paper.

135.2 Since the Submission of the Local Plan for Bolsover District in August 2018 and as Waystone Limited have progressed their business plans in light of the Council’s resolution to grant their outline planning application, more detail on phasing and delivery has become available and this has informed the Council’s Employment Land Trajectory [ED10].

135.3 Furthermore, to help provide clear and substantial evidence of this phasing and delivery, the milestones underpinning the planned build out trajectory have been set out in a Statement of Common Ground between the Council and Waystone Limited [ED 26]. Based on this evidence, the Council believes that the proposed Clowne Garden Village Strategic Site Allocation is deliverable and developable in accordance with the Council’s provided employment land trajectory.

Coalite Priority Regeneration Area [31ha]

Q136. Is Policy SS7 sound given that it refers to an ‘approved masterplan for the site or any subsequent approved document’? Should the policy clearly set out the requirements for the development of this site?

Council Response

136.1 The purpose of the reference within the policy text to “the development being guided by the approved masterplan for the site” is to ensure that the overall form and layout of the development granted planning permission are not lost or undermined by later phases of the development. However, given the long period for the construction of the development it was judged that a degree of flexibility was required to enable the masterplan to evolve to respond to future trends or events.

136.2 To achieve this degree of flexibility, the text of the policy also includes “or any subsequent approved document” so that any changes to the agreed masterplan can be achieved. Based on this background to the preparation of Policy SS7, it is the Council’s contention that policy SS4 as written meets the tests of soundness within the NPPF.

136.3 The Council considers that the policy does clearly set out the requirements for the site, subject to the Proposed Modifications PM 16 and PM 17 (ED 5).

Q137. Should Policy SS7 set out more clearly the types of development that would be acceptable on this site?

Council Response

137.1 Proposed Modification 17 (ED 5) adds text at the end of the policy that clearly sets out the types of development that would be acceptable on this site. It is proposed to add:
The following are considered acceptable main uses for the site either individually or in combination, subject to meeting the requirements above.

a) Employment Development (comprising B1, B2 and B8) for up to 32 ha.
b) Transport Hub
c) An energy centre
d) A visitor centre / museum.

Proposals for other employment uses will be considered on their merits.

137.2 It is considered that this now clearly sets out the types of development that should prove acceptable on this site.

Q138. Has sufficient consideration been given to the impact of the redevelopment of this site on flood risk, landscape and biodiversity?

Council Response

138.1 Yes, significant consideration has been given to the impact of the redevelopment of this site on flood risk. Landscape and biodiversity.

138.2 In relation to Flood Risk, part of the allocation is shown as a Flood zone 3 on the Policies Maps, the Policy includes criterion f) protect development from the risk of flooding by avoiding placing vulnerable uses in high risk flood zones within the site.

138.3 In relation to impact on Landscape, the Employment Land Availability Assessment (EB 17) concluded that no constraints in respect of the impact on Landscape character had been identified in respect of the site.

138.4 In relation to the impact on the historical landscape, the policy includes criterion c) which has been proposed for modification to read:

Protect Conserve or enhance the setting of heritage assets, in particular the Grade I listed Bolsover Castle and Sutton Scarsdale Hall, or demonstrate that the development is necessary to achieve public benefits that outweigh the harm caused to the significance of the asset.

138.5 A Statement of Common Ground has been agreed with Historic England who have agreed to withdraw representation 9167 on the basis of this proposed modification 17 (ED 5).

138.6 In relation to impact on biodiversity, the policy includes a criterion d) as amended by PM 17 (ED 5) “Protect and enhance the biodiversity value of the Doe Lea Corridor within the site and promote linkages to the wider green infrastructure network where possible.”
138.7 Derbyshire Wildlife Trust had concerns that an SPG needed to consider the impact of the development on biodiversity and ensure that habitat creation and enhancement is delivered as part of the overall development such that no net loss of biodiversity occurs. The Council accepts that these issues are important and addressed by criteria within the policy. However, there is no suggestion of a Supplementary Planning Document for this site at present. Derbyshire Wildlife Trust have agreed a Statement of Common Ground (ED 18) with the Council where they have agreed to withdraw representation 8591.

138.8 The Council is in discussions with Bolsover Land Ltd over a Statement of Common Ground involving the withdrawal of representation 9086 on the basis of Proposed Modification 17. If agreement is achieved, the Statement of Common Ground will appear in the Examination Library.

Q139. Is the proposed allocation of this site as a Priority Regeneration Area justified and appropriate in terms of the likely impacts of development?

Council Response

139.1 Yes, the proposed allocation of this site as a Priority Regeneration Area is justified and appropriate in terms of the likely impacts, if development should occur.

139.2 In relation to the allocation being justified as the most appropriate strategy when considered against the reasonable alternatives, the Council’s Sustainability Appraisal Report [SD3] found that the North West Bolsover option that included the Coalite site was one of the two best performing options available to the Council for consideration. This finding followed a rigorous appraisal of the potential social, environmental and economic effects of the North West Bolsover option and of several other alternatives for broad strategic directions for growth in Bolsover Town. This is set out in detail between paragraphs 5.4.71 and 5.4.79 of the Sustainability Appraisal Report [SD3].

139.3 The Council used the findings of the Sustainability Appraisal process to inform its plan-making. Based on this, together with the findings of the Council’s proportionate evidence base, the Council is clear that the proposed Coalite Priority Regeneration Area Strategic Site Allocation is justified.

139.4 In relation to the allocation being appropriate in terms of the likely impacts of development, the Council’s Employment Land Availability Assessment [EB 17] concluded that for the two sites North and South of Buttermilk Lane that make up the Coalite site were both considered to be “maybe available, not suitable and maybe achievable. The reasons the sites were found to be not suitable was because the sites were heavily contaminated and the route of HS2 went through
part of the site. However, other than this the sites were assessed to have no other likely impacts resulting from their development.

139.5 In addition to this evidence, the Council resolved to approve the outline planning permission for Coalite following careful assessment of the benefits and any adverse impacts of the proposed development.

Q140. Is the proposed allocation deliverable and/or developable? In particular, is it:
   a. confirmed by the landowner involved as being available for the use proposed?
   b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
   c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

Council Response

140.1 Yes, the landowner confirms that the site is available for the use proposed.

140.2 Yes, the Outline Application 14/00089/OUTEA included means of access, with all other matters reserved. The permission included the provision of footways along Buttermilk Lane, enabling pedestrian access to the site.

140.3 The issue of deliverability is difficult. The Council have over the last 5 years worked well with the developer to help see the site brought forward and have been supportive of various grant funding bids to this end. However, the Council recognised early on that delivery of the site would be difficult and that is why the site does not make up part of the Council’s Employment land supply. The Policy in the Local Plan (SS7), supports the reuse and redevelopment of the site, but because of the uncertainties that were linked to the restoration needs of the site, the Council have not relied upon the site for our employment land requirements.

Q141. Should the Former Coalite Works Strategic Regeneration Site [31ha] be allocated for employment given that it benefits from planning permission for employment uses?

Council Response

141.1 The site benefits from an existing Planning permission, and is allocated within the Local Plan as a Regeneration Area which supports employment related development on the site. On that basis one could argue that the site is allocated for employment use.

141.2 However, the site does not make up part of the Council’s employment land allocations as listed in policy WC1 due to the concerns over delivery as expressed in the answer to Q140 above.
141.3 The routing of HS2 through part of the site has added to these uncertainties whilst the positive works that have been carried out on site to date, suggests that the developers more optimistic view about delivery also has grounds for support. However, at this stage the Council do not consider it appropriate to be reliant on the delivery of this site to meet its employment requirements.

141.4 It should be noted that there is nothing within the Plan to prevent this site from coming forward and if that occurs it would simply add flexibility to our employment land supply.

141.5 As part of the ongoing discussions, the Council is now proposing an amended policy criterion in agreement with the landowner, Marcol, to enable the full reclamation of the site in line with an agreed programme of work and delivery plan as included within Proposed Modification 17 (ED 5).

141.6 The site promoters have indicated that they would like to move forward with reserved matters applications for the northernmost plots on Buttermilk Lane, Plots 6, 7 and 8. A design framework for the buildings has been agreed.

141.7 Therefore subject to a planning permission that includes the agreement of a programme of work and delivery plan, it is possible part of this site North of Buttermilk Lane could come forward in the plan period. However, the decontamination of the site is still a major issue and the timing of the delivery of the site remains uncertain without knowing the detail of the programme of work and delivery plan and how the decontamination of the site fits into that. Therefore this site is not included within the Council’s Employment Land Trajectory. (ED 10).

141.8 To allocate the site for employment uses would present a severe risk to the Plan’s ability to deliver the employment land target.

Employment Allocations: [Policy WC1]

Explore Industrial Park, Steetley [10.7ha] [B2 / B8]

Q142. Is the proposed allocation justified and appropriate in terms of the likely impacts of development?

Council Response

142.1 Yes, the proposed allocation is justified and appropriate and this is demonstrated by clear appraisal and evidence.

142.2 In relation to the allocation being justified as the most appropriate strategy when considered against the reasonable alternatives, the Council’s Sustainability
Appraisal Report (SD3) rigorously assessed the site against potential social, environmental and economic effects of and of several other alternatives. This is set out in detail in Section 5.5 of the Sustainability Appraisal Report. The assessment of the reasonable alternatives is set out in Appendix G of the SA Report. The Council used the findings of the sustainability appraisal process to inform its plan making.

142.3 In table 5.16 of the Sustainability Appraisal Report shows that the site achieves mainly positive and neutral effects against the 15 SA criteria. The site scores a significant negative against objective 13 because the site is within a minerals consultation area. However, as explained at page 137 of the SA report “A large proportion of the proposed land allocations are located within Minerals Consultation Areas and in consequence, the potential for significant negative effects on this objective have been identified during the appraisal. However, the Publication Local Plan policies seek to avoid the sterilisation of mineral resources which is expected to reduce the potential for adverse effects in this regard. Further, the Publication Local Plan policies promote the sustainable use of construction materials.” The site also scores negative effects against 3 other criteria but as explained in Chapter 5 of the SA report these effects can be mitigated by policies in the plan.

142.4 The Council’s Employment Land Availability Assessment (EB 17) concluded that the site is available, suitable and achievable and could be considered for allocation within the local plan.

142.5 Based upon the findings of the Sustainability Appraisal process and the Employment Land Availability Assessment (EB 17) the Council is clear that the proposed site allocation is justified.

142.6 Added to this, the proposed allocation has outline planning permission (08/00762/OUTEA) and the likely impacts of development were taken into account at the time the application was considered. Potentially negative impacts on ecology, landscape and historic interests on and/or nearby the application site, were identified and those impacts were balanced against the social, economic and regeneration benefits of the proposal that are likely to significantly contribute to the aims of providing a sustainable local economy. The use of conditions and legal agreement criteria minimised those impacts. Consideration was also given to impacts on drainage and flood risk, archaeology and transport and highway safety issues. It is considered that conditions and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 suitably addressed issues raised.

Q143. Is the proposed allocation deliverable and/or developable? In particular, is it:
   a. confirmed by the landowner involved as being available for the use proposed?
   b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
   c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?
143.1 Yes, the site is deliverable and developable and this is demonstrated by clear evidence in the Employment Land Availability Assessment (EB 17), the Employment Land Trajectory (ED 10) and a more updated position concerning delivery as referred to in a Statement of Common Ground (ED 30), where the landowner also confirms that the proposed allocation is available for the use proposed.

143.2 The Highway Authority, Derbyshire County Council had inputted into the consideration of planning application (08/00762/OUTEA) where appropriate access for vehicles and pedestrians was considered. The application was approved on the basis that such matters were acceptable or were conditioned to be acceptable.

143.3 Regarding necessary infrastructure, a roundabout on the A619 and access road (Explore Way) have already been constructed. Environmental or other constraints have been considered as part of the planning application. None of the identified constraints lead the Council to conclude that the site is undeliverable.

Q144. Would B1 uses be appropriate on this site?

Council Response

144.1 Recognising that a small part of the allocation has permission for B1 uses, the Council has agreed to include B1 uses within the column of indicative land uses that would be appropriate on the site. This matter is also covered in the Statement of Common Ground (ED 17) and on the basis of the proposed modification, DHA Planning have agreed to withdraw representation 8783.

Q145. When is it anticipated that the submission of an application for the approval of reserved matters would be forthcoming?

Council Response

145.1 The Council is not aware of an expected date for the application of reserved matters. As explained in the Employment Land Trajectory (ED 10) and in a Statement of Common Ground concerning the Delivery of the site, the future development of plots within Bolsover District is dependent upon the winning of future contracts and that when a new opportunity arises, Laing O'Rourke would need to progress very quickly to seek detailed planning permission. Where a new facility at Explore Industrial Park would be required as a result of a successful bid, the site is in a sufficiently advanced position that planning permission or reserved matters consent could be quickly achieved. Therefore, whilst at present there are no detailed proposals for any of the vacant Bolsover
plots, the position could change rapidly should a particular contract require development of these plots.

Q146. When is it anticipated that development would commence on site?

Council Response

146.1 Given the uncertainty surrounding winning future contracts as explained in the Council’s response to Q 145, it would be a reasonable estimate that development of the remaining plots could be spread over a ten year period between 2020/2021 and 2030/2031 at no less than 1 ha a year.

Q147. Is the extent of the allocation accurately shown on the Policies Map?

Council Response

147.1 The Council has agreed to amend the Policies Maps to ensure that the allocated area reflects any existing planning permissions. The Council has agreed a Statement of Common Ground (ED 17) with DHA Planning that indicates the changes to the site boundary, and on the basis of this minor change to the policies map, DHA Planning have agreed to withdraw representation 8782.

Land between Brickyard Farm and Barlborough Links, Barlborough [3.45ha] [b1/b8]

Q148. Is the proposed allocation justified and appropriate in terms of the likely impacts of development?

Council Response

148.1 Yes, the proposed allocation is justified and appropriate and this is demonstrated by clear appraisal and evidence.

148.2 In relation to the allocation being justified as the most appropriate strategy when considered against the reasonable alternatives, the Council’s Sustainability Appraisal Report (SD3) rigorously assessed the site against potential social, environmental and economic effects of and of several other alternatives. This is set out in detail in Section 5.5 of the Sustainability Appraisal Report. The assessment of the reasonable alternatives is set out in Appendix G of the SA Report. The Council used the findings of the sustainability appraisal process to inform its plan making. In table 5.16 of the Sustainability Appraisal Report shows that the site achieves mainly positive and neutral effects against the 15 SA criteria.

148.3 The Council’s Employment Land Availability Assessment (EB 17) concluded that the site is available, suitable and achievable and could be considered for allocation within the Local Plan.
Based upon the findings of the Sustainability Appraisal process and the Employment land Availability Assessment (EB 17) the Council is clear that the proposed site allocation is justified.

The proposed allocation has planning permission for commercial development comprising an office building, workshop and manufacturing facility and a HGV trailer park and associated works (17/000539/FUL) granted on 1st August 2018. As part of the determination of the application the likely impacts of the development were considered. Specifically, the Transport Assessment concluded that the proposed development would not be expected to have any detrimental impacts in road safety, traffic and highway terms. Conditions have been attached to the permission to mitigate noise impacts on neighbouring residential properties. The boundary treatments would help to maintain an acceptable outlook from the nearest neighbouring property. The building’s on the application site would not block light to a significant extent to the nearest neighbouring property. There were no impacts on listed buildings or Conservation areas, trees or SSSIs. Biodiversity issues have been addressed.

Q149. Is the proposed allocation deliverable and/or developable? In particular, is it:
   a. confirmed by the landowner involved as being available for the use proposed?
   b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
   c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

Council Response

149.1 Yes, the proposed allocation is deliverable. The landowner confirms it is available for the use proposed and there is a planning permission as referred to above 17/000539/FUL. The Transport Assessment concluded that the proposed development would not be expected to have any detrimental impacts in road safety, traffic and highways terms. Pedestrian access is included in the proposed plans from the pavements along the A619 linking into the site. The agent confirms that the developer will be on site in 2019. The Council is not aware of any environmental or other constraints that would indicate that the site is not deliverable. The Council is in discussions with the agent to agree a Statement of Common Ground with the agent/developer in respect of site delivery, and if agreed will appear in the Examination Library.

Q150. Which uses is the site appropriate for? (Paragraph 6.13 states it has opp for B1/B2/B8, but Policy WC1 states B1/B8)?

Council Response
150.1. Paragraph 6.13 of the Publication Local Plan for Bolsover District (SD 2) does say the site has Outline Planning Permission for B1/B2/B8 reflecting the permission granted 16/00187/REM. As stated above, a newer planning approval 17/000539/FUL for offices, a workshop and manufacturing facility exists. The Council intended that all sites would in the round be suitable for the full range of B1, B2 and B8 although some sites would be more suitable for maybe one or two of those.

150.2. This site is not that far away from residential properties and a large B2 unit may not be appropriate in this location and therefore the use column indicated that B1 or B8 would be more appropriate. However, smaller B2 units might also be appropriate, and have indeed been granted planning permission, so it is considered that the site should include B2 in the ‘Use’ column so it reads B1/B2/B8. An update to reflect the more recent planning permission in paragraph 6.13 is also considered to be appropriate. The Council will propose to modify the Plan in this manner.

Q151. What was the nature of the approved reserved matters application referred to in the Position Paper relating to Employment Provision [PP3]?

Council Response

151.1 It was application 17/000539/FUL that was granted permission and referred to in paragraphs 148.5 and 150.1.

Wincobank Farm, South Normanton [14ha] [B2/B8]

Q152. Is the proposed allocation justified and appropriate in terms of the likely impacts of development?

Council Response

152.1 Yes, the proposed allocation is justified and appropriate and this is demonstrated by clear appraisal and evidence.

152.2 In relation to the allocation being justified as the most appropriate strategy when considered against the reasonable alternatives, the Council’s Sustainability Appraisal Report (SD3) rigorously assessed the site against potential social, environmental and economic effects of and of several other alternatives. This is set out in detail in Section 5.5 of the Sustainability Appraisal Report. The assessment of the reasonable alternatives is set out in Appendix G of the SA Report. The Council used the findings of the sustainability appraisal process to inform its plan making.

152.3 Table 5.16 of the Sustainability Appraisal Report shows that the site achieves mainly positive and neutral effects against the 15 SA criteria. The site scores a significant negative impact against objective 9 because the site was assessed as having a significant negative effect on water predominantly due to
wastewater treatment capacity constraints. However, as explained in page 135 of the SA report “However, the Publication Local Plan includes policies that seek to conserve and enhance the District’s water resources and in this regard, Policy SC13 (Water Quality) stipulates that development will be permitted where proposals will not have a negative impact on water quality either directly through the pollution of surface or ground water or indirectly through the treatment of wastewater. Where adequate treatment capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to occupation of a development. Other Publication Local Plan policies are also expected to help ensure that appropriate infrastructure is in place in terms wastewater treatment and water supply to accommodate growth.” The site also scores negative effects against 2 other criteria but as explained in Chapter 5 of the SA report these effects are mitigated by policies in the plan.

152.4 The Council’s Employment Land Availability Assessment (EB 17) concluded that the site may be available, is suitable and may be achievable and could be considered for allocation within the local plan.

152.5 Based upon the findings of the Sustainability Appraisal process and the Employment land Availability Assessment (EB 17) the Council is clear that the proposed site allocation is justified.

Q153. Is the proposed allocation deliverable and/or developable? In particular, is it:
   a. confirmed by the landowner involved as being available for the use proposed?
   b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
   c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

Council Response

153.1 The proposed allocation can be delivered over the plan period but the Council does not expect it to be delivered within the first 5 years and therefore the site would be considered to be developable.

153.2 In respect of part a) a Land Availability Assessment (LAA) form has been received from the landowner. A planning application has also been made for the development of the whole site, although the southern section is proposed as a retail park.

153.3 In respect of parts b) and c) after considering the site against a number of constraints within the Land Availability Assessment, it was concluded the site was suitable. There were no constraints identified that would mean the site was
the LAA was informed by responses from Derbyshire County Council (Highways).

Q154. Is the development of a retail park on part of this site appropriate?

Council Response

154.1 No, the development of a retail park is not appropriate on part of the site. The retail evidence (Retail and Town Centres Study (EB 15)) would not support the allocation of a significant amount of retail floorspace in this out of town location. Such an allocation cannot be justified, and would clearly be unsound.

154.2 In addition, a retail park in this location would not enable the Local Plan’s delivery of the 92 ha employment land requirement for B class uses over the plan period, and would be unsound.

Q155. Would a hotel, restaurant, retail, leisure and café uses be appropriate on this site?

Council Response

155.1 No, a hotel, restaurant, retail, leisure and café uses would not be appropriate on this site. Whilst it is accepted some of these uses can often provide complimentary services for the wider employment allocation as well as the existing employment facilities in the area, the Council cannot justify allocating land for these uses in this location in the Local Plan.

155.2 The Council is encouraging retail, restaurant, leisure and café uses within its town centres, in line with Policy WC5 of the Publication Local Plan and in line with national policy. The Council is also proposing edge of town centre allocations in Shirebrook, Bolsover and in South Normanton that could also accommodate such uses.

155.3 The Publication Local Plan includes a policy, WC 10 Tourism and the Visitor Economy that encourages hotels in sustainable locations such as towns or emerging towns, such as South Normanton.

155.4 Allowing non B class uses within Policy WC1 would also not be appropriate as it would serve to erode the 92 ha for B class uses, potentially on several of the employment allocations also and lead to the Council not being able to deliver its employment requirement.

Q156. What evidence does the Council have to support its assessment that the site will come forward during the plan period? When is it anticipated that development will commence on this site?
Council Response

156.1 The Council’s Employment Land Trajectory (ED 10) explains that given that there are alternative proposals being considered at the moment, and that development plateaux do not currently exist, it is unlikely that the site will be developed in its entirety for B class employment uses within the next 5 years. The justification for this site is based upon being available for a large single user, and therefore in this instance the site has been included as coming forward mostly in one year for 14 ha at the mid-point of the Plan period.

156.2 The EDNA (EB 18) independently assessed the site and concluded that the site is well suited to B8 development. Given that there is little competition for a site of that size in the area around Junction 28, and given that it is such an attractive location for B class employment, it is highly likely that it will come forward during the plan period.

**Protection of Existing Employment Areas [Policy WC2]**

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

Council Response

157.1 The purpose of the Local Plan allocating new employment sites and the question of how much land is required for that purpose becomes meaningless if existing employment sites were to be used for other purposes such as housing, thereby nullifying the gains made.

157.2 To guard against future losses of Employment land, Policy WC 2 protects land and buildings within 27 Industrial estates and business parks that are generally considered to be the main economic drivers of the district, but which also include smaller industrial estates suitable for small businesses. Their identification is based on site surveys and monitoring information in respect of planning permissions and completions.

157.3 The Sustainability Appraisal Report (SD 3) concluded that there were no negative effects, only positive and neutral effects of Policy WC2 when appraised against the social, environmental and economic criteria.

157.4 In terms of the effectiveness of the policy, the Council believe that the policy will be deliverable over the plan period. The protection of existing employment land is not identified as a strategic matter, however, the delivery of employment land is. Individual Council’s determine how to meet their employment requirement within their area, based on their own employment land assessments and discussion with their FEMA partners.

157.5 In terms of the Policy being justified, the 2012 NPPF states that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. In this case, the protection of our existing
employment base is considered to be justified as the alternative; losing important employment sites to other uses without any policy framework, would not be planning for sustainable development in a positive manner.

**Q.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?**

**Council Response**

158.1 The sites referred to are simply two of the protected employment sites within the Station Road Bolsover employment area (xi), and for the reasons given to Q157 above, the Council considers that such employment areas should be generally protected for their value to the employment portfolio of the district.

158.2 In considering amending the policy so that it allowed for retail development within such locations, without any evidence of retail need, sequential test or impact assessment, it was considered that the policy would be unsound and contrary to national policy.

158.3 The NPPF paragraph 23 requires Local Authorities to take a sequential approach to allocating retail sites; town centre, then edge of town centre and then accessible locations well connected to the town centre. Bolsover Business Park and Intake Way in particular are not considered to be well connected to the town centre. There is already an edge of town centre retail allocation in Bolsover that will help to meet identified quantitative and qualitative needs.

158.4 Also, amending the whole policy in the way suggested would open up many other areas for potential retail development contrary to national policy and the wider interests of the district.

158.5 The Policy does allow for redevelopment of these sites where a case is made for such an approach and the policy clearly states that proposals for alternative employment generating uses will be treated on their merits.

**Q.159 Does the Local Plan provide sufficient opportunities for the expansion of existing businesses?**

**Council Response**

159.1 Yes, throughout the Local Plan are policies that allow for the expansion of existing businesses, within the Countryside, within Development envelopes and within allocations identified for development such as the sites within Policy WC1.

159.2 Policy WC 2: General Principles for Economic Development, allocates existing employment areas covering mostly the larger industrial estates. Within these existing employment areas opportunities are available for some businesses to expand depending on the availability of land around them. Extensions to existing
premises are recorded each year as part of the work that inputs into the Council’s Annual Monitoring Report.

159.3 The Council has only received one representation (9084) for the extension of an employment site, although the submission is unclear as to whether they want to expand the business use or redevelop the site for housing in order to relocate. However, the proposal would intrude into an Important Open break and no formal planning application has been submitted.

159.4 The EDNA (2015) considered the needs of the existing business community. Paragraphs 2.44 – 2.50 of the Employment Topic Paper (PP3) provides more information about this.

**Support for the Rural Economy** [Policy WC3]

**Q.160 Is the support given to sustainable rural employment and diversification in villages and within the countryside consistent with national policy, justified and effective?**

**Council Response**

160.1 Yes, the relevant policies are considered to be in accordance with paragraphs 83 and 84 of the NPPF. There is nothing within these paragraphs that the policy would not allow.

160.2 Whilst there is no evidence base covering this issue specifically, Bolsover is a rural district and there are many businesses that are located in the countryside or within villages that may in the future wish to diversify or expand.

160.3 The ‘effective’ test of soundness means it should be deliverable and based on joint working with partners. Obviously this is a policy not an allocation and therefore it is difficult to see how delivery and joint working should apply to a policy such as this.

**Rough Close Works, Normanton** [Policy WC4]

**Q.160 Should the policy include the definitions of the various distances required by Health and Safety Legislation?**

**Council Response**

160.1 No, the policy should not include the definitions of the various distances as required by Health and Safety Legislation as these may alter according to that legislation and the Plans information would be incorrect. After discussing representation 8476, Leith Planning have agreed to withdraw the representation as referred to in a Statement of Common Ground (ED 29)
Q161. Should the policy include the definitions of the various distances required by Health and Safety Legislation?

Council Response

161.1. No, the policy should not include the definitions of the various distances as required by Health and Safety Legislation as these may alter according to that legislation and the Plans information would be incorrect. After discussing representation 8476, Leith Planning have agreed to withdraw the representation as referred to in a Statement of Common Ground.