LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

EPC UNITED KINGDOM PLC
1) Purpose

1.1 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between Bolsover District Council and EPC United Kingdom Plc on the following policies/ issues:

- Policy WC4: Rough Close Works, South Normanton (rep 8476 & no ref)
- Policy WC8: South Normanton Edge of Town Centre Allocations (rep 8482).
- Policy SC15: Hazardous Installations (rep 8478)
- Policy ITCR2 The Multi User Trails Network (rep 8479)

Note: The references refer to the unique reference within the Council’s JDi consultation database system.

2) Background

2.1 Leith Planning’s representations on behalf of EPC United Kingdom Plc raised objections about the wording of policies and policy designations shown on the Policies Maps in the Publication Local Plan for Bolsover District as set out at 1.1 above. The Council has considered these representations and has discussed a number of proposed modifications to the policies referred to above with Leith Planning. Their objections, the issues raised by the Council and the Council’s proposed modifications to address the issues raised are set out in Appendix 1 of this Statement of Common Ground.

2.2 Based on these discussions, agreement between the Council and Leith Planning has been reached on the modifications set out in Appendix 1 (as relevant text to be deleted shown as strikethrough and new text to be inserted shown in bold italic):

3) Areas of Common Ground

3.1 Bolsover District Council and Leith Planning on behalf of EPC United Kingdom Plc agree that the modifications proposed by Bolsover District Council stated in Appendix 1 (attached) address the concerns of EPC United Kingdom Plc set out at 1.1 above and Appendix1.

4) Conclusion

4.1 Based on the stated areas of common ground, Leith Planning on behalf of EPC United Kingdom Plc agree that their representations to the Local Plan for Bolsover District as set out in paragraph 1.1 above have been addressed and can be withdrawn subject to the modifications set out at Appendix 1 below being made to the Plan and the Policies Maps.
AGREEMENT

Dan Swaine, CEO
On behalf of Bolsover District Council

Cllr Tom Munro, Chair of Planning Committee
On behalf of Bolsover District Council

Rebecca Booth
Associate Planning Director
Leith Planning Limited
of EPC United Kingdom Plc

Dated: 4th January 2019
### APPENDIX 1 – SCHEDULE OF REPRESENTATIONS FROM ECP EXPLOSIVES AND PROPOSED MODIFICATIONS

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Bolsover District Council</th>
<th>Agent</th>
<th>Element WC 4 – Rough Close Works, South Normanton</th>
<th>Rep N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue</td>
<td></td>
<td></td>
<td>Proposed modifications:</td>
<td></td>
</tr>
<tr>
<td>Policy WC4 refers to a Core Area but this is not shown on the Policies map as a Core Area but instead it is shown under Policy WC2 as an existing employment site. It needs to be clear in the policy and the text that the Core Area and the Existing Employment Area are the same.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy WC 4 also refers to the area of wider operations but this is not shown on the Policies Map. The policies maps show an inner, middle and outer development control zone (these are referred to in Paragraphs 7.83 and 7.84) however the Policy WC 4 only refers to two of them - inner and outer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The policies maps show an inner, middle and outer development control zone (these are referred to in Paragraphs 7.83 and 7.84) however the Policy WC 4 only refers to two of them - inner and outer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed modifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Policy WC 4</em> (second paragraph).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>‘Within the Existing Employment area (Core Area) as shown on the Policies Map’.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modify the plan by adding an areas of wider operations to the Policies Maps as agreed with the Agents Leith Planning.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modify the Policies Maps by removing the inner development control zone, (thereby the middle zone becomes the inner zone). <em>(See Map Appendix A below)</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modify Paragraph 7.83 to say</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“There are three-two explosives safeguarding zones (inner, middle and outer) around EPC United Kingdom Plc South Normanton.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Modify the Paragraph 7.84 to say</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Due to the complicated nature of the three-two separate safeguarding zones in regard to the EPC United Kingdom Plc site...”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respondent</td>
<td>EPC United Kingdom Plc</td>
<td>Agent</td>
<td>Element Policy WC 8 South Normanton Edge of Town Centre Allocations</td>
<td>Rep 8482</td>
</tr>
<tr>
<td>Issue</td>
<td></td>
<td></td>
<td>Proposed Modification:</td>
<td></td>
</tr>
<tr>
<td>Whilst there are clearly some concerns regarding the potential conflict between the potential scale and form of development being proposed on this site given its proximity to Rough Close Works, it can be confirmed that EPC United Kingdom Plc would not wish to limit another landowners development aspirations and to object to a planning application. Therefore, in order to address any future potential conflict, and potential inconsistency within the Development Plan, we would</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amend criterion c) to the WC8 to say</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Comply with the provisions of <em>Policy WC4 and</em> current Health and Safety Executive (HSE) land use planning guidance in relation to the nearby Rough Close Works.”</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
wish to suggest some alternative wording of Draft policy WC8 as follows:

Change to Plan

We would also ask that no parts of the land to be allocated for development be sited inside the Inner Consultation Zone.

Change to Plan

"Policy WC8: South Normanton Edge of Town Centre Allocations

c) Comply with the provisions of Policy WC4 and current Health and Safety Executive (HSE) land use planning guidance in relation to the nearby Rough Close Works."

We would also ask that no parts of the land to be allocated for development be sited inside the Inner Consultation Zone.

|------------|-----------------------------|-------|-----------------------|-----------------------------------------------|----------|

**Issue:**

In order to overcome our concerns and secure a coherent Plan we would suggest that the Council make a minor modification be made to the wording of Policy SC15 as follows:

"Policy SC15: Hazardous Installations

Planning permission will be granted for development within the Health and Safety consultation zones provided that the risks arising from the presence of the hazardous substance are acceptable in relation to the nature of the proposed development, and the development is compliant with the provisions of other referable Local Plan policies, including policy WC4."

<table>
<thead>
<tr>
<th>Respondent</th>
<th>EPC United Kingdom Plc</th>
<th>Agent</th>
<th>Leith Planning (Rebecca Booth)</th>
<th>Element - Policy ITCR 2 The Multi User Trails Network</th>
<th>Rep 8479</th>
</tr>
</thead>
</table>

**Proposed Modification:**

Policy SC15 Hazardous Substances to say:

Planning permission will be granted for development within the Health and Safety consultation zones provided that the risks arising from the presence of the hazardous substance are acceptable in relation to the nature of the proposed development, and the development is compliant with the provisions of other Local Plan policies, including policy WC4.

**Issue:**

It is noted from the Proposals Map extract included below that the Council have highlighted the location of existing public footpaths and proposed locations for a number of others, including some small additions within the consultation zones associated with Rough Council’s response

**Detailed discussions have been entered into and on that basis it is proposed that the small distances of two Proposed Multi...**
Close Works. We remain concerned with the implementation of any proposals which will result in an increase in people or persons within close proximity of our client’s site, and particularly within the Inner Consultation Zone. We appreciate the importance of enhancing access to rural locations and improving connectivity, but that must not take place at the expense of the viability of an existing employment site, nor with an increased risk in public safety. Furthermore, any increased usage of public footpaths within the consultation zones could potentially result in an inconsistent (and therefore unsound) plan, given that the provision of additional footpaths or an increased usage of footpaths could well fall foul of the tests set out in draft policy WC4.

In reviewing the footpath proposals and the content of policy WC4, attention is once again drawn to the following classification for distances of particular uses around hazard sites:

"Class A distances should be used for bridleways, footpaths, footways and waterways used by more than 20 people in any 24-hour period. Class A distances should also be used for a road used by more than 20 and no more than 500 vehicles every 24 hours."

We would therefore kindly request that Proposals Map be amended and for any additional public footpaths to be sited such that they are in compliance with the above requirements.

**Respondent**
EPC United Kingdom Plc [540]

**Agent**
Leith Planning Ltd [8987]

**Element - Policy WC4:**
Rough Close Works, South Normanton

**Rep**
8476

**Issue**

In order to ensure further clarify on the content of the Health and Safety Legislation referred to within draft Policy WC4, we would suggest one further minor modification to the Publication Draft Local Plan to include the definitions of the various distances, as follows:

- Class A distances should be used for bridleways, footpaths, footways and waterways used by more than 20 people in any 24-hour period. Class A distances should also be used for a road used by more than 20 and no more than 500 vehicles every 24 hours.
- Class B distances should be used for a road used by more than 500 and no more than 10 000 vehicles every 24 hours.
- Class D distances should be used for buildings that are normally occupied (i.e. where people are, or are...
likely to be, present either all the time or from time to
time), and include all dwellings (including mobile homes
and caravans), shops, government and public buildings,
churches, colleges, schools, hospitals, theatres, cinemas
or other buildings (such as sports stadiums) where the
public assemble.

- Class E distances should be used for any
vulnerable buildings.
Appendix Map A

Publication Local Plan for Bolsover District – policies map extract

Proposed modification
Publication Local Plan for Bolsover District – policies map extract

Proposed modification
Appendix Map C

Publication Local Plan for Bolsover District – policies map extract

Proposed modification
Appendix E

Policy WC 4 in Full

**Policy WC4: Rough Close Works, South Normanton**

During the operation of the works as a major hazard site and/or the continued use of the premises for the manufacture of explosives or linked activities, planning applications will be considered in the following manner:

**Within the Existing Employment Area (Core Area), as shown on the Policies Map, planning permission will be granted for employment development or variation of existing permissions, provided that:**

a) The development needs to be located there because of its connection with the operation of the works as a major hazard site and/or its connection with the manufacture of explosives or linked activities; and

b) The development would not extend the area affected by the development control zones for the major hazard.

**Within the area of wider operations, as shown on the Policies Map planning permission will be granted for development provided that the following additional criteria are also met:**

a) The development would not be detrimental to the generally open character of the site; or

b) Should the works cease to operate as a major hazard site and the manufacture of explosives and linked activities cease, general countryside policies will be applied in the wider area of operations.

Within the inner development zone of the site permission will only be granted, for development of minor buildings or plant essential to the operation of the existing facility, rough close works.

**Within the outer development zone, as defined on the Policies Map as the rough close works, and during the operation of the works as a major hazard site, planning permission will not be granted for development, that is not in compliance with current Health and Safety Executive (HSE) land use planning guidance, this restriction currently includes:**

a) Open air retail or entertainment developments such as large retail markets, theme parks or large sports stadia;

b) Buildings designed in a way which makes them vulnerable to blast (for example because of multi-storey or curtain wall construction, large areas of glass or the use of non-load-bearing panels);

c) Developments where emergency evacuation action may be very difficult (for example retail or community and leisure facilities of more than 5,000 square metres floorspace and institutions such as hospitals and homes for the elderly).