Local Plan for Bolsover District

Position Paper relating to
The Clowne Garden Village
Strategic Site Allocation

August 2018
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1) Introduction

1.1 This paper sets out the Council’s position in relation to the Clowne Garden Village site and the work that led to the Publication Local Plan for Bolsover District.

1.2 In preparing this paper, it has been considered that setting out the Council’s position will aid the Planning Inspector’s examination of both the Local Plan for Bolsover District and the issues raised in relation to Clowne Garden Village.

1.3 The paper refers to a number of documents, including evidence base studies, SA reports and Council consultation documents. These are all available within the submission documents.

1.4 The considerations and history to the Council’s selection of the Clowne Garden village proposal arose during, and were then progressed through, the plan making process. To help chart this progress, the paper is structured by the following key stages of the plan making process which lead towards the approval and publication of the Regulation 19 Publication Local Plan for Bolsover District.

1.5 These stages are set out below:

   Stage 1: Commencement (Regulation 18) towards Identified Strategic Options (October 2014 to October 2015)

   Stage 2: Identified Strategic Options to Preferred Strategic Options (October 2015 to February 2016)

   Stage 3: Preferred Strategic Options to Consultation Draft Local Plan (February 2016 to October 2016)

   Stage 4: Consultation Draft Local Plan to Publication Local Plan (October 2016 to May 2018)
2) Preparation of the Local Plan for Bolsover District

Stage 1: Commencement (Regulation 18) towards Identified Strategic Options (October 2014 to October 2015)

Background (July to October 2014)

2.1 This initial stage of the plan making process followed the withdrawal of the Council’s Local Plan Strategy (‘the LPS’) from Examination in July 2014. That plan which was in the form of a Core Strategy ‘type’ document had been under preparation since 2005 and had gone through several iterations in advance of reaching Publication (May 2013). Earlier forms of the LPS had at different times both included and excluded a proposed strategic site to the north of Clowne promoted by Waystone Developments Limited, but excluded it at Publication stage. However, after the LPS Inspector had made a finding that the Council could not show it had complied with the Duty to Co-operate and that there were flaws within the Sustainability Appraisal process during the preparation of the LPS document, the LPS was withdrawn. The Council then turned to consider its options on the best way to proceed in its plan making.

2.2 Based on this position, in July 2014 the Council established a Local Plan Steering Group (LPSG) as an internal working group to advise its Planning Committee on matters relating to plan making. The Terms of Reference for the LPSG are to oversee / guide the day to day preparation of the Local Plan and associated work, with the aim of ensuring that work progresses in line with the Council’s adopted timetable.

2.3 At its first meeting on 17th July 2014, the LPSG decided to restart the plan making process, so discarding all previous policy decisions underpinning the LPS and making a fresh start within its options work and Sustainability Appraisal work. Where possible, the previous evidence base would be utilised but it was noted that a number of evidence base documents would need updating. Taking account of the preference within the National Planning Policy Framework (NPPF) for single Local Plans that cover strategy and detailed policies and proposals, and after considering whether to undertake a joint Local Plan with the Council’s Strategic Alliance partners, North East Derbyshire District Council, or other neighbouring authorities, and concluding this was not the best way forward, the LPSG resolved to prepare a single Local Plan for Bolsover District.

2.4 In light of this decision, a new Local Development Scheme (LDS) was prepared and then reported to the LPSG at its September 2014 meeting. This was approved and recommended to the Council’s Planning Committee for approval together with a recommendation to undertake the formal Regulation 18 Commencement consultation exercise. The LDS was duly reported and considered by the Planning Committee at its October 2014 meeting and following approval the Regulation 18 Commencement consultation began on the 20th October 2014. Within this consultation, a full Call for Sites exercise was carried out to identify as many sites as possible in order to best establish the Council’s options going forward.
Commencement Consultation (20th October to 28th November 2014)

2.5 During the consultation exercise, a wide range of policy suggestions were received, potential evidence base documents suggested, visions for settlements provided, and a large number of sites suggested for consideration. Within this, the Clowne Garden Village site (known at this time as Clowne North) was one of four potential strategic sites suggested to the Council. At this stage, the representations made by Waystone Developments Limited proposed a mixed-use residential and employment development with a potential site area of 73 hectares, with a plan to illustrate the potential site. At this stage, the number of dwellings included within the proposal was between 500 and 1,500 units. Further information on this feedback can be found in the relevant Statement of Consultation and all received representations can be viewed through the Council’s online consultation database portal.

Development of potential Strategic Options (December 2014 to September 2015)

2.6 The development of Potential Strategic Options is a key step within plan making and enables a number of reasonable alternative strategies to be established and subjected to the Sustainability Appraisal process. This work evolved through several iterations, drawing on the range of submissions during the Commencement Consultation and available evidence base documents, seeking to approach the development of potential options in an open and fair manner to ensure that all possible approaches to the distribution of development were considered.

2.7 At the early stage of this work, the following strategic options were considered:

1. Concentrate on the most sustainable settlements;
2. Focusing on the more sustainable settlements;
3. Sharing growth amongst all 24 settlements;
4. Taking advantage of the certainty from suggested / committed strategic site growth;
5. Encouraging growth in the District’s more viable locations;
6. Focusing on growing and regenerating sustainable settlements;
7. Creation of a new settlement to accommodate a third of the District’s required growth.

2.8 To inform this work, the existing evidence base was utilised together with a number of new documents, namely a new Settlement Hierarchy Study (April 2015) and an Interim Transport Evidence Base Note (April 2015). In addition, an updated picture of committed residential and employment land supply and the schedule of submitted sites was prepared to inform and provide a reality check to the extent of the options available to the Council (based on 31st March 2015).

2.9 Based on a refinement of this initial options work, four Spatial Strategy Options were developed that were considered to represent reasonable alternatives that could be subjected to Sustainability Appraisal and public consultation, namely:

A. Focus on the more sustainable settlements;
B. Focus on the most viable settlements;
C. Focus on those settlements with key regeneration needs;
D. Focus on an East-West (A617) growth corridor.

2.10 The options to distribute development equally across all settlements or to a new settlement were considered to be not reasonable due to the need to achieve sustainable development and the lack of availability of sites that could lead to a new settlement being developed.

2.11 Alongside these Spatial Strategy Options, three housing target options, three employment land target options and four strategic site options including Clowne Garden Village (still known at this time as Clowne North), were developed for Sustainability Appraisal. These were subsequently agreed by LPSG for public consultation in September 2015 and recommended to Planning Committee in October 2015. For completeness, the consultation exercise also asked people if they could suggest any other strategic options.

2.12 More information on these Identified Strategic Options can be found in the following documents:

- Identified Strategic Options for the Local Plan for Bolsover District (October 2015)
- Sustainability Appraisal Report on the Identified Strategic Options (October 2015)

2.13 The main points to note are that in relation to the identification of Clowne and the suggested Clowne Garden Village strategic site within these options, the Settlement Hierarchy Study had identified Clowne as one of the 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. Clowne was also identified as one of the most viable settlements based on the evidence provided by the 2012 Housing Viability Study and Authority Monitoring Reports, given the relatively high sales values achieved in the Clowne area and the fact that sites with planning permission were being delivered successfully in Clowne.

2.14 Based on this evidence, Clowne featured within Spatial Strategy Options A & B but not C & D as Clowne was not one of the settlements with key regeneration needs and not being located along an East-West (A617) growth corridor.

2.15 The suggested Clowne Garden Village strategic site could be supported or objected to independently from the Spatial Strategy Options that would see growth directed to Clowne. This was done to enable people to state that growth should be directed to Clowne, but not necessarily to the suggested Clowne Garden Village strategic site.

Consultation on the Identified Strategic Options (30th October to 11th December 2015)

2.16 During the consultation exercise, a large number of representations were received about the Identified Strategic Options and further information on this
feedback can be found in the relevant Statement of Consultation.

2.17 In relation to the Clowne Garden Village site, the main points to note from the consultation are:

- that the future allocation of Clowne North site would not be a popular decision with a number of local residents and with the proponents of potential rival sites,
- there was a body of support for growth in Clowne in general and for the Clowne Garden Village site specifically being selected to deliver growth in Clowne;
- that in their representations, the promoters of the Clowne Garden Village site stated that based on their extensive body of evidence their site could:
  a) make a significant contribution to housing and employment growth;
  b) deliver strategic infrastructure improvements for the village;
  c) provide a deliverable scheme in an attractive and proven location for employment growth;
  d) allow easy access to the M1 without the need for the traffic to cross the town centre.

Stage 2: Identified Strategic Options to Preferred Strategic Options (October 2015 to February 2016)

Selected of Preferred Strategic Options

2.18 The selection of Preferred Strategic Options was a significant step in the Council’s plan making work.

2.19 This work drew upon the outcome of the consultation on the Identified Strategic Options, the available evidence base documents and the findings of the Sustainability Appraisal Report. Furthermore, this work drew upon the developed Local Plan Vision and consideration of the requirements of the NPPF and in particular the four soundness tests that any Local Plan would ultimately be tested against. In January 2016, reports were presented to the LPSG in order to enable consideration of the options.

2.20 In relation to the Spatial Strategy Options, LPSG resolved to pursue a blended version of options A, C and B. This was because this blended option enabled the Council to pursue sustainable development and to seek to address regeneration issues in the District as part of this sustainable strategy, but also to ensure that the Local Plan would be able to demonstrate that it would be deliverable.

2.21 To support this Preferred Spatial Strategy Option and in light of the decisions regarding the Preferred Housing and Employment Land Targets, consideration was given to the role the potential Strategic Site Options could play.

2.22 For Clowne, firstly the level of growth to direct to the settlement was considered. Critical to this decision was the latest infrastructure capacity evidence and the knowledge that the existing primary phase schools were reaching capacity and could not be extended any further. On this basis, it was noted that to achieve any meaningful level of growth a new primary school would be required and that the
main provider, Derbyshire County Council, did not have any reserved sites. Therefore, the need to plan for a new school was a key consideration and as a result three levels of growth were considered, namely:

1. a very low level of growth (only the remaining committed sites) in order to put no additional pressure on the existing primary school’s capacity;
2. a medium level of growth (a figure less than 1,000 dwellings but above the remaining committed sites) in order to achieve some growth in Clowne but lead to a need for additional school capacity which may not be possible to deliver;
3. a high level of growth (in the region of a 1,000 dwellings) in order to justify a new primary school (based on Derbyshire County Council’s Developer Contributions Protocol) to provide sufficient additional school capacity.

2.23 In considering these levels of growth, the LPSG considered that the first option would put additional pressures elsewhere in the District and potentially result in a less sustainable and deliverable strategy. The LPSG considered that the second option would be less desirable than the first, given that it would lead to school overcrowding and potentially introduce a “showstopper” to the plan making process. The third option was considered by the LPSG the most appropriate given it would mean Clowne, as one of the District’s more sustainable and more viable settlements, could play a role in developing a sustainable spatial strategy and in a manner that would mean a new primary school could be required and achieved.

2.24 Second, the approaches to achieving this level of growth were considered by the LPSG. Taking into account the known availability of sites provided by the schedule of committed and submitted sites within Clowne, the LPSG noted that the suggested Clowne Garden Village strategic site would provide a site large enough to allow for more than 1,000 dwellings and thus would provide an opportunity to ensure that a site for a new primary school could be required for provision within the site. In relation to the other site options, none were as large but it was recognised that it might be possible to combine together sites in order to achieve a similar sized site.

2.25 Within this site consideration, the LPSG noted that only the Clowne Garden village site, compared with the other options, included an element of employment land as part of an overall mixed use development. Based on the evidence provided by the Settlement Hierarchy Study, the benefit of providing employment land and thus jobs in Clowne was noted by the LPSG as a key benefit of the Clowne Garden Village proposal and something that would enhance the overall sustainability of Clowne as a settlement.

2.26 On this basis, the LPSG agreed that the Clowne Garden Village strategic site should be selected as a Preferred Strategic Site Option that would help deliver its Preferred Spatial Strategy Option at its January 2016 meeting. The full set of Preferred Strategic Options, including the Clowne Garden Village strategic site, was recommended to the Council’s Planning Committee for approval for testing purposes in February 2016.
Stage 3: Preferred Strategic Options to Consultation Draft Local Plan  
*(February 2016 to October 2016)*

**Testing and Development of Emerging Local Plan**

2.27 The selection of Preferred Strategic Options in February 2016 enabled the Council to develop the full range of policies, proposals and site allocations that would be required for a draft Local Plan document.

2.28 The work at this stage involved a range of tasks, the key relevant ones being as follows:

1. Sustainability Appraisal of Preferred Strategic Options as a further iterative stage;
2. full update to the 2013 Housing and the Employment Land Availability Assessments in order to understand the full range of available, suitable and achievable site options;
3. full update to the Infrastructure Study and Delivery Plan now that the Council could share its Preferred Spatial Strategy and Distribution of Development with infrastructure providers in order to establish up-to-date and robust infrastructure evidence;
4. detailed site testing of the Preferred Clowne Garden Village strategic site allocation in order to understand whether the site could be supported within the proposed Consultation Draft Local Plan;
5. commission of further evidence base documents to support preparation of the proposed Consultation Draft Local Plan;
6. SA of potential other strategic growth locations in Clowne based on finding of Land Availability Assessments in order to understand the relative performance of potential alternatives.

2.29 During this period, updates were made to the LPSG and it noted evidence base findings and approved policy positions. The relevant main considerations within these tasks in relation to the Clowne Garden Village proposal are discussed below.

**Housing and Employment Land Availability Assessments**

2.30 The updates to the Housing and the Employment Land Availability Assessments were necessary given the 2013 Assessments included a large number of sites that had not been submitted during the Commencement Consultation call for sites. It was considered unreasonable to discount these “missing” sites without first offering them to the chance to confirm whether the sites remained available.

2.31 In relation to Clowne, this enabled the Council to look at the full range of sites to identify other potential strategic growth locations in Clowne that could accommodate in the region of 1,000 dwellings and so be able to provide a new primary school. This work resulted in the identification of a southern option and a western option.

2.32 However, whilst these options drew upon available sites, their component sites were not all suitable or achievable and none had been made available
for employment use. Despite this, the southern option and the western option were put forward for Sustainability Appraisal alongside the northern option to give the Council an understanding of their relative performances against the Sustainability Appraisal objectives.

2.33 For more information, please see the Council’s Housing and the Employment Land Availability Assessments.

Infrastructure Study and Delivery Plan

2.34 The update to the Infrastructure Study and Delivery Plan was necessary in order to understand what infrastructure projects were needed to deliver the Council’s Preferred Strategic Options.

2.35 In relation to Clowne, this confirmed the need for a new primary school in Clowne (as referred to earlier) due to the lack of spare capacity at the village’s existing primary phase schools. Highway capacity was also identified as an existing problem, with several junctions to the north and south of Clowne town centre being at or over capacity. In addition, the modelling work identified that trip generation would see new traffic predominantly heading westwards towards the M1. Overall, the highway infrastructure evidence identified that new development would need to address its own demands. In view of the selection of the Clowne Garden Village as a Preferred Strategic Site option, this information fed into the detailed site assessment work.

2.36 For more information, please see the Council’s Infrastructure Study and Delivery Plan.

Detailed site testing

2.37 This task represented a major work stream in order to test in detail with the site promoter whether the strategic site could deliver the levels of growth being proposed and the infrastructure projects required. Given the importance of this, the Council drew support from the (as was) Homes and Communities Agency’s ATLAS Team and the project group work focussed on testing the site in the following ways:

a) identification of environmental constraints, such as biodiversity, heritage and landscape, and assessments of potential impacts;

b) detailed highway modelling to identify impacts and propose highway interventions and junction improvements;

c) identification of other infrastructure impacts and required additional capacity;

d) Green Belt assessments to understand whether land in the Green Belt included within the development proposals fulfilled a Green Belt function;

e) detailed viability testing to gain a deeper understanding of the economics of the development and to gain confidence that the proposal could deliver its required infrastructure.

2.38 This work identified that:

a) the registered biodiversity assets within and near to the site could be
protected and made more robust through structuring the overall form of the development to provide buffer areas between new development and the Hickin Wood Local Wildlife Site and through the creation of green corridors through the site;
b) the registered heritage assets within and near to the site could be protected and potentially made more robust through structuring the overall form of the development to provide buffer areas from the conservation area to the north and potentially generating demand for new uses for listed buildings at risk at the southern part of the site;
c) the landscape would be negatively affected through development within the countryside but that the most sensitive areas of landscape were the Magnesian Limestone plateau farmlands to the east, rather than the more urban edge fields within the Green Belt. Introduction of woodland blocks or extending existing woodlands on the west of the site would strengthen this characteristic landscape feature;
d) several existing highway junctions were at capacity and that the proposed western and town centre link roads would improve capacity and redirect traffic flow away from several problematic junctions and that several offsite highway improvements would be needed by the completion of the development;
e) the key infrastructure requirements were highway and education capacity related;
f) the land within the Green Belt included within development proposals formed part of larger parcels of land that fulfilled several Green Belt functions;
g) the viability testing proved that to deliver all of its required infrastructure the site needed to be of a sufficient size to deliver in the region of 1,500 dwellings (at 30 dph) and 25 hectares of employment land.

2.39 Through the ATLAS led project group, this work led to Waystone Developments Ltd. making revisions to their earlier proposal in order to reduce the extent of the development within the Green Belt and to strengthen the proposed future Green Belt boundary. It was also through this ATLAS led work that the site became more orientated to garden village principles and that the site became known as Clowne Garden Village.

2.40 These strands of the testing work were brought together and reported to the LPSG. This involved consideration of interim findings of the Bolsover Partial Green Belt Review: Methodology and Results (September 2016) which identified that land within the Green Belt included within development proposals formed part of larger parcels of land that fulfilled several Green Belt functions. In light of this evidence, supplementary Green Belt assessment work was also commissioned to examine smaller parcels of land.

2.41 Furthermore, based on this testing work it was noted that a sufficiently sized site was needed to achieve the quantum of development needed to deliver the infrastructure requirements. In order to achieve this without including the Green Belt land, the testing work showed this would require the site to be extended northwards or eastwards. This in turn led however to the potential for greater negative impacts on the most sensitive landscape area to the east of the site or the conservation area to the north. Alternatively, if the employment land was
removed in order to keep the site within its proposed eastern boundary the work showed this would undermine the efforts to increase the number of jobs in Clowne required to improve the sustainability of Clowne.

2.42 Following this consideration, a preferred indicative masterplan, quantum and phasing plan were developed for consideration for Sustainability Appraisal.

**Sustainability Appraisal findings**

2.43 Further to the Sustainability Appraisal findings on the Council’s Preferred Strategic Options, the preferred policies and site proposals approved by the LPSG, together with the identified reasonable alternatives, were subjected to further Sustainability Appraisal.

2.44 In relation to Clowne Garden Village, the preferred indicative masterplan, quantum and phasing plan were put forward as a northern strategic growth location in Clowne. Based on the Land Availability Assessment work, the southern and western strategic growth locations were put forward as reasonable alternatives despite the reservations about the suitability or achievability of several component parts of the growth locations.

2.45 The conclusion to the Sustainability Appraisal Report on this matter stated [ref para. 5.4.98.] “The findings of the SA of the strategic growth options for Clowne reveal Clowne Garden Village to be the best performing strategic growth option for the village when considered against the SA objectives.”

**Approval of Emerging Local Plan**

2.46 Based on the testing and development of the emerging Local Plan proposals, the LPSG at its meeting on 28th September 2016 provided continued support for inclusion of the preferred Clowne Garden Village strategic site in the Consultation Draft Local Plan. This support was provided with the caveat that the case as to whether ‘exceptional circumstances’ exist to justify the release of Green Belt land was being explored prior to a decision being made on that part of the proposal.

2.47 This support was recommended to the Council’s Planning Committee for approval, together with a recommendation to undertake a further public consultation stage under Regulation 18. The Consultation Draft Local Plan was approved by the Planning Committee at its meeting on 12th October 2016 and consultation began on the 31st October 2016.

**Consultation on the Consultation Draft Local Plan (31st October to 12th December 2016)**

2.48 During the consultation exercise, a large number of representations were received about the Consultation Draft Local Plan. Further information on this feedback can be found in the relevant Statement of Consultation.

2.49 However, in relation to the Clowne Garden Village site the main points to note from the consultation are:
that infrastructure providers stated that the Clowne Garden Village site would be required to deliver significant infrastructure capacity improvements but noted that these were included within the proposals;

that residents of Clowne living near the site objected to the Clowne Garden Village proposal and that those living near the alternative growth locations supported the Clowne Garden Village proposal.

Stage 4: Consultation Draft Local Plan to Publication Local Plan (October 2016 to May 2018)

Completing the Evidence Base

2.50 The publication of the Consultation Draft Local Plan in October 2016 enabled the Council to complete the evidence base and refine the policies, proposals and site allocations that would be required for the Publication Local Plan (Regulation 19) document.

2.51 During this period, updates were made to the LPSG and it noted evidence base findings and approved policy positions. The relevant main considerations within this work in relation to the Clowne Garden Village proposal are discussed below.

Green Belt

2.52 Further to the findings of the Bolsover Partial Green Belt Review: Methodology and Results (August 2017), the commissioned Partial Green Belt Review: Supplementary Assessment (November 2017) examined the role of smaller but actual areas of land proposed to be developed within the Clowne Garden Village proposals. This was instead of the significantly larger and more far reaching parcels of land originally considered within the Green Belt Review. In working at this finer grain, it was intended to determine whether the actual areas of land affected, rather than the larger parcels previously assessed which were derived from existing field boundaries, fulfilled Green Belt functions.

2.53 The Bolsover Partial Green Belt Review: Supplementary Assessment found that the revised parcels still meet the Green Belt purposes, but that the release of the proposed development plots would not compromise the key local purpose of preventing Barlborough and Clowne from merging.

2.54 This evidence was considered by the LPSG at its March 2018 meeting and taking this into account the Council examined the case as to whether exceptional circumstances exist to remove the proposed development plots from the Green Belt. In summary, applying the relevant approach set out in Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 1078, the Council considers there to be exceptional circumstances justifying the release of the land from the Green Belt and these are set out in the separate Position Paper relating to the Green Belt.
Whole Plan Viability Assessment

2.55 As part of the viability appraisal of the policies of the Local Plan, an updated development viability assessment was undertaken. Whilst the assessment highlighted that development viability in Bolsover District remains challenging, it identified that Clowne sits within the District’s most viable geographic area and that developments in this part of the District would be best placed to deliver the affordable housing policy obligation and infrastructure requirements.

2.56 In relation to Clowne Garden Village, the strategic site typology reflecting this site identified that the general viability for such a development in the Clowne value area should be such that the strategic site will prove deliverable. This evidence was considered by the LPSG at its March 2018 meeting and on this basis LPSG agreed there was no viability concern for inclusion of the Clowne Garden Village proposal within the Publication Local Plan.

Sustainability Appraisal findings

2.57 Further to the Sustainability Appraisal findings on the Council’s Consultation Draft Local Plan, the developed policies and site proposals approved by the LPSG, together with the identified reasonable alternatives, were subjected to further Sustainability Appraisal.

2.58 In relation to Clowne Garden Village, the developed indicative masterplan, quantum and phasing plan were again put forward as a northern strategic growth locations in Clowne. Based on the latest Land Availability Assessment work, slightly revised southern and western strategic growth locations were put forward again as reasonable alternatives despite the continuing reservations about the suitability or achievability of several component parts of the growth locations.

2.59 The conclusion to the Sustainability Appraisal Report on this matter confirmed and restated [ref para. 5.4.98.] that “The findings of the SA of the strategic growth options for Clowne reveal Clowne Garden Village to be the best performing strategic growth option for the village when considered against the SA objectives.”

Approval of Publication Local Plan

2.60 Based on the testing and development of the emerging Local Plan proposals, the LPSG at its joint meeting with the Planning Committee on 16th April 2018 agreed the inclusion of the Clowne Garden Village strategic site in the Publication Local Plan for Bolsover District. This was on the basis that the Clowne Garden Village proposal was seen as an important, sustainable and justifiable building block in creating a sustainable Local Plan.

2.61 To achieve this, the Publication Local Plan includes policy SS5: Strategic Site Allocation - Clowne Garden Village and the associated indicative masterplan, both repeated below.
Policy SS5: Strategic Site Allocation - Clowne Garden Village

As part of the growth requirement for Clowne set out in Policy SS3, land at Clowne Garden Village as defined on the Policies Map is allocated as a Strategic Site within the Local Plan. Proposals for the development of this strategic site will be permitted where they are guided by the indicative masterplan for the site (see Figure 4C) or any subsequent approved document and:

a) Enable completion of 1,000 dwellings within the site by 2033;
b) Optimise the use of the site or make best use of land;
c) Deliver 20 hectares of B-use employment land;
d) Provide 5 hectares of non B-use employment land;
e) Improve highway connection to town centre;
f) Create a new western link highway to the A616 / Boughton Lane junction;
g) Provide for a new primary school within the site;
h) Create a new substantial and central village green;
i) Provide greenways through the site that connect to the enhanced Clowne Linear Park proposal;
j) Create significant landscape planting, especially to the east, north and western boundaries and in other appropriate locations;
k) Contribute towards minimising the need to travel by private car through provision of convenient access via sustainable modes of transport to locations of employment and services;
l) Contribute towards place making through the delivery of a high quality designed development through the use of a design code that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art;
m) Contribute towards conserving and enhancing the biodiversity of the District through the protection and incorporation of existing hedgerows and woodlands within the site’s general layout, design and orientation;
n) Contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site’s general layout, design and orientation.

These requirements will be carried forward into a Supplementary Planning Document to ensure that the Council can respond if required in a flexible way to changes in circumstances during the plan period that would necessitate revisions to the indicative layout diagram. In the event that the masterplan needs to be revised, this will be considered and approved by the Council through the initial preparation or review of the Supplementary Planning Document.
2.62 Alongside the approval of the site’s inclusion and the full Publication Local Plan, the Council’s Planning Committee resolved to submit the Publication Local Plan for Bolsover District to the Secretary of State following the formal public consultation under Regulation 19. The consultation began on 2nd May 2018.

Consultation on the Publication Local Plan (2nd May to 15th June 2018)

2.63 During the consultation exercise, a large number of representations were received about the Publication Local Plan. Further information on this feedback can be found in the relevant Statement of Consultation.

2.64 In relation to the Clowne Garden Village site the main points to note from the consultation are:

- infrastructure providers have reconfirmed that the Clowne Garden Village site would be required to deliver significant infrastructure capacity improvements but noted that these were included within the proposals;
- residents of Clowne living near the site objected to the Clowne Garden Village proposal and that those living near the alternative growth locations supported the Clowne Garden Village proposal.

Submission of application for Outline Planning Permission

2.65 In parallel to the plan making process, the promoter of Clowne Garden Village, Waystone Developments Ltd., submitted an application for outline planning
permission on 14th December 2017 (application ref. 17/00640/OUT).

2.66 The application proposals refer to Outline Planning Application with All Matters Reserved for mixed use development including up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access.

2.67 These proposals reflect those considered and tested within the plan making process and those included within the Publication Local Plan. As such, they include development in the Green Belt. The fact that there had been significant consideration of the Clowne Garden Village proposal through the plan making process and that the conclusions had led to the site being allocated within the Publication Local Plan, significantly influenced the Council’s determination of the application.

2.68 Following a full consideration of the application, it was reported to the Council’s Planning Committee on 26th June 2018 and it was resolved “that the Council resolve to approve this application and refer the application to the Secretary of State” subject to conditions. In accordance with this resolution, the application was referred to the Secretary of State on 2nd July 2018.

2.69 On 19th July 2018, the Government wrote back to the Council to advise that:

“The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called in. The Secretary of State has decided, having had regard to this policy, not to call in the application. He is content that the application should be determined by the local planning authority.”

2.70 In light of this response, the Council is currently proceeding with the determination of the application.
3) Conclusions

3.1 This paper sets out the Council’s position in relation to the identification of Clowne Garden Village site for future housing and employment related development as well as related infrastructure improvements and the work that led to its inclusion in the Publication Local Plan for Bolsover District.

3.2 In relation to the tests of soundness and the Clowne Garden Village allocation, the Local Plan for Bolsover District has been prepared under the policy framework provided by the first NPPF published in March 2012.

3.3 Whilst the new NPPF was published on 24th July 2018, paragraph 214 of the new NPPF states that “The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.” Based on the Local Plan for Bolsover District being submitted in August 2018, it is clear from the wording of the new NPPF that the relevant tests of soundness are those within the first NPPF published in March 2012.

3.4 In light of this, it is the Council’s contention that the proposal meets all of the relevant tests set out in the first NPPF published in March 2012 as explained below.

Positively Prepared

3.5 The Clowne Garden Village strategic site proposal provides for 1,000 dwellings during the plan period (with capacity to deliver at least 500 more thereafter), 20 hectares of employment land, 5 hectares of non B-use employment land, improved highway connection to town centre and new western link highway to the A616 / Boughton Lane junction, a new primary school within the site and the creation of a new substantial village green.

3.6 As such, the strategic site will contribute approximately a quarter of the Council’s objectively assessed housing requirement and a fifth of the Council’s objectively assessed employment land requirement. In addition, the Clowne Garden Village strategic site proposal will also meet the key infrastructure requirements of a new primary school and improvements to the highway network.

3.7 On this basis, the Council is clear that the Clowne Garden Village strategic site proposal meets the ‘positively prepared’ soundness test (first NPPF, paragraph 182 bullet 1) and has seen no convincing arguments to the contrary.

Justified

3.8 The Sustainability Appraisal finds that the selection of the preferred spatial strategy option which directs growth to the District’s more sustainable settlements with consideration to regeneration needs and viability evidence, draws upon the best performing elements of these considered options and should ensure that the Local Plan for Bolsover District successfully achieves sustainable development. At a more detailed level, the Sustainability Appraisal finds that the Clowne Garden Village strategic site proposal is the best
performing option for growth in Clowne. In addition, the proposal provides economic, social and environmental benefits and achieves a balanced approach to these sometimes conflicting dimensions.

3.9 As such, the strategic site represents the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

3.10 On this basis, the Council is clear that the Clowne Garden Village strategic site proposal meets the ‘justified’ soundness test (first NPPF, paragraph 182 bullet 2) and has seen no convincing arguments to the contrary.

Effective

3.11 The deliverability of the Clowne Garden Village strategic site proposal has been tested both at a strategic level through the Whole Plan Viability Assessment and at a detailed level through the site testing undertaken with the support of the (as was) Home and Communities Agency’s ATLAS team.

3.12 At a strategic level, the evidence finds that the proposal is within the District’s most viable geographic area and that developments in this part of the District would be best placed to deliver the affordable housing policy obligation and infrastructure requirements. At a detailed level, the evidence finds that the proposal as allocated is able to deliver all of its required infrastructure and meet affordable housing policy requirements.

3.13 The site is promoted by Waystone Developments Ltd., a master developer with extensive experience in bringing mixed-use developments forward across the UK. In addition to this wider experience, Waystone has local experience from delivering the successful Barlborough Links, a 45 hectare mixed-use development of mixed employment uses and approximately 500 dwellings. For information, Waystone’s delivery approach sees them deliver buildings for employment uses and to provide serviced large-scale plots for housebuilders to deliver.

3.14 Based on the deliverability testing work, Waystone intend to commence delivery of the first phase of employment land and making ready the first phase of residential land in order to see delivery of land in 2020. It is understood informal discussions are underway with several housebuilders with the intention of selecting a preferred housebuilder as residential phases are brought forward. Based on this delivery timetable, the site is expected to commence delivery in 2020 and run throughout the plan period. In addition, the willingness of Waystone to commit to submitting a planning application at this early stage indicates their intentions regarding delivery of the Clowne Garden Village strategic site proposal and the level of market interest.

3.15 On this basis, the Council is clear that the Clowne Garden Village strategic site proposal meets the ‘effective’ soundness test (first NPPF, paragraph 182 bullet 3) and has seen no convincing arguments to the contrary.
Consistent with National Policy

3.16 Given the need for the Council’s Local Plan for Bolsover District to be prepared in a manner that is consistent with national policy, the Council has taken full account of the Government’s planning policies for England as set out in the first NPPF.

3.17 As such, the strategic site is consistent with national policy as set out in the first NPPF in the following ways:

- Paragraphs 6 & 7 state that the purpose of planning system is to contribute to the achievement of sustainable development and that the three dimensions to sustainable development are economic, social and environmental.

  The Sustainability Appraisal finds that the selection of the preferred spatial strategy option which directs growth to the District’s more sustainable settlements with consideration to regeneration needs and viability evidence, draws upon the best performing elements of these considered options and should ensure that the Local Plan for Bolsover District successfully achieves sustainable development. At a more detailed level, the Sustainability Appraisal finds that the Clowne Garden Village strategic site proposal is the best performing option for growth in Clowne. In addition, the proposal provides economic, social and environmental benefits and achieves a balanced approach to these sometimes conflicting dimensions.

- Paragraph 14 states that local planning authorities should positively seek opportunities to meet the development needs of their areas and should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.

  The Clowne Garden Village strategic site proposal will contribute approximately a quarter of the Council’s objectively assessed housing requirement and a fifth of the Council’s objectively assessed employment land requirement. In addition, the Clowne Garden Village strategic site proposal will also meet the key infrastructure requirements of a new primary school and improvements to the highway network. The proposal also has the potential to bring forward a further 500 dwellings that are currently planned for beyond the plan period should market conditions or local housing needs require more development.

- Paragraph 17 states that a set of core planning principles should underpin plan-making, contribute to conserving and enhancing the natural environment, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

  The Clowne Garden Village strategic site proposal has been tested and prepared to respond positively to environment constraints, to manage transport impacts and critically increase the number of jobs in Clowne required to improve the overall sustainability of Clowne.
• Paragraphs 18-22 state that Local Plans should help build a strong, competitive economy, support sustainable economic growth and support existing business sectors and take account of where they are expanding.

The Clowne Garden Village strategic site proposal will provide 25 hectares of employment land and increase the number of jobs in Clowne, close to the town centre and support the sustainable expansion of local employment sectors, so supporting sustainable economic growth.

• Paragraphs 23-27 state that Local Plans should ensure the vitality of town centres.

The Clowne Garden Village strategic site proposal will provide 25 hectares of employment land, 5 hectares of which will provide an edge-of-town centre growth area, so helping to grow the town centre and support its vitality.

• Paragraphs 29-41 state that Local Plans should promote sustainable transport, contributing to wider sustainability and health objectives and giving priority to pedestrian and cycle movements.

The Clowne Garden Village strategic site proposal will, through its mixed-use nature, create opportunities for people to have reduced distances between home and work and thus make walking to work and home a realistic option. In addition to this, the proposal provides a meaningful framework for cycling and walking through green corridors within the site. Proposals are also included to encourage bus services to be directed through the site.

• Paragraphs 47-55 state that Local Plans should deliver a wide choice of high quality homes and that to boost the supply of housing local planning authorities should meet their full objectively assessed need, sometimes through planning for large scale development such as extensions to existing villages and towns.

The Clowne Garden Village strategic site proposal will provide 1,000 dwellings during the plan period and a further 500 dwellings beyond the plan period. Across the site, the proposal is expected to deliver a wide choice of high quality homes.

• Paragraphs 56-68 state that Local Plans should require good design, planning positively to achieve this without being too restrictive or prescriptive.

The Clowne Garden Village strategic site proposal will contribute towards place making through the delivery of a high quality designed development through the use of a design code that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art.
• Paragraphs 79-92 state that local planning authorities with Green Belts in their areas should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

The Clowne Garden Village strategic site proposal will involve the removal of land from the Green Belt. However, the role of the land currently within the Green Belt has been assessed and the loss of the small parcels of land is considered to not harm the key local purpose of the Green Belt to prevent Clowne and Barlborough merging. The positive merits of the development in helping the Council to meet its development requirements in a sustainable and viable manner supports the exceptional circumstances for this allocation.

• Paragraphs 109-125 state that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts of biodiversity and providing net gains in biodiversity where possible.

The Clowne Garden Village strategic site proposal will protect as much as is possible the valued Magnesian Limestone landscape to the north east of Clowne. In addition, the proposal will protect existing local wildlife sites by providing buffer areas between them and new development and provide net gains in biodiversity through the creation of green corridors through the site between sites and habitats.

• Paragraphs 126-141 state that Local Plans should contribute to and enhance the historic environment by setting out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect.

The Clowne Garden Village strategic site proposal will protect the designated heritage assets around the site and potentially generate demand for new uses for listed buildings at risk at the southern part of the site.

3.18 On this basis, the Council is clear that the Clowne Garden Village strategic site proposal meets the ‘consistent with national policy test’ (first NPPF, paragraph 182 bullet 4) and has seen no convincing arguments to the contrary.

Comment on the soundness tests within the new NPPF

3.19 Whilst it is clear from the wording of the new NPPF that the relevant tests of soundness are those within the first NPPF published in March 2012, it is considered helpful in the interests of completeness to provide some comment on the soundness tests within the new NPPF as set out in paragraph 35.

3.20 From a comparison between the first and new NPPF, it is considered that the main variations in relation to each test of soundness are as follows:
a) Positively Prepared

The test now makes it clear that meeting the area’s objectively assessed needs is a minimum requirement, and that this work should be informed by other authorities. In relation to the Clowne Garden Village strategic site proposal, the strategic site will contribute approximately a quarter of the Council’s objectively assessed housing requirement and a fifth of the Council’s objectively assessed employment land requirement.

b) Justified

The main change here is that under the new NPPF one must identify ‘an appropriate’ strategy rather than being tested on the basis that it must be the ‘most appropriate’ strategy. Also, under the new test one needs to only ‘take into account’ the reasonable alternatives, rather than ‘consider the strategy against’ the reasonable alternatives. The amendments seem to make the test more reasonable and in meeting the test within the first NPPF as set out above, the Council clearly meets this test.

c) Effective

The main issue here is the requirement to deal with and not simply defer cross boundary strategic issues. None of the strategic issues identified have been deferred with all authorities working together and accepting each other’s approaches to development.

d) Consistent with national policy

Whilst wording has been slightly amended, there is no material change to this test which remains passed as set out above.

Consultation Feedback

3.21 Whilst a number of the representations received during the Regulation 19 consultation exercise challenge the Council’s view that the Clowne Garden Village proposal meets the tests of soundness, this is not surprising. Whether it is developers seeking to promote their own sites or local residents objecting to the loss of countryside near to them, none of the challenges are supported by detailed objective evidence. This is particularly the case when considered against the substantial, up-to-date and relevant evidence base developed by the Council in order to prepare the Local Plan for Bolsover District.

3.22 The objections which are made on highway grounds are generally subjective and are unsupported by objective evidence. The Council’s substantial transport evidence base was developed in co-operation with Derbyshire County Council as highway authority, Highways England and neighbouring authorities where relevant. This is set out in the Transport section of the Council’s Evidence Base, in particular the North Derbyshire Transport Evidence Base and more recent Bolsover and Clowne Transport Studies. It is considered that there is firm evidence to conclude that the Clowne Garden Village proposal should be considered sound on highways and transport grounds. This view is supported by the representations from
Derbyshire County Council and Highways England who state as follows:

**Derbyshire County Council (see representation 8961)**

“As highway authority, the County Council has for some considerable time been working with Bolsover District Council to support the development of its Local Plan’s transportation evidence base. Much of this work particularly the transport studies for Bolsover and Clowne has been developed to support inclusion of the strategic sites Bolsover North and Clowne Garden Village. These studies have carried out to assess the cumulative highways impacts of the levels of development in Bolsover and Clowne. These studies have demonstrated that the levels of development in these settlements can be achieved with appropriate highway and junction improvements.

This work has been supplemented with a number of transportation assessments submitted in support of a number of planning applications, which are understood to be subsequently consented sites. This has in turn both informed the site allocations within the PLP including Policy ITCR9: Local Transport Improvement Schemes. ITCR9 makes provision for the granting of planning permission in cases where the proposal would not prejudice the delivery of a number of (listed) schemes. These schemes are in turn identified on the Policies Map and set out in detail in Appendix 8.1, which lists the schemes together with indicative layout(s). Whilst this is helpful, however, the PLP appears bereft of any actual policies that would ensure their delivery.

Beyond that, however, it is considered that the PLP does not present any insurmountable issues in terms of the Plan’s test of soundness in relation to highway matters. The County Council’s Officers are reasonably satisfied that the Highway Authority should, with the assistance of the District Council, be able to address the Inspector’s ‘Matters of Clarification’ on highway matters and that the Local Plan should in due course meet its test of soundness, at least in terms of the Inspector’s likely highways and transportation considerations.”

**Highways England (see representation 8341)**

“In previous responses we have noted that these [strategic] sites are likely to have an impact on the operation of the M1, specifically M1 J29A and M1 J30 and this was also explored further in the Clowne Transport Study (2016) and Bolsover Transport Study (2016). We note that the Local Plan now makes provision for improvements at M1 J30 as set out in Policy ITCR9. However, there is limited detail as to what these improvements might involve. However, we would still expect that the traffic implications of all the Strategic and Priority Regeneration Sites on the SRN are fully assessed. As such we acknowledge and welcome Policy ITCR10, which states that development proposals which are likely to have significant amounts of movements will need to be supported by a Transport Statement or Transport Assessment.

Highways England has no further comments to provide at this stage but reiterates that it would be beneficial to continue to engage with the Council in order to agree upon an approach for the future detailed assessment of traffic impacts on the M1 (particularly at M1 J30) and how these could be mitigated and delivered.”

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3.23 Further information on this feedback can be found in the relevant Statement of Consultation.

OVERALL CONCLUSION

3.24 To conclude, the Council having carried out all the relevant assessments and taken into account representations made for and against the allocation of Clowne Garden Village strategic site within its Local Plan is clear that the Local Plan meets the tests of soundness for the reasons set out above.

3.25 The Council trusts that this Position Paper will aid the Planning Inspector’s examination of both the Council’s Local Plan for Bolsover District and the issues raised in relation to the Clowne Garden Village site.
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