Local Plan for Bolsover District

Position Paper relating to
The Green Belt within Bolsover District

August 2018
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1) Introduction

1.1 This paper sets out the Council’s position in relation to the Green Belt within Bolsover District.

1.2 The paper sets out the exceptional circumstances that exist which have led to the Council to remove two small parcels of land in Clowne from the extent of the Green Belt within the Publication Local Plan (PLP). On that basis, it is closely associated with the discussion within the Position Paper relating to the Clowne Garden Village Strategic Site Allocation.

1.3 In preparing this paper, it has been considered that setting out the Council’s position and how it developed will aid the Planning Inspector’s examination of both the PLP and the issues relating to the Green Belt.

1.4 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.
2) Background

North East Derbyshire Green Belt

2.1 Bolsover District includes a small part of the Green Belt that surrounds the Sheffield and Rotherham conurbation. Within Derbyshire this Green Belt is called the North East Derbyshire Green Belt, which was first drawn up in 1955 with the intention to limit the sprawl of the Sheffield and Rotherham conurbation, preventing it joining up the settlements of north eastern Derbyshire, and to encourage the urban regeneration of Sheffield and Rotherham.

2.2 The extent of the North East Derbyshire Green Belt was incorporated into and carried forward by the Derbyshire Structure Plan in 1990, into the Bolsover District Local Plan in 2000 and into the Derby and Derbyshire Joint Structure Plan in 2001.

2.3 The boundary of the North East Derbyshire Green Belt has not been reviewed or altered within Bolsover District since being defined within the Derbyshire Structure Plan in 1990. However, across the Sheffield City Region (SCR) area a shared methodology has been established to enable each authority to undertake partial reviews of their parts of the Green Belt in the short term, given a wider, strategic review of the Green Belt around Sheffield and Rotherham is not currently required.

Figure 1 - North East Derbyshire Green Belt
2.4 The Green Belt within Bolsover District forms a small part of the outer edge of the Green Belt and does not contribute to the prevention of sprawl and coalescence of the South Yorkshire conurbation itself. The Green Belt around Barlborough and Clowne assists in:

a) preventing the two settlements from merging;
b) protecting the countryside; and,
c) partially assists in the regeneration of the conurbation by seeking to restrict development a significant distance (2.5 miles) from Sheffield and Rotherham.

Housing and Employment Needs

2.5 Bolsover District forms part of the North Derbyshire and Bassetlaw Housing Market Area (HMA). To establish the full, objectively assessed needs for market and affordable housing in the HMA, the four HMA authorities commissioned a Strategic Housing Market Assessment (SHMA) in 2013. This was updated in 2014 to take account of the updated methodology set out in the National Planning Practice Guidance. Furthermore, in light of 2014 Sub National Population projections and the Sub National Household projections that were published in 2016, the four HMA authorities commissioned a SHMA OAN Update report and this was completed in October 2017.

2.6 This evidence base identifies that for Bolsover District the demographic-led need would see a requirement of 247 dwellings per annum but that to achieve affordable housing needs this baseline should be increased to 272 dwellings per annum to support enhanced affordable housing delivery.

2.7 Bolsover’s Functional Economic Market Area (FEMA) is characterised by a range of economic, property and labour market factors and driven by its geographic location. Located within northern Derbyshire, the District falls within two LEP areas (SCR and D2N2) – reflecting the fact that the area is influenced by its relationships with: South Yorkshire to the north; Derbyshire to the south west; and Nottinghamshire to the south east.

2.8 To establish the needs for economic development, the Council commissioned an Economic Development Needs Assessment (EDNA) in 2015. This evidence base identifies the need for employment land (B use classes only) for Bolsover District as being between 65 and 100 hectares of land for the period 2015 to 2033. The NPPF states that when drawing up local plans, local planning authorities should plan positively for a strong, competitive economy. As the employment land availability assessment identifies the existence of two sites with sufficient flexibility to accommodate up to two large logistic developments, based on the evidence provided by the EDNA there is sufficient justification for a target at the higher end of the range. On this basis, the Council is planning for 92 hectares of employment land for the period 2015 to 2033.

2.9 Based on this evidence for housing and employment needs, the Council is clear that the Local Plan for Bolsover District will need to plan positively to meet these needs and allocate significant amounts of land for residential and employment development.
National Planning Context

National Planning Policy Framework (March 2012) (the first NPPF)

2.10 It is clear from the transitional arrangements that this Local Plan should be judged against the first NPPF. It recognised the protection of Green Belts as one of the Core Planning principles. Paragraph 79 emphasises that the Government attaches great importance to them and the aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are seen as their openness and their permanence. Paragraph 80 notes the five purposes of a Green Belt as:

- Purpose a) to check the unrestricted sprawl of large built-up areas;
- Purpose b) to prevent neighbouring towns merging into one another;
- Purpose c) to assist in safeguarding the countryside from encroachment;
- Purpose d) to preserve the setting and special character of historic towns; and
- Purpose e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.11 At paragraph 83, the first NPPF recognises that local planning authorities with Green Belts in their area should establish 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. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

2.12 The first NPPF is clear that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary (paragraph 84).

2.13 Paragraph 85 explains that when defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
• define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Housing White Paper

2.14 The Government published its Housing White Paper ‘Fixing our broken housing market’ in February 2017. The White Paper was a statement of intent, rather than adopted guidance. To implement the planning reform package from the Housing White Paper, the Government committed itself to preparing a revised and thus new NPPF.

National Planning Policy Framework (July 2018) (the new NPPF)

2.15 The new NPPF continues the protection of Green Belts, although this is no longer set out in a Core Planning principles section. Paragraph 133 emphasises that the Government attaches great importance to them and the aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Paragraph 134 reiterates the five purposes of a Green Belt in an unchanged format from those set out in the first NPPF.

2.16 In relation to altering Green Belt boundaries, paragraph 136 states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

2.17 The new NPPF then goes on to incorporate elements of the proposals contained within the Housing White Paper, with paragraph 137 stating:

“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;
b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”
2.18 Paragraph 138 advises that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Paragraph 139 advises that when defining Green Belt boundaries, plans should:

a) ensure consistency with the development plan’s strategy for meeting identified requirements for sustainable development;

b) not include land which it is unnecessary to keep permanently open;

c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and

f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

2.19 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.”

2.20 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 policies of the first NPPF published in March 2012 will apply.

Court Decisions

2.21 Prior to the New NPPF, the Courts provided a steer on what constitutes ‘exceptional circumstances’ for the amendment of the Green Belt.

2.22 In the case of Calverton Parish Council v Greater Nottingham Councils [2015] EWHC 1078, the Judge helpfully set out a number of matters that ideally should be identified and dealt with in order to ascertain whether ‘exceptional circumstance’ exist to justify amending the Green Belt. The five tests set out in the judgement provide an appropriate framework for considering whether ‘exceptional circumstances’ exist to justify amending the Green Belt boundary. They are:

1) The acuteness / intensity of the objectively assessed need (matters of degree may be important);

2) The inherent constraints on supply / availability of land prima facie suitable for sustainable development;

3) Based on the facts of each case, the consequent difficulties in achieving sustainable development without impinging on the Green Belt;

4) The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and

5) The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.
2.23 The Courts have also held that circumstances are not exceptional unless they do necessitate a revision to the boundary. In the case of *Gallagher Estates Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council* [2014] EWHC 1283, the Judge noted the following:

“For redefinition for a Green Belt, paragraph 2.7 of PPG2 required exceptional circumstances which “necessitated” a revision of the existing boundary. However, this is a single composite test; because, for these purposes, circumstances are not exceptional unless they do necessitate a revision of the boundary (COPAS at [23] per Simon Brown LJ). Therefore, although the words requiring necessity for a boundary revision have been omitted from paragraph 83 of the NPPF, the test remains the same. Mr Dove expressly accepted that interpretation. He was right to do so”.

2.24 In these circumstances it must be shown that any Green Belt revisions meet the five tests and the amendments are necessary in the interests of the proper planning of the District.
3) Local Plan for Bolsover District

Settlement Hierarchy and Distribution of Development

3.1 As set out in paragraphs 4.13 to 4.19 of the PLP, the Council’s spatial strategy has a strong focus on sustainable development with an appropriate balance between achieving more difficult regeneration aims and securing viable developments.

3.2 On this basis, the PLP directs growth to the District’s more sustainable settlements, such as Bolsover and Shirebrook, in order to take advantage of their greater employment opportunities, better transport links and services and facilities but ensures that a larger share goes to settlements such as Clowne where viability is better and to Whitwell and Bolsover where key brownfield sites exist. However, whilst South Normanton is identified as one of the District’s most sustainable settlements, it will have a lower level of growth due to the significant constraints on development represented by the EPC Rough Close works and the strategic highway network. Beyond this, lower levels of growth will be directed to the smaller settlements in recognition of their lower sustainability and often greater environmental constraints.

3.3 Underpinning this spatial strategy is the evidence provided by the Settlement Hierarchy Study (April 2015 and updated March 2018). In relation to the settlements constrained by the Green Belt, namely Barlborough and Clowne, the Study finds as follows:

Table 1: Extract from Table 9 of the Settlement Hierarchy Study 2018 update

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Population Score</th>
<th>Employment Score</th>
<th>Facilities and Service Score</th>
<th>Transport Score</th>
<th>Total Sustainability Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Normanton</td>
<td>10</td>
<td>10</td>
<td>9</td>
<td>8</td>
<td>37</td>
</tr>
<tr>
<td>Shirebrook</td>
<td>10</td>
<td>5</td>
<td>10</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Bolsover</td>
<td>10</td>
<td>3</td>
<td>9</td>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>Clowne</td>
<td>8</td>
<td>3</td>
<td>6</td>
<td>8</td>
<td>25</td>
</tr>
<tr>
<td>Barlborough</td>
<td>3</td>
<td>9</td>
<td>3</td>
<td>8</td>
<td>23</td>
</tr>
<tr>
<td>Pinxton</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td>Creswell</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Tibshelf</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>Whitwell</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
</tbody>
</table>

3.4 As one can see, the Settlement Hierarchy Study identifies that the sustainability of Barlborough is limited by its facilities and services score and that the sustainability of Clowne is limited by its employment score.

3.5 Accordingly, in seeking to achieve sustainable patterns of growth, particular consideration has been given to achieving levels of housing and employment growth in Barlborough and Clowne that would enhance their total sustainability scores.
3.6 In light of this evidence and the decisions within the development of the preferred Spatial Strategy, taking into account the DEFRA Rural Urban Classification, the PLP includes Policy SS3: Spatial Strategy and Distribution of Development, as set out below:

Policy SS3: Spatial Strategy and Distribution of Development

To achieve sustainable development, the Local Plan will direct development and service provision within Bolsover District in accordance with the following settlement hierarchy:

a) Firstly to the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne

b) Then to the Large Villages of Creswell, Pinnerton, Whitwell, Tibshelf and Barlborough

Beyond these more sustainable settlements, the Local Plan will support limited development in a small number of the Small Villages.

Each of the settlements in the hierarchy above has a development envelope defined on the Policies Map, within which urban forms of development will generally be acceptable in principle.

The Small Settlements in the Countryside are considered to not be sustainable settlements and the Local Plan will not support urban forms of development beyond infill development on single plots and conversion of agricultural buildings to employment uses where appropriate.

Based on this spatial strategy, the following distribution of the scale of development set out in policy SS2 will be delivered.

<table>
<thead>
<tr>
<th>Type of settlement</th>
<th>Place</th>
<th>Residential (dwellings)</th>
<th>Employment (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban: Small Town</td>
<td>Bolsover</td>
<td>1,769</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Shirebrook</td>
<td>786</td>
<td>10.82 ha</td>
</tr>
<tr>
<td>Transitional:</td>
<td>South Normanton</td>
<td>380</td>
<td>25.31 ha</td>
</tr>
<tr>
<td>Emerging Town</td>
<td>Clowne</td>
<td>1,494</td>
<td>20 ha</td>
</tr>
<tr>
<td>Rural: Large Village</td>
<td>Creswell</td>
<td>289</td>
<td>0.46 ha</td>
</tr>
<tr>
<td></td>
<td>Whitwell</td>
<td>218</td>
<td>5.50 ha</td>
</tr>
<tr>
<td></td>
<td>Pinnerton</td>
<td>21</td>
<td>1.13 ha</td>
</tr>
<tr>
<td></td>
<td>Whitwell</td>
<td>36</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Barlborough</td>
<td>159</td>
<td>6.12 ha</td>
</tr>
<tr>
<td>Rural: Small Village</td>
<td>Blackwell</td>
<td>1</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Bramley Vale / Doe Lea</td>
<td>1</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Glapwell</td>
<td>36</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Hilcot</td>
<td>0</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Hodthorpe</td>
<td>39</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Langwith</td>
<td>2</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>New Houghton</td>
<td>71</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Newton</td>
<td>37</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Palterton</td>
<td>31</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Pleasey</td>
<td>23</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Scarcliffe</td>
<td>0</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Shuttlewood</td>
<td>0</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Stanfree</td>
<td>1</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Westhouses</td>
<td>0</td>
<td>0 ha</td>
</tr>
<tr>
<td></td>
<td>Whaley Thorns</td>
<td>11</td>
<td>0.68 ha</td>
</tr>
<tr>
<td>Non-settlement</td>
<td></td>
<td>33</td>
<td>21.54 ha</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>5,723</td>
<td>92 ha</td>
</tr>
</tbody>
</table>
Clowne Garden Village Strategic Site Allocation

3.7 As set out in paragraphs 4.30 to 4.36 of the PLP, the Council recognises that the Clowne Garden Village site offers an excellent opportunity to grow Clowne significantly within reasonable proximity to its services and facilities and key public transport nodes.

3.8 The Clowne Garden Village site is approximately 140 hectares in size and is situated to the north of Clowne along the A616 and encompasses a stretch of the A618 between the A616 and A619. From testing of this suggested strategic site, the site is expected to accommodate approximately:

a) 1,500 dwellings (1,000 dwellings during the plan period);

b) 20 hectares of B-use employment land;

c) 5 hectares of non B-use employment land;

d) Improved highway connection to town centre;

e) A new western link highway to the A616 / Boughton Lane junction;

f) A new primary school within the site;

g) A new substantial and central village green;

h) Greenways through the site that connect to the enhanced Clowne Linear Park proposal;

i) Significant landscape planting, especially to the east, north and western boundaries and in other appropriate locations.

3.9 In addition, the Local Plan recognises that this site has the potential to create a new western employment gateway to Clowne by locating employment development within the Green Belt.

Figure 2 - Indicative Masterplan
4) Green Belt Assessment

Need for an Evidence Base

4.1 Due to the housing and employment needs of the District and the position of Barlborough and Clowne in the settlement hierarchy and preferred Spatial Strategy, the Council made the decision to examine whether the Green Belt boundaries around these settlements could be amended to help accommodate this additional growth.

4.2 In addition, through the Call for Sites carried out during the Commencement Consultation in October 2014, a number of sites were promoted for consideration as Local Plan allocations that are located within the existing extent of the Green Belt. These sites were:

a) Land south of A619, north of the Mill, Barlborough (Housing LAA site ref. Barlborough/03);

b) Land at Park Farm, Barlborough (Housing LAA site ref. Barlborough/04);

c) Land south of Westfield Lane, Barlborough (Housing LAA site ref. Barlborough/06);

d) Land within the Clowne Garden Village strategic site (Housing LAA site ref. Clowne/08).

4.3 In light of these requests for consideration, the Council also took the view that it was necessary to examine whether these sites served Green Belt purposes and so justify their current inclusion within the Green Belt boundary.

Bolsover Partial Green Belt Review

4.4 To inform these considerations, the Council commissioned Nathaniel Lichfield & Partners (now Lichfields) to undertake a Partial Review of the Green Belt within Bolsover District in June 2016. This review followed the approach agreed across the Sheffield City Region (SCR) to reviewing the Green Belt and assessed the degree to which areas or parcels of land within the Green Belt perform against the five Green Belt purposes stated in the NPPF, namely:

Purpose a) to check the unrestricted sprawl of large built-up areas;
Purpose b) to prevent neighbouring towns merging into one another;
Purpose c) to assist in safeguarding the countryside from encroachment;
Purpose d) to preserve the setting and special character of historic towns; and
Purpose e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.5 The review did not assess every parcel of land within the Green Belt. Instead, it focussed on the land designated as Green Belt surrounding the existing urban areas of Barlborough and Clowne, given that these parcels of land are more likely to help achieve sustainable development by virtue of their closer proximity to existing jobs, services and facilities.

4.6 In accordance with the SCR agreed methodology, the parcels of land were all defined by existing physical boundaries, such as hedgerow boundaries or
highways. By design, this area of search ensured that the promoted sites above were assessed. Figure 2 shows the land parcels considered.

Figure 2 - Bolsover Partial Green Belt Review: Land Parcels Considered

4.7 For the avoidance of doubt, the Partial Green Belt Review would not recommend whether any of the parcels of land should be allocated for development. However, the Review would identify any parcels of land that did not serve a Green Belt function and thus had potential for release.

4.8 Interim findings on the parcel assessment were produced in September 2016 and are summarised as follows:

Purpose a) To check the unrestricted sprawl of large built-up area

4.9 When assessed Green Belt Purpose a) all parcels were scored ‘Red’. None of the parcels are contained by the existing urban area and it was considered that development of all parcels would contribute to urban sprawl of Barlborough and Clowne.

Purpose b) To prevent neighbouring towns from merging into one another

4.10 When assessed against Purpose b), the parcels located between Barlborough and Clowne, which form a strategic gap between these two settlements, were scored as ‘Red’. The release of these parcels for development would lead to the settlements merging.
4.11 When assessed against Purpose b), the parcels located to the west of Barlborough would reduce the distance to Emmett Carr and Renishaw to between 1 to 2 kilometres and were therefore scored as ‘Amber’.

4.12 The parcels located to the north of Barlborough were scored as ‘Green’. The development of these parcels would leave a gap greater than 2 kilometres to the urban area of Woodall.

**Purpose c) To assist in safeguarding the countryside from encroachment**

4.13 The parcels surrounding Clowne were all assessed as ‘Red’ given their existing countryside use. Similarly the majority of the parcels located to the north and to the north east of the Barlborough also robustly served this purpose.

4.14 The parcels identified as either partially meeting Green Belt Purpose c) or not meeting Purpose c) are located to the west of the Barlborough. These parcels predominantly comprise residential properties and ancillary buildings which do not contribute to this purpose.

**Purpose d) To preserve the setting and special character of historic towns**

4.15 The parcels assessed as ‘Red’ and ‘Amber’ against Green Belt Purpose d) were located either within the Barlborough Conservation Area or immediately adjacent. It was therefore considered that these parcels contribute to preserving the setting and special character of the Barlborough Hall Historic Park and Gardens. The remaining parcels were assessed as ‘Green’.

**Purpose e) To assist in urban regeneration by encouraging the recycling of derelict and other urban land**

4.16 PAS guidance states that there is no need to separately assess Purpose e) at a strategic level as all land meets this requirement to the same extent. It is therefore considered that Purpose e) cannot be adequately addressed as a strategic consideration and a standard score of ‘Amber’ is used in the assessment matrix for all parcels.

**Conclusions & General Findings**

4.17 Based on the interim findings, all of the identified parcels meet one or more of the Green Belt purposes and warrant their inclusion within the designated Green Belt.

**Site specific findings**

4.18 In relation to the four promoted sites listed in paragraph 4.2 above, the following Green Belt conclusions were made in relation to preferred Local Plan allocations within the Consultation Draft Local Plan (October 2016).

a) Land south of A619, north of the Mill, Barlborough

The site forms a relatively small part of Green Belt parcel ref. BARL/GB/21. The assessment for this parcel found that the parcel as a whole serves Green Belt
purposes a) and c) in that it prevents unrestricted urban sprawl and assists in safeguarding the countryside from encroachment. Its overall score was red, which indicates that the parcel should not be released from the Green Belt.

This conclusion meant that exceptional circumstances would need to be demonstrated to revise the Green Belt boundary to release this site for development. This outcome, together with SA findings and other land availability assessment considerations, led to the site not being selected as a preferred residential allocation within the Consultation Draft Local Plan.

b) Land at Park Farm, Barlborough (Housing LAA site ref. Barlborough/04);

Whilst the majority of the site is not in the Green Belt, it does include Green Belt parcel ref. BARL/GB/17. The assessment for this parcel found that the parcel serves Green Belt purposes a) and c) in that it prevents unrestricted urban sprawl and assists in safeguarding the countryside from encroachment. Its overall score was red, which indicates that the parcel should not be released from the Green Belt.

This conclusion meant that exceptional circumstances would need to be demonstrated to revise the Green Belt boundary to release this site for development. This outcome, together with SA findings and other land availability assessment considerations, led to the site not being selected as a preferred residential allocation within the Consultation Draft Local Plan.

c) Land south of Westfield Lane, Barlborough (Housing LAA site ref. Barlborough/06)

The site represents an amalgam of Green Belt parcels ref. BARL/GB/06, BARL/GB/07 and BARL/GB/08. The assessment for these parcels found that they all serve Green Belt purpose a), with the middle parcel, parcel ref BARL/GB/08, serving Green Belt purpose c) also. Overall, each parcel’s score was red, which indicates that the parcels should not be released from the Green Belt.

This conclusion meant that exceptional circumstances would need to be demonstrated to revise the Green Belt boundary to release this site for development. This outcome, together with SA findings and other land availability assessment considerations, led to the site not being selected as a preferred residential allocation within the Consultation Draft Local Plan.

d) Land within the Clowne Garden Village strategic site (Housing LAA site ref. Clowne/08).

The site includes two areas of land, that form a relatively small part of Green Belt parcel ref. CLOW/GB/04 and approximately half of parcel ref. CLOW/GB/05. The assessment for these parcels found that the parcels as a whole serve both Green Belt purposes a) and c) in that they prevent unrestricted urban sprawl and assists in safeguarding the countryside from encroachment. Parcel ref. CLOW/GB/04 was found as a whole serve to serve Green Belt purpose b) in that it prevented neighbouring towns, i.e. Clowne and
Barlborough, merging into one another. Overall, each parcel’s score was red, which indicates that the parcels should not be released from the Green Belt.

This conclusion meant that exceptional circumstances would need to be demonstrated to revise the Green Belt boundary to release the whole parcels for development.

However, it was noted that the promoted site did not include all of the assessed parcels and sought the release of smaller areas of land which may lessen the impact. Taking into account SA findings and other land availability assessment considerations, the Clowne Garden Village strategic site was selected as a preferred strategic site allocation within the Consultation Draft Local Plan but that at that time the case as to whether ‘exceptional circumstances’ exist was being explored and that no decision had been reached as to whether the area in question could be removed from the Green Belt.

4.19 The Bolsover Partial Green Belt Review: Methodology and Results report was completed in August 2017 and concluded that all of the identified parcels robustly meet one or more of the Green Belt purposes and warrant their inclusion within the designated Green Belt.

Bolsover Partial Green Belt Review: Supplementary Assessment

4.20 In light of the interim findings of the Partial Green Belt Review, the site promoter behind the Clowne Garden Village strategic site proposal made revisions to their earlier proposal in order to:

a) reduce further the extent of the development within the Green Belt; and
b) strengthen the proposed future Green Belt boundary.

4.21 These changes are discussed in more detail within the Position Paper relating to the Clowne Garden Village Strategic Site Allocation which sets out the evolution of the strategic site.

4.22 To understand how these smaller parcels perform against the five Green Belt purposes, supplementary Green Belt assessment work was commissioned and the Bolsover Partial Green Belt Review: Supplementary Assessment report was completed in November 2017 and its conclusions are set out below.

4.23 The refined parcels of land are shown in Figure 3 below.

Purpose a) To check the unrestricted sprawl of large built-up area

4.24 When assessed against Green Belt Purpose a), revised parcels CLOW/GB/04b and CLOW/GB/05b were scored ‘Amber’. This compares more favourably than the full parcels which both scored ‘Red’.

4.25 In reaching this more favourable scoring, the Supplementary Assessment identifies that the development of parcel CLOW/GB/04b would be bound to the north and west by a mature landscaped copse and that parcel CLOW/GB/05b would be bound
to the north, west and south by a mature landscape feature, principally woodland which would form a durable boundary.

4.26 As a result, it concludes for revised parcels CLOW/GB/04b and CLOW/GB/05b “that the development of the site will have limited impact on the Green Belt boundary”, so justifying an ‘Amber’ score.

Figure 3 – Partial Green Belt Review area of study: refined parcels

Purpose b) To prevent neighbouring towns from merging into one another

4.27 When assessed against Purpose b), revised parcels CLOW/GB/04b and CLOW/GB/05b were scored ‘Green’. This compares more favourably than the full parcels which both scored ‘Red’ and ‘Green’ respectively.

4.28 In reaching this more favourable scoring, the Supplementary Assessment identifies that the development of parcel CLOW/GB/04b would maintain the strategic gap between Barlborough and Clowne given that the site does not extend beyond Clowne’s existing settlement boundary.

4.29 As a result, it concludes for revised parcels CLOW/GB/04b and CLOW/GB/05b that the development of the site “will not result in a reduction of the strategic gap”, so justifying a ‘Green’ score.

Purpose c) To assist in safeguarding the countryside from encroachment

4.30 When assessed against Purpose c), revised parcels CLOW/GB/04b and CLOW/GB/05b were scored ‘Red’. This is the same score as for the full parcels.

4.31 In reaching this same score, the Supplementary Assessment identifies that the development of parcels CLOW/GB/04b and CLOW/GB/05b would still lead to loss of countryside to development.
Purpose d) To preserve the setting and special character of historic towns

4.32 When assessed against Purpose d), revised parcels CLOW/GB/04b and CLOW/GB/05b were scored ‘Green’. This is the same score as for the full parcels.

4.33 In reaching this same score, the Supplementary Assessment identifies that the development of parcel CLOW/GB/04b and CLOW/GB/05b would not affect the setting and special character of an historic town, village or park.

Purpose e) To assist in urban regeneration by encouraging the recycling of derelict and other urban land

4.34 When assessed against Purpose e), revised parcels CLOW/GB/04b and CLOW/GB/05b were scored ‘Amber’. This is the same score as for the full parcels.

4.35 In reaching this same score, the Supplementary Assessment identifies that the development of parcel CLOW/GB/04b and CLOW/GB/05b would have no greater impact in assisting urban regeneration than any other parcels.

Green Belt Assessment Conclusions

Release of land from the Green Belt

4.36 The Partial Green Belt Review concluded that all of the parcels assessed served Green Belt purposes (including those parcels that lie within the Clowne Garden Village site) and as such, there are no sites within the Green Belt that are preferential for release.

4.37 However, given the Supplementary Assessment findings set out above, it is clear that the two smaller parcels being considered for release (ref. CLOW/GB/04b and CLOW/GB/05b) only contribute to Green Belt purpose (b) protecting the countryside. As such, it is also clear that the two smaller parcels being considered for release (ref. CLOW/GB/04b and CLOW/GB/05b) do not contribute to purpose (a) preventing the two settlements from merging.

4.38 This finding is considered significant, given that the strategic purpose of the North East Derbyshire Green Belt is to limit the sprawl of the Sheffield and Rotherham conurbation and prevent it joining up the settlements of north eastern Derbyshire.

4.39 Despite this more favourable assessment, given the parcels in question contribute to purpose b) it is still noted that in accordance with the NPPF as interpreted in the Court cases the Council should only alter the Green Belt boundary through the preparation of its Local Plan if ‘exceptional circumstances’ necessitate a revision of the boundary.

Additional Green Belt Designation

4.40 The Partial Green Belt Review also concludes that increasing the extent of the Green Belt to the north of Clowne cannot be justified. As a result, there would appear to be no exceptional circumstances to designate additional Green Belt.
5) Exceptional Circumstances Case

Background

5.1 The High Court tests set out in the Calverton case provide an appropriate approach for the consideration of exceptional circumstances in relation to the release of Green Belt land in Bolsover. In assessing the proposed release against the Calverton tests, consideration has also been given to the Government’s revised policy position as set out in the new NPPF.

5.2 The Calverton tests are as follows:

1) The acuteness / intensity of the objectively assessed need (matters of degree may be important);
2) The inherent constraints on supply / availability of land prima facie suitable for sustainable development;
3) Based on the facts of each case, the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
4) The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and
5) The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

Test 1 - The acuteness / intensity of the objectively assessed need

5.3 As set out in chapter 2, based on the evidence for housing and employment needs the Council is clear that the Local Plan for Bolsover District will need to plan positively to meet these needs and allocate significant amounts of land for residential and employment development. In addition, as set out above part of the Local Plan’s proposals to meet these housing and employment needs is the strategic site allocation at Clowne Garden Village.

5.5 Whilst meeting housing objectively assessed needs remains an ongoing challenge for Bolsover District given the emphasis within Government policy on housing delivery (as discussed further in the Position Paper relating to the Housing Requirement), the key challenge relevant to the Green Belt is meeting the Council’s evidenced employment needs.

Employment Requirement

5.6 As explained in chapter 2, the Local Plan includes a high employment land requirement of delivering 92 hectares of employment land between 2015 and 2033. The justification for this challenging target is set out in the Position Paper relating to Employment Provision (August 2018).

5.7 In order to understand how the Local Plan for Bolsover District will meet this high employment land requirement with a range of deliverable sites to satisfy the NPPF’s soundness tests, the Council has examined its potential supply of available, suitable and achievable sites for employment development. The findings of this work are set out in full within the Employment Land Availability Assessment. However, as part of this assessment sites within the Green Belt were not screened out at an early stage
given the Council was carrying out a Partial Green Belt Review, the need to consider sites promoted to the Council that are currently within the Green Belt and the inherent acuteness / intensity of the employment requirement.

5.8 However, it is noted that this acuteness / intensity of the objectively assessed need is not sufficient alone to justify exceptional circumstances, but it is considered that it does warrant exploration of the second test.

Test 2 - The inherent constraints on supply / availability of land prima facie suitable for sustainable development

5.9 The Position Paper relating to Employment Provision sets out that the supply to meet the employment land requirement is firstly made up of sites which have been completed since 2015. Table 2 below shows the position at the 31st March 2018.

Table 2: Completions and remaining requirement

<table>
<thead>
<tr>
<th>Requirement</th>
<th>92 hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completions 2014 – 2018</td>
<td>23.35 hectares</td>
</tr>
<tr>
<td>Remaining requirement</td>
<td>68.65 hectares</td>
</tr>
</tbody>
</table>

5.10 As can been seen in Table 2, the Council still has a high target to meet once completions are taken into account.

5.11 Based on this, the Employment Land Availability Assessment sets out the following potential supply of available, suitable and achievable greenfield and brownfield sites for employment development. This potential supply excludes available, suitable and achievable sites within the Green Belt is set out in Table 3 below.

Table 3: Available, suitable and achievable sites for employment development (outside Green Belt)

<table>
<thead>
<tr>
<th>Site</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erin Road, Southern Plot, Seymour (Markham Vale)</td>
<td>2.7</td>
</tr>
<tr>
<td>Erin Road, Central Plot, Seymour (Markham Vale)</td>
<td>4.4</td>
</tr>
<tr>
<td>Land West of Farmwell Lane, Castlewood, South Normanton</td>
<td>3.13</td>
</tr>
<tr>
<td>Land between Brickyard Farm and Barlborough Links</td>
<td>3.45</td>
</tr>
<tr>
<td>Land off High Hazels Road</td>
<td>1.17</td>
</tr>
<tr>
<td>Land off Weighbridge Road, Brook Park, Shirebrook.</td>
<td>1.07</td>
</tr>
<tr>
<td>Explore Industrial Park, Explore Way (off A619), Steetley</td>
<td>10.70</td>
</tr>
<tr>
<td>Park View (south), Whaley Thorns</td>
<td>0.58</td>
</tr>
<tr>
<td>Land South of Maisie’s Way, South Normanton</td>
<td>1.05</td>
</tr>
<tr>
<td>Wincobank Farm, South Normanton</td>
<td>14</td>
</tr>
<tr>
<td>Colliery Road, Creswell</td>
<td>0.46</td>
</tr>
<tr>
<td>Former Whitwell Colliery, Whitwell (East and West parts)</td>
<td>5.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>48.21</strong></td>
</tr>
</tbody>
</table>
5.12 As can been seen in Table 3, the Council could choose to make a further 48.21 hectares in employment land allocations from the identified available, suitable and achievable sites that are outside the Green Belt. However, this would still leave a shortfall as shown in Table 4 below.

**Table 4: Completions, supply outside Green Belt and remaining requirement**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>92 hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completions 2014 – 2018</td>
<td>23.35 hectares</td>
</tr>
<tr>
<td>Available, suitable and achievable sites that are outside the Green Belt</td>
<td>48.21 hectares</td>
</tr>
<tr>
<td>Remaining requirement</td>
<td>20.44 hectares</td>
</tr>
</tbody>
</table>

5.13 On this basis, it is clear that the Council’s ability to meet its high employment land requirement is constrained by the limited supply / availability of land suitable for sustainable development. It is recognised that this position could be made worse should objectors challenge the delivery of the Council’s allocated employment sites, particularly those allocations that are brownfield sites with their associated delivery challenges. Whilst it is noted that this could lead to the Council’s supply of available, suitable and crucially achievable employment sites being reduced further, the Council is clear from its land availability assessment work that the 48.21 hectares of employment land allocated is deliverable over the plan period.

5.14 With regard to the 20.44 hectares shortfall, to overcome this position consideration has been given to the available, suitable and achievable sites for employment development within the Green Belt and a further site can be added to the potential supply. This is set out below in Table 5 below.

**Table 5: Available, suitable and achievable sites for employment development (within the Green Belt)**

<table>
<thead>
<tr>
<th>Site</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clowne Garden Village</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>

5.15 In light of this, it is clear that the Council’s ability to meet its high employment land requirement would be significantly aided by the release of the land within the Green Belt that forms part of the Clowne Garden Village strategic site proposal. It is also considered that the allocation of this greenfield site in the District’s most viable value area, close to the successful existing employment area of Barlborough Links but designed to be an integral part of Clowne, improves the robustness of the Council’s case that its ability to meet its employment requirement is deliverable and thus sound.
As set out in Chapter 3, the Council’s spatial strategy is to direct growth firstly to the Small Towns of Bolsover and Shirebrook and to the Emerging Towns of South Normanton and Clowne. After directing growth to these primary settlements, the spatial strategy then directs growth to the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough. Within this, the evidence provided by the Settlement Hierarchy Study advises that the sustainability of Clowne is undermined by its employment score.

As a consequence, it is clear that delivering employment growth in Clowne would have the added advantage of improving the sustainability of Clowne as a settlement, and that not impinging on the Green Belt would lead to difficulties in achieving sustainable development so warranting exploration of the third test.

**Test 3 - The consequent difficulties in achieving sustainable development without impinging on the Green Belt**

The first NPPF acknowledged that Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It also acknowledged that the UK Sustainable Development Strategy: Securing the Future set out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

To help achieve this through the planning system, within paragraphs 6-10 the first NPPF identified three dimensions to sustainable development which give rise to the need for the planning system to perform the following roles:

a) an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

b) a social role – supporting strong, vibrant and healthy communities, by providing the supply of homes required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

c) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**Strategic considerations relevant to achieving sustainable development**

In accordance with this national policy, the aim of the Local Plan for Bolsover District is to secure sustainable development through the allocation of housing and...
employment land in accessible locations where there will be no environmental harm together with economic and social benefits (i.e. houses and jobs).

5.21 In doing this, as stated above the Council has assessed the relative sustainability of its settlements through the Settlement Hierarchy Study and established the following spatial strategy and distribution of development:

“To achieve sustainable development, the Local Plan will direct development and service provision within Bolsover District in accordance with the following settlement hierarchy:

1. firstly to the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne;
2. then to the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough.

Beyond these more sustainable settlements, the Local Plan will support limited development in a small number of the Small Villages.”

5.22 In relation to the sustainability of directing growth to Clowne, as stated above it is clear that delivering employment growth in Clowne would have the added advantage of improving the sustainability of Clowne as a settlement.

5.23 Whilst still a large village in population terms, Clowne has seen the highest level of investment in its town centre over the last decade, with three major retailers (Tesco, Aldi, Wilkinson’s) establishing new stores in the centre. This investment has led to Clowne now having the greatest amount of retail floorspace of the District’s four town centres. In addition, the relocation of the District Council’s main offices to Clowne, together with the establishment of the Council’s flagship leisure and swimming pool facility, has seen the level of services and facilities also increase over recent years. Clowne has also seen good housebuilding rates over recent years which, in addition to wider viability evidence, demonstrate a realistic ability to see housing and economic growth delivered around Clowne.

5.24 Therefore, to inform the Council’s approach to achieving sustainable development, in compliance with its legal duties the Council commissioned the Sustainability Appraisal (SA) of its potential strategic and site options to aid it in the development of its preferred strategic options. Through this iterative process, the SA process has assessed the Council’s preferred options against the reasonable alternatives in order to understand the relative performance of its preferred options and in order to devise policies to mitigate identified potential negative impacts.

5.25 Based on the findings of the SA process, the Council is clear that the spatial strategy outlined above with its focus and distribution of growth to Clowne is the most appropriate strategy. Further detail on the SA process can be found within the SA reports.

Detailed considerations relevant to achieving sustainable development

5.26 With the Council’s spatial strategy and the distribution of growth to Clowne being found to be the most appropriate strategy to achieve sustainable development, it is
necessary to then consider the most appropriate way to achieve sustainable
development in Clowne.

5.27 To investigate this, during the preparation of the Local Plan for Bolsover District the Council developed a number of strategic growth locations around Clowne. These options were a northern strategic growth location based on the Clowne Garden Village strategic site proposal, together with a southern and a western strategic growth location based on promoted sites within the housing and employment land availability assessments. More information on this can be found within the Position Paper relating to the Clowne Garden Village Strategic Site Allocation.

5.28 These strategic growth locations were assessed through the SA process and the northern strategic growth location was identified as the best performing option. Based on the SA findings, it is clear that the Clowne Garden Village strategic site proposal is the most appropriate strategy to achieve sustainable development when considered against the reasonable alternatives.

5.29 At a more detailed level again, within the Clowne Garden Village site several options were considered during the preparation of the Local Plan to progress the site without the release of the land in the Green Belt. These options and their implications are outlined below.

Option A) Not releasing the Green Belt land for development but still seeking to achieve the 10 ha. of employment and 1,000 dwellings within the Clowne Garden Village proposal by extending the site boundary north-eastwards.

From the testing exercise, it was clear that this option would preserve the Green Belt but would lead to an unacceptable impact on the Magnesian Limestone landscape and on ecology interests through its greater land take to the east.

Option B) Not releasing the Green Belt land for development nor taking greater land to the east but reducing the residential quantum within the Clowne Garden Village proposal to achieve the 10 ha. of employment.

It was considered that this option would preserve the Green Belt and achieve an acceptable accommodation within the landscape but would lead to a development quantum unable to deliver the land and infrastructure contribution for the required new primary school.

Option C) Not releasing the Green Belt land for development nor taking greater land to the east nor delivering employment land but retaining the 1,000 dwellings within the Clowne Garden Village proposal.

It was considered that this option would preserve the Green Belt and achieve an acceptable accommodation within the landscape and could deliver a residential quantum able to deliver the land and infrastructure contribution for the required new primary school but not provide the employment land to increase Clowne’s job total so not fully improving the sustainability of the settlement.
The findings of the ATLAS led detailed site testing work are discussed at more length within the Position Paper relating to the Clowne Garden Village Strategic Site Allocation. However, the conclusion of this work was “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”.

Therefore, with reference to the NPPF’s stated economic, social and environmental dimensions to sustainable development it is clear that the Green Belt land is required to achieve sustainable development for the following reasons:

- Economic – losing the employment gateway land would undermine the achievability of the development and moving it further east within the site would be less attractive to the market by being further away from the successful existing employment area of Barlborough Links and would either replace or displace some of the housing land;

- Social – a less achievable scheme would put at risk the planned delivery of the new primary school and other community infrastructure, and loss of the jobs being proposed within Clowne: a settlement which currently has a relatively low employment base;

- Environmental – whilst losing the employment gateway would remove some minor environmental impacts, moving it further east within the site would put greater pressure on more sensitive landscape areas. In addition, the provision of new roads will address existing capacity concerns at key junctions in Clowne.

It is therefore considered that releasing a small amount of Green Belt land would achieve the most sustainable form of development for the District. Furthermore, without impinging on the Green Belt the Local Plan would have consequent difficulties in achieving sustainable development and the most appropriate strategy as required by the NPPF.

Case studies from other areas suggest that rolling back parts of the Green Belt in order to ensure that allocations are made in the most sustainable locations are justifiable as exceptional circumstances. For example, Lichfield District Local Plan Strategy Inspector’s Report accepted the need for allocations to be made in the most sustainable locations as exceptional circumstances. It made clear the importance of a sustainable overall strategy. The Inspector stated: "In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan’s urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land at Deanslade Farm and Cricket Lane and their allocation for development."
Test 4 - The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed)

5.34 As set out in chapter 2, Bolsover District includes a small part of the Green Belt that surrounds the Sheffield and Rotherham conurbation. Within Derbyshire this Green Belt is called the North East Derbyshire Green Belt, which was first drawn up in 1955 with the intention to limit the sprawl of the Sheffield and Rotherham conurbation, preventing it joining up the settlements of north eastern Derbyshire, and to encourage the urban regeneration of Sheffield and Rotherham.

5.35 The Green Belt within Bolsover District forms the outer edge of the Green Belt and does not contribute to the strategic prevention of sprawl and coalescence of the South Yorkshire conurbation itself. As such, the Green Belt around Barlborough and Clowne assists at a more local level in: (a) preventing Barlborough and Clowne, as two north eastern Derbyshire settlements, from merging; (b) protecting the countryside; and, partially assists in (c) the regeneration of the conurbation by seeking to restrict development a significant distance (2.5 miles) from Sheffield and Rotherham.

5.36 To understand the nature and extent of the harm to these identified Green Belt purposes, the Council has commissioned a review of 30 parcels of land around Barlborough and Clowne to establish their contribution to Green Belt purposes. The findings of this are summarised in chapter 4 and outlined in full within the Partial Green Belt Review: Methodology and Results (August 2017) and Partial Green Belt Review: Supplementary Assessment (November 2017).

5.37 Based on this evidence and discussion, the Partial Green Belt Review has concluded that the parcels of land being considered for removal from the Green Belt, namely parcels CLOW/GB/04b and CLOW/GB/05b, only contribute to purpose (b) protecting the countryside. On this basis, the parcels do not compromise the wider strategic purposes of the Green Belt and critically do not compromise the key local Green Belt purpose of preventing Barlborough and Clowne from merging.

5.38 In light of these findings, given Bolsover District is a rural district with land that is predominantly countryside in nature, the identified Green Belt purpose (b) of the parcels in question is not surprising or exceptional. It is also noted that both the Housing and Employment Land Availability Assessments demonstrate that the Council must release countryside sites in order to meet the District’s objectively assessed needs. As such, the matter of protecting the countryside is not solely or restricted to being a Green Belt matter.

5.39 Therefore, it is clear that the nature and extent of the harm to the Green Belt through the release of parcels CLOW/GB/04b and CLOW/GB/05b would be minimal.

Test 5 - The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent

5.40 As concluded above, the nature and extent of the harm to the Green Belt through the release of parcels CLOW/GB/04b and CLOW/GB/05b would be minimal. As indicated in the Partial Green Belt Review: Supplementary Assessment (November
and discussed in the Position Paper relating to the Clowne Garden Village Strategic Site Allocation, this outcome is the result of revisions to the Clowne Garden Village proposal in order to specifically reduce the land take from the Green Belt and to prevent Clowne growing any closer to Barlborough than it already is. Therefore, based on these revisions the existing 'gap' between Clowne and Barlborough is not impinged on.

5.41 Whilst the prevention of Clowne growing any closer to Barlborough is considered to be very significant to ameliorating or reducing the consequent impacts on the purposes of the Green Belt, it is considered that further amelioration is possible and desirable.

5.42 As stated in the NPPF, it will be important for the Council to satisfy itself that the resulting Green Belt boundary will not need to be altered at the end of the development plan period and that the boundary should be clearly defined using physical features that are readily recognisable and likely to be permanent. Further, the NPPF advises that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking at opportunities to provide access for leisure and recreational uses and to retain and enhance landscapes and biodiversity.

5.43 In accordance with this national policy, through the ATLAS led detailed site testing work consideration was given to how the resulting Green Belt boundary can be made permanent and so prevent any future potential for sprawl. Based on the Green Belt Review Methodology and its classification of substantial woodland and hedges as forming strong boundaries, this testing work led to, through the careful assessment of landscape character, the proposal to extend Forrest's Plantation through the introduction of new woodland blocks along the western and northern edge of the proposed development area.

5.44 In addition to being a durable boundary feature that would be characteristic of the Magnesian Limestone landscape, the extension of Forrest's Plantation was recognised to also deliver biodiversity enhancements by contributing to the establishment of a coherent ecological network within the District. Associated with this proposed green corridor, the extended Forrest's Plantation will be publicly accessible for recreational use through the provision of multi-user trails, so enhancing the beneficial use of the Green Belt.

5.45 These enhancements to the proposal are considered to reduce the consequent impacts of removing the parcels of land in question on the purposes of the Green Belt to the lowest reasonably practicable extent.

New NPPF considerations

5.46 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 revised policy position outlined within the new NPPF.

5.47 It is noted that paragraph 137 of the new NPPF states:
“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a. makes as much use as possible of suitable brownfield sites and underutilised land;
b. optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

c. has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

5.48 In relation to criterion a., the Council has already sought to use as much as possible of suitable brownfield sites and underutilised land. As stated in chapter 3, the Council’s spatial strategy has a strong focus on sustainable development with an appropriate balance between achieving more difficult regeneration aims and securing immediately viable developments.

5.49 The preparation of the Local Plan for Bolsover District has drawn upon the evidence provided by the Housing and Employment Land Availability Assessments and the Brownfield Land Register. Based on these, the Council has allocated a relatively large amount of brownfield sites where it is considered possible to demonstrate that the site is suitable and achievable. The Council’s viability evidence highlights the relatively low values for developments in Bolsover District and how this can be compounded by both locational factors which depress values, and site factors which introduce abnormal costs to the development.

5.50 In light of this, the Council is clear that it has sought to use as much as possible of suitable brownfield sites and underutilised land as can be done whilst seeking to prepare a Local Plan that will meet the first NPPF’s soundness tests.

5.51 In relation to criterion b., whilst it is noted that certain, larger, urban authorities may be able to utilise previously developed land and have significant transport interchanges where opportunities to increase density exist to take pressure off countryside sites, Bolsover District is not that kind of area. Public transport linkages in this rural district are relatively poor and higher density development is rarely pursued by the market. As such, going significantly above 30 dwellings per hectare does not provide a realistic or reasonable alternative to the approach being considered.

5.52 In relation to criterion c., during the preparation of the Local Plan the Council has worked in co-operation with its neighbouring authorities on a range of strategic matters and this is set out clearly in the submitted Statements of Common Ground. Through this work, the outcome has been that each authority will plan to meet its own employment requirements. However, within this work the inability of other
authorities to help accommodate Bolsover’s identified need for development in a way that achieves the most appropriate sustainable strategy has been noted.

**Exceptional Circumstances Conclusion**

5.53 This chapter demonstrates that the Council has addressed all five issues which the court identified in the Calverton case. Although it is not referred to in the Calverton case, the Council believes that the circumstances considered under each issue can be considered cumulatively in justifying exceptional circumstances.

5.54 In summary, the Council’s case is as follows:

a) the objectively assessed need of 92 hectares of employment land provides a high and acute challenge to deliver and this justifies consideration of land within the Green Belt;

b) the identified available, suitable and achievable sites for employment development that are outside the Green Belt acts as a constraint on the supply / availability of land suitable for sustainable development and this justifies consideration of land within the Green Belt;

c) that releasing a small amount of Green Belt land would achieve the most sustainable form of development for the District, and that without impinging on the Green Belt the Local Plan would have consequent difficulties in achieving sustainable development and the most appropriate strategy as required by the NPPF;

d) that the nature and extent of the harm to the Green Belt through the release of parcels CLOW/GB/04b and CLOW/GB/05b would be minimal given the limited contribution they make to the strategic and local purposes of the North east Derbyshire Green Belt;

e) the form of development being supported in the Local Plan will reduce the consequent impacts of removing the parcels of land in question on the purposes of the Green Belt to the lowest reasonably practicable extent.

5.55 Based on this examination of whether exceptional circumstances exist to alter the Green Belt boundary, it is the Council’s contention that there are exceptional circumstances to justify this release of Green Belt land. Furthermore, it is considered that whilst not central to the tests facing the submitted Local Plan for Bolsover District, the case outlined above also meets the additional considerations outlined in the new NPPF.
6) Conclusions

6.1 This paper sets out the exceptional circumstances that exist which have led to the Council to remove two small parcels of land in Clowne from the extent of the Green Belt within the Publication Local Plan for Bolsover District.

6.2 In relation to the tests of soundness and the Council’s approach to the Green Belt, the Local Plan for Bolsover District has been prepared under the policy framework provided by the first NPPF published in March 2012.

6.3 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.

6.4 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

6.5 The Council’s approach to the Green Belt is based on a strategy that supports the strategic and local purposes of the North East Derbyshire Green Belt and will enable the Green Belt to endure beyond the plan period.

6.6 Alongside this strategy, the Local Plan for Bolsover District has been prepared to positively meet its objectively assessed needs. In meeting this challenge, the Council is clear that exceptional circumstances exist to remove two small parcels of land from the Green Belt to enable the Council to meet its employment requirement.

6.7 On this basis, the Council is clear that its approach to the Green Belt meets the ‘positively prepared’ soundness test (first NPPF, paragraph 182 bullet 1) and has seen no convincing arguments to the contrary.

Justified

6.8 The strategy, policies and site allocations of the Local Plan for Bolsover District have been subject to Sustainability Appraisal alongside a number of reasonable alternatives at key stages of the plan making process. The SA Report finds that the strategy, policies and site allocations of the Local Plan for Bolsover District represent the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

6.9 On this basis, the Council is clear that its approach to the Green Belt meets the ‘justified’ soundness test (first NPPF, paragraph 182 bullet 2) and has seen no convincing arguments to the contrary.

Effective

6.10 The deliverability of the Local Plan for Bolsover District has been tested at both a
strategic level through the Whole Plan Viability Assessment and through more detailed site testing. This testing work has informed the development of the Local Plan’s spatial strategy and the selection of site allocations, both strategic and non-strategic, given the requirements under this soundness test. As highlighted within the evidence base, development viability is still challenging within Bolsover District and this does provide a constraint in parts of the District and in particular on brownfield sites. However, the Council is clear that the strategy, policies and site allocations of the Local Plan for Bolsover District are deliverable.

6.11 On this basis, the Council is clear that its approach to the Green Belt meets the ‘effective’ soundness test (first NPPF, paragraph 182 bullet 3) and has seen no convincing arguments to the contrary.

Consistent with national policy

6.12 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.

6.13 As such, the allocation of this strategic site is considered to be 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 strategy, policies and site allocations of the Local Plan for Bolsover District represents the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

- 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 Local Plan for Bolsover District has been prepared to positively meet its objectively assessed needs. In meeting this challenge, the Council is clear that exceptional circumstances exist to remove two small parcels of land from the Green Belt to enable the Council to meet its employment requirement whilst supporting the strategic and local purposes of the North East Derbyshire Green Belt.

- Paragraph 17 states that a set of core planning principles should underpin plan-making, including protecting the Green Belt.

  The Council’s approach to the Green Belt is based on a strategy that supports the strategic and local purposes of the North East Derbyshire Green Belt and will enable the Green Belt to endure beyond the plan period.

- 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 Local Plan for Bolsover District has been prepared to positively meet its objectively assessed needs for employment development. In meeting this challenge, the Council is clear that exceptional circumstances exist to remove two small parcels of land from the Green Belt to enable the Council to meet its employment requirement.

- 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.

6.14 The Council’s approach to the Green Belt is based on a strategy that supports the strategic and local purposes of the North East Derbyshire Green Belt and will enable the Green Belt to endure beyond the plan period. Within this, the Council is clear that exceptional circumstances exist to remove two small parcels of land from the Green Belt to enable the Council to meet its employment requirement whilst supporting the strategic and local purposes of the Green Belt.

6.15 On this basis, the Council is clear that its approach to the Green Belt 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

6.16 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.

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 employment land supply, the Council has allocated sufficient land to meet its challenging 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. There is clear evidence to demonstrate the Council has worked with the Sheffield City Region authorities in relation to its approach to the Green Belt.

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.

OVERALL CONCLUSION

6.17 To conclude, the Council having carried out all the relevant assessments and taken into account representations made for and against its approach to the Green Belt within its Local Plan, the Council is clear that its Local Plan meets the tests of soundness for the reasons set out above.

6.18 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 its approach to the Green Belt.
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