LOCAL PLAN FOR BOLSOVER DISTRICT

STATEMENT OF COMMON GROUND

AS AGREED BETWEEN

BOLSOVER DISTRICT COUNCIL

AND

THE WELBECK ESTATES COMPANY LIMITED
1) Purpose

1.1 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between Bolsover District Council and The Welbeck Estates Company Limited in relation to policy SS6: Strategic Site Allocation – Former Whitwell Colliery site and policy SS11: Development in Important Open Breaks of the Local Plan for Bolsover District submitted to the Secretary of State on the 31st August 2018.

2) Background

2.1 The former Whitwell Colliery site is approximately 47 hectares in size and is situated to the south east of Whitwell and separated by the Robin Hood railway line. The site offers an excellent opportunity to address the regeneration of one of the few large areas of post-industrial land within the District.

2.2 Based on submissions to the Council throughout the period of preparation of the Local Plan for Bolsover District, the Council has been able to assess the availability, suitability and achievability of the proposed Former Whitwell Colliery Strategic Site Allocation.

2.3 Within this assessment, from testing of the proposed strategic site, the proposal is expected to:

   a. Remodel the site to an appropriate landscape form;
   b. Create a country park;
   c. Enable completion of at least 200 dwellings within the site by 2033;
   d. Provide 5 hectares of B-use employment land;
   e. Improve access to Whitwell train station.

2.4 In relation to the proposed Former Whitwell Colliery site, the Council’s published Residential Land Availability Assessment (October 2017) concluded that “the site is available and possibly suitable, although there are a large number of possible constraints. From testing, following extensive land reclamation and engineering work, the site is expected to deliver at least 200 dwellings between 2026 and 2033, depending on the Important Open Area review”.

2.5 Based upon the Council’s proportionate evidence base and the findings of the Sustainability Appraisal Report, the Council approved the allocation of the former Whitwell Colliery site in April 2018 and set out its policy for the Strategic Site Allocation in its Publication Local Plan for Bolsover District in May 2018.

2.6 Planning & Design Group’s representations on behalf of The Welbeck Estates Company Limited provide support for the proposed allocation of the former Whitwell Colliery site as a Strategic Site Allocation as set out in policy SS6: Strategic Site Allocation – Former Whitwell Colliery site of the Local Plan for Bolsover District. However, there were areas of concern including the extent of the Whitwell – Hodthorpe Important Open Break and the delivery trajectory.
2.7 Through a collaborative approach, the Council and The Welbeck Estates Limited have reached an agreed position in which the Council have proposed acceptable modifications to the Plan and The Welbeck Estates Company Limited withdraw their objections to the Local Plan relating to this policies SS6 and SS11.

2.8 It is proposed that the preamble to policy SS6: Strategic Site Allocation – Former Whitwell Colliery site will read:

“The former Whitwell Colliery site is approximately 47 hectares in size and is situated to the south of the village and across the Robin Hood railway line. The site is largely the spoil heap from the former Whitwell Colliery that closed in 1986, which now forms an incongruous feature in the wider Magnesian Limestone landscape. It offers an excellent opportunity to address one of the few large areas of post-industrial land within the District.

From testing of this suggested strategic site, the proposal is expected to involve:

a) Mineral workings  
b) Remodelling of resulting landform to an appropriate landscape form and creation of a country park  
c) A minimum of 200 dwellings within the Plan period  
d) 5 hectares of b-use employment land  
e) Improved and convenient access to Whitwell train station

The site is being promoted by the land owner and detailed analysis of the potential deliverability of the proposal has been undertaken. At this stage, the land owner has submitted a minerals application to Derbyshire County Council as the minerals authority. An outline planning application has also been submitted for the built development elements of this proposal to the District Council as local planning authority.

The Council expects the development of this strategic site to deliver an appropriate, high quality design led approach. This will be guided by the indicative masterplan shown in Figure 4D below and shall employ a design code to the development of the many phases and zones of this important site.

The northern ‘Transitional’ zone shall provide for a landscaped area where the form, layout and density of housing development shall reflect the need to respond positively to the countryside edge and the Important Open Break between Whitwell and Hodthorpe. The detailed design of this area will be addressed through the SPD and reserved matters planning submissions.

The Council will incorporate the indicative masterplan and the planning principles behind this proposal within a Design Brief. This will be prepared as a Supplementary Planning Document so that the proposals can respond in a flexible way to changes in circumstances during the plan period that would necessitate revisions to the above masterplan.”
2.9 It is also proposed that the Indicative Masterplan will be replaced with the following revision:

![Figure 4D: Former Whitwell Colliery site – Indicative Masterplan](image)

2.10 It is proposed that Policy SS6 will read:

**Policy SS6 Strategic Site Allocation – Former Whitwell Colliery site**

*To deliver the growth requirement for Whitwell set out in Policy SS3, land at the former Whitwell Colliery site is allocated as a Strategic Site. Proposals for the development of this strategic site will be permitted where they are guided by the indicative masterplan for the site (see Figure 4D) and*

a) Remodel the site to an appropriate landscape form  
b) Create a country park  
c) Enable completion of at least 200 dwellings within the site by 2033  
d) Optimise the use of the site or make best use of land  
e) Provide 5 hectares of B-use employment land  
f) Improve access to Whitwell train station  
g) 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  
h) 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

i) Contribute towards conserving and enhancing the biodiversity of the District through the protection and incorporation of existing hedgerows and woodlands—and the creation and enhancement of open flower rich grassland, wetland and scrub habitats within the site’s general layout, design and orientation

j) 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

k) Demonstrates that adequate sewerage infrastructure and capacity exists or can be provided as part of the development

l) Avoid the sterilisation of important mineral resources

m) Protect the setting of heritage assets, in particular the Belph Conservation Area and the wider setting of Creswell Crags

n) Due to the historic use of the site and the underlying principal aquifer, a detailed site investigation and remediation report shall be provided and any necessary works undertaken

o) Provide for a landscaped transition zone to the north of Station Road where the form, layout and density of housing development shall reflect the need to respond positively to the countryside edge and the important open break between Whitwell and Hodthorpe.

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.”

2.11 The Whitwell – Hodthorpe Important Open Break (reference: ALP 17 in the Important Open Breaks document) will be amended on the Policies Map to omit the land that would be inside of the site boundary as shown on the revised Indicative Masterplan at paragraph 2.8 of this document.

2.12 The representation on policy SS6 also suggested that “this proposal can realistically commence towards the latter part of the first five year period and throughout the plan”. The trajectory set out in the representation suggested that within the Plan period 2 hectares of employment land will come forward in 2024 and a further 2 hectares in 2029. Taking into account the residential trajectory suggested, the Council put forward the following trajectory for residential development:

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</tr>
<tr>
<td>2019/2020</td>
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<tr>
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<td>Value</td>
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<td>--------------</td>
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<tr>
<td>2023/2024</td>
<td>0</td>
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<tr>
<td>2024/2025</td>
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<tr>
<td>2032/2033</td>
<td>200</td>
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</tbody>
</table>

2.13 Underpinning this delivery trajectory are the following progress milestones as estimated by Bolsover District Council:

   a. August 2018 – Outline planning application submitted
   b. March 2019 – Outline permission granted following planning committee
   c. January 2020 – Discharge of pre-commencement conditions application(s) submitted
   d. February 2020 – Land options all secured
   e. February 2020 – S106 Agreement signed
   f. April 2020 – Remaining pre-commencement conditions discharged
   g. August 2020 – Reserved matters covering the first phase of development agreed
   h. 2021 – Start made on site (clearing, remediation and creating appropriate landform)
   i. 2026 – Delivery of necessary on-site infrastructure works to facilitate first phase of development
   j. By March 2027 – 20 dwellings completed on site

2.14 Beyond these initial milestones, subsequent reserved matters applications for future phases of the development will be submitted at appropriate times in consideration of the site’s delivery timescales.

3) Areas of Common Ground

3.1 Bolsover District Council and The Welbeck Estates Company Limited agree that clear evidence exists to demonstrate that policy SS6: Strategic Site Allocation – Former Whitwell Colliery site of the Local Plan for Bolsover District, as amended, provides for a proposed strategic site allocation that is:

   a. justified and appropriate in terms of the likely impacts of development;
   b. deliverable and developable in accordance with the Council’s updated housing trajectory, or if the site comes forward sooner then its status as deliverable/developable is further enhanced;
   c. not subject to any outstanding or unaddressed constraints (subject to Derbyshire County Council granting planning permission for the reclamation of site (currently being determined)).

3.2 “Bolsover District Council and The Welbeck Estates Company Limited also agree that evidence in the form of a trajectory has been submitted by Planning and Design Group on behalf of the Welbeck Estates Company Limited, which suggests
that the former Whitwell Colliery site could commence within the next five years, when assessed against paragraph 73 of the new NPPF (as supported by the definition of ‘Deliverable’ contained in the new NPPF’s Annex 2: Glossary and the guidance within the Planning Practice Guide in Paragraph: 036 Reference ID: 3-036-20180913 (published on the 13th September 2018)). Whilst Bolsover District Council consider that the delivery of this site will take place beyond the 5 year period and this is reflected in its submitted trajectory. However, both agree that the site could come forward within the next five years and in support of this judgement, the following assessments have been made against the following criteria prescribed by the new NPPF: -

- **Availability** – The site is available for development now. The site is confirmed as available for the proposed development by the landowner and there are no legal or ownership constraints.

- **Suitability** – The site is situated in a sustainable location and the delivery of the approved development scheme will provide further enhancements to the sustainability of the area. The Housing Land Availability Assessment concluded that the site was possibly suitable and the identified possible constraints will be addressed through the planning application process.

- **Achievability** – The site represents an achievable residential development site. The Housing Land Availability Assessment concluded that, “from testing, following extensive land reclamation and engineering work, the site is expected to deliver at least 200 dwellings between 2026 and 2033, depending on the Important Open Area Review”. Achievability was further promoted through the representations made to the Publication Local Plan, which suggested the site could commence further.

Bolsover District Council and the Welbeck Estates Company Limited agree however, that should development come forward sooner, this will not prejudice the Local Plan and may only further enhances the deliverability of the site in accordance with Paragraph 73 of the NPPF."

3.3 The Welbeck Estates Company Limited agree that their objections relating to the extent and wording of policy SS6: Strategic Site Allocation – Former Whitwell Colliery site and policy SS11: Development in Important Open Breaks are now withdrawn as a result of the proposed revisions to policy SS6; including the revisions to the text of the preamble and policy, and the revised Illustrative Masterplan; as set out in paragraphs 2.7, 2.8 and 2.9 of this Statement of Common Ground.

4) Conclusion

4.1 Based on the stated areas of common ground, Bolsover District Council and The Welbeck Estates Company Limited agree that policy SS6: Strategic Site Allocation – Former Whitwell Colliery site of the Local Plan for Bolsover District is positively prepared, justified, effective and consistent with national policy.
AGREEMENT

Signed:

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

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Ian Goodwin, CEO                                    
On behalf of The Welbeck Estates Company Limited

Dated: 14th January 2019