

Draft Local Development Scheme

Available for Public Comment 9th February 2018 – 23rd February 2018

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Bolsover District Council

LOCAL DEVELOPMENT SCHEME

February 2018 – December 2019

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SECTION 1: INTRODUCTION

Background

- 1.1 The Local Development Scheme is a timetable for the production of the Council's key planning policy documents. The Council intends to produce a single Local Plan. Once adopted, this will be used by the Council to inform planning decisions. The requirement to produce the timetable in the form of a Local Development Scheme was introduced in the 2004 Planning and Compulsory Purchase Act.
- 1.2 The Council updates its Local Development Scheme to show the documents currently under development, and to reflect the latest advice on the development of new documents. The previous (fifth) LDS was prepared to set out a timetable for the production of a new single Local Plan following the withdrawal of the Local Plan Strategy in June 2014.
- 1.3 This is the sixth Local Development Scheme (LDS) that Bolsover District Council has formally produced. It builds on the work that was previously completed and focuses on bringing forward a Publication Draft Local Plan and the steps to be taken between then and adoption of the Local Plan.

Contents of this Local Development Scheme

- 1.4 Section 2 of this Local Development Scheme starts by looking at national requirements and guidance. Section 3 describes the documents that make up the current Development Plan for the District and when they will be reviewed. Section 4 describes the proposed Local Plan for the District. Section 5 sets out the project plan for the delivery of the new Local Plan. Section 6 looks at how the new Local Plan will be monitored and reviewed.
- 1.5 Appendix 1 contains a risk assessment setting out possible risks to the delivery of this timetable; together with possible mitigation measures. Appendix 2 contains a Glossary. Appendix 3 contains a block chart of the timetable showing key milestones in the development of the Local Plan.
- 1.6 The Council welcomes feedback on the documents it produces. If you would like to comment on the form or content of this timetable, or if you have any queries on it, please contact the planning policy team on 01246 242203. Alternatively, you may be able to find the information you require on the Council's planning policy web pages at www.bolsover.gov.uk.

SECTION 2: NATIONAL REQUIREMENTS AND GUIDANCE

National Planning Policy Documents

- 2.1 The main government advice in relation to planning is contained in the National Planning Policy Framework (NPPF) (published March 2012). This sets out the government's advice, and what it expects the planning system to deliver. It also prescribes the steps and issues councils should consider in making planning decisions.
- 2.2 In addition the government has also produced a new volume of National Planning Practice Guidance. This was first produced in March 2014. The guidance is only available on line, which allows it to be updated as required and is available at www.planningportal.gov.uk.
- 2.3 At this time the Government have announced an intention to review and amend the NPPF in the spring of 2018, and therefore there may need to be additional changes in the future due to this.

Purpose and requirements for a Local Development Scheme

- 2.3 The purpose of the Local Development Scheme is to assist in the community's understanding and involvement in the preparation of key planning documents. In addition, the project plan allows other agencies and key stakeholders to coordinate their investment programmes.
- 2.4 The formal requirement for and content of the Local Development Scheme is set out in Section 111 of the Localism Act 2011 amended Section 15 of the Planning and Compulsory Purchase Act 2004. This states that the Local Development Scheme must set out:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical area to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other Local Planning Authorities;
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under Section 29;
 - The timetable for the preparation and revision of the development plan documents;
 - Such other matters as are prescribed (The current Town and Country Planning (Local Planning) (England) Regulations 2012 do not set out any additional requirements at this time).

SECTION 3: THE CURRENT DEVELOPMENT PLAN

- 3.1 There are a number of documents that have an impact on the planning decisions taken by Bolsover District Council on behalf of the residents in the District. This section outlines the most important of these.
- 3.2 Taken together, these documents constitute the Development Plan for the District. Planning decisions taken by the Council must be made in accordance with the development plan unless material considerations indicate otherwise¹.

The Derby and Derbyshire Minerals Local Plan

- 3.3 The Derby and Derbyshire Minerals Local Plan (April 2000) (as altered in November 2002) sets out planning policies for minerals development. Most of its policies have been saved until they are replaced by new development plan documents. Further information in relation to proposals for the replacement of these policies can be found on the Derbyshire County Council Web site.

Derby and Derbyshire Waste Local Plan

- 3.4 The Derby and Derbyshire Waste Local Plan (March 2005) sets out planning policies for waste development. All but one policy (policy W1A) of the Plan have been 'saved', and currently still apply. Further information in relation to proposals for the replacement of these policies can be found on the Derbyshire County Council Web site.

Bolsover District Local Plan 2000

- 3.5 The Bolsover District Local Plan (February 2000) contains local and site specific policies on general development issues, housing, employment, shopping and town centres, community facilities, recreation, leisure and tourism, transport, conservation of the historic and built environment. It also allocates sites for specific development. It should be noted that not all of these policies still apply. In addition, in some instances, the provisions of the National Planning Policy Framework will take precedence over those in the Local Plan.

Neighbourhood, Community and Parish Plans

- 3.5 'Qualifying bodies' (in Bolsover this is likely to be Parish or Town Councils) can prepare Neighbourhood Development Plans. These plans can set planning policies to guide future development within a specified parish. These Plans must be in conformity with national policy and any adopted Local Plan. Neighbourhood Development Plans are subject to a referendum and are examined by an independent inspector. Once adopted, a Neighbourhood Development Plan forms part of the development plan for the area along with the Plans described above. Currently there are no adopted Neighbourhood Plans within Bolsover District

¹ Under Section 38 of the Planning and Compulsory Purchase Act 2004

SECTION 4: PROPOSED LOCAL PLAN DOCUMENT

- 4.1 Following a review of the options open to the Council for the preparation of a new Local Plan, the Council has decided to prepare a single Local Plan so that all the Council's key planning policies are contained in a single document covering the whole District. The Local Plan will contain policies that affect the whole of the District. Figure 1 shows the Bolsover District and the area that the Local Plan will cover.
- 4.2 The Local Plan will be accompanied by a Policies Map showing constraints to development, allocations, and key features in the District. Although this will not be a formal part of the development plan.
- 4.3 A Sustainability Appraisal² is being prepared alongside the new Local Plan. The purpose of Sustainability Appraisals is to assess the impact of the new local plans in terms of the social, economic and environmental effects of their policies. This process will help to identify those options which are most sustainable, and those that are likely to have a significant impact. The Sustainability process also incorporates a Strategic Environmental Assessment as required under European Legislation³. These assessments will be used to guide the development of policies in the Local Plan.
- 4.4 So far, as part of the preparation stage (Regulation 18) of the Local Plan, the following consultations have taken place:
1. Commencement Consultation, requesting views of what the Plan ought to contain – October 2014
 2. Local Plan for Bolsover District – Identified Strategic Options – October 2015
 3. Consultation Draft Local Plan for Bolsover District – October 2016
- 4.4 The consultation responses on each of these documents have informed the Local Plan process and will contribute to the Publication Draft (Regulation 19) stage of the Plan.

² Sustainability Appraisal of the development plan is required by section 19 (5) of the Planning and Compulsory Purchase Act 2004

³ Under European Directive 2001/42/EC



Figure 1: Map showing geographical coverage.

SECTION 5: THE PROJECT PLAN –

Key milestones

- 5.1 This section sets out the overall project plan for the preparation of the Bolsover District Local Plan. The process for preparing a Local Plan is set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 and includes the following key milestones:

Preparation: This consists of the preparation of background, topic papers and studies, and the parallel preparation of the Sustainability Appraisal which will feed into the development of the Local Plan. It includes consultation with neighbouring authorities, and other bodies with an interest in development in the District, or the impact of development in the District. In addition to the two formal periods of statutory consultation, the preparation period provides for two further consultation periods. The first is to ensure the identification and assessment of reasonable options in relation to the strategy and sites put forward, and the second is consultation on the draft Plan. The aim of both of these non-statutory periods is to ensure all reasonable alternatives have been identified, and that issues are identified and where possible resolved, before the plan is submitted to the Secretary of State. There will also be informal engagement with a number of stakeholders outside of the specific consultation period. It is anticipated that this approach is more likely to lead to the Plan being found ‘sound’ when it is examined. (Details of this requirement are set out in Regulation 18 of the 2012 Regulations)

Publication: This is the publication of the Local Plan in a form which is believed to be sound. There then follows a period public consultation of not less than six weeks, for stakeholders to comment on the Plan. Such comments must specifically relate to the legal compliance and soundness of the plan. This stage is also sometimes referred to as pre-submission consultation. (Details of this requirement are set out in Regulation 19 of the 2012 Regulations).

Submission: This is when the Local Plan is submitted by the Council to the Secretary of State. The Examination of the Plan starts at this point. (Details of this Requirement are set out at Regulation 22 of the 2012 Regulations)

Hearings: Hearings take place during the examination and are round table discussions where the Inspector will explore the issues the proposed Local Plan raises. (Details of this are set out in Regulation 24 of the 2012 regulations).

Inspectors report: The Inspector will then issue a report on the Examination. This will set out whether the plan is legally compliant and sound. It will also set out any changes the Council requests the Inspector to make to the Local Plan in order for it to be found sound.

Adoption: The final stage in the process is the formal adoption of the Plan by the Council (Regulation 26 of the 2012 regulations). From then on the Local Plan forms part of the Development Plan (Details of this are set out in Regulation 26 of the 2012 Regulations)

BOLSOVER LOCAL PLAN – Project Plan

The Local Plan will:

- Provide a blueprint to guide development in the District to 2033;
- Contribute to achieving sustainable development;
- Set out strategic policies for the provision of homes, jobs, retail, leisure, infrastructure, social and community facilities, climate change mitigation / adaptation and conservation / enhancement of the natural and historic environment;
- Set out the allocation of sites to promote development and flexible use of land, bringing forward new land where necessary;
- Identify areas or land where limits to development will be permitted or where development would be inappropriate;
- Set out detailed policies on form, scale, access and quantum of development where appropriate;
- Set out detailed policies providing the criteria against which proposals for development will be determined;
- Carefully consider deliverability and viability when assessing options and policies for the Plan;
- Be accompanied by a policies map to illustrate geographically the policies in the Plan;
- Include a monitoring and implementation framework;
- Have regard to any other issues to meet government, or other emerging policy areas (for example taking account of progress on the proposed HS2 rail line);
- Be produced through on-going co-operation with neighbouring authorities and other bodies to reflect issues and sites that are wider than district level;
- Be produced through a consultative process so that the Plan reflects the collective vision of communities in the District.

Joint production	No
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Geographic coverage	District wide
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Chain of conformity

National Policy	The National Planning Policy Framework (2012) and National Planning Practice Guidance (2014)
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Anticipated Timetable for production

Preparation	Ongoing until April 2018
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Publication	April 2018
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Submission	July 2018
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Hearing	November 2018
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Inspector's Report	July 2019
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Adoption	Sept 2019
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Arrangements for Production

Organisational Lead	Joint Assistant Director of Planning and Environmental Health
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Lead Officer	Planning Policy Manager
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Political Management	Local Plan Steering Group, Planning Committee and the Council
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Resources	To be prepared by the Planning Policy Team involving other sections and services as appropriate. To be funded from existing planning policy budgets.
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Community and Stakeholder Involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, and the Council's Statement of Community Involvement.
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Monitoring and Review	Document production, and the implementation of policies to be reviewed annually and reported in the Annual Planning Monitoring Report.
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SECTION 6: MONITORING AND REVIEW

- 6.1 The Council's Annual Planning Monitoring Report will specifically assess progress against this Local Development Scheme. Progress on the emerging Local Plan will be reported, and if any of the milestones have been missed, the reasons for this will be set out. In future this assessment will be widened to review progress and consider the work programme for the following year. It is intended that this process will be helpful in identifying any areas where savings might be possible through joint studies/ working in the following 12 months.
- 6.2 The Annual Planning Monitoring Report also assesses how policies in the current Bolsover District Local Plan are being met, and whether any policies need to be partially or completely reviewed and whether there is a need for any further planning documents.

APPENDIX 1: RISK ASSESSMENT

A1 There are a number of factors that can delay or even halt the production of a Local Plan. However, by acknowledging the risk and putting avoidance and mitigation measures in place the effect of some of these can be mitigated. The main risks considered likely to be encountered are detailed below, with an indication of the likely level of risk (low, medium and high). Where it is possible, mitigation measures are indicated.

- *Staff resources.* Staff resources are an ongoing problem. The timetable for preparation of the Local Plan reflects the available staffing resource at the Council. As with any small team the Planning Policy Team is particularly vulnerable to impacts of sickness absences and staff vacancies. There is a **high risk** that lack of staff capacity could be a problem in the production of the Local Plan. The Council in April 2016 provided additional management and staff resources in order to support the continued development of the Plan following slippage from the previous LDS.
- *The scale and nature of public responses.* Past consultation undertaken under previous Local Development Schemes has produced a high number of responses. This tends to particularly be the case when site allocations are being considered. There is therefore a **medium risk** that a high number of responses or complex/controversial issues will be received to the Local Plan. The timetable for plan production has built in some flexibility to allow for this. A response of over 1,000 representations has been partially responsibility for delays following the Consultation Draft stage
- *Capacity of other agencies to engage with the process.* The capacity of other organisations is largely outside of the Council's control, but preparation of the Local Development Scheme and consultation with key stakeholders will help to inform key players of the impact of the Scheme on their own strategies and programmes. In addition changes to the Planning and Compulsory Purchase Act 2004 through the Localism Act 2011, imposed a new duty on local authorities to co-operate with one another and a range of other agencies/bodies. Some authorities are finding this to be onerous and time consuming, particularly in relation to sensitive issues such as the level of location of housing across a wider (than district) area. There is a **medium risk** that some stakeholders will simply not be able to commit the resources needed to supply necessary information needed to support the development of proposals or policies. Whilst there have been some general difficulties in this.
- *Capacity and availability of consultants to carry out work.* There has been delays in respect of the capacity and availability of consultants to carry out specialist key areas of work. There is a **medium risk** that this may lead to delays and there have been some general difficulties in this.
- *Legal challenge.* There is a **medium risk** that there will be a legal challenge against the Local Plan. The Council can improve the chances of successfully defending legal challenge by ensuring that the Local Plan is soundly prepared, with well-audited stakeholder and community engagement processes, and by complying with relevant legislation and regulations. Legal advice is also being taken to reduce the adverse impact that this risk may result in.
- *Changes to legislation and to government policy or guidance* – There is now a **high risk** that legislation and government policy will change during the timetable for the production of the Local Plan, leading to additional work and delays. This has been upgraded from a low risk in the fourth Local Development Scheme due to the general election due in 2015, and subsequent changes arising from a new administration. Future proposals for change have further heightened this risk.

- *Unforeseen additional work in relation to 'soundness'*. A critical aim of the process is that Local Plans are found 'sound' at examination. They need to be based on a robust evidence base, supported by Sustainability Appraisal, with well audited community and stakeholder engagement. The risk of being found unsound will be reduced by adhering closely to government guidance and working closely with the Council's Legal Department, the Department for Communities and Local Government, and stakeholders. However, the need to produce a sound Local Plan produces a **medium** risk to achievement of the Local Development Scheme timetable because of the need to carry out additional work/studies that are not identifiable at the present time, but will need to be added to the work programme to produce a sound Plan.
- *Unforeseen additional work unrelated to the Local Plan*. There is a **medium risk** that the Planning Policy Team will be diverted by unplanned work pressures, or that unanticipated issues arise. There is a need for careful management of other work demands to ensure adherence to the Local Development Scheme programme. The main risk envisaged is through the requirement to assist in the preparation of neighbourhood plans, which are gathering momentum in certain parts of the District. A local planning authority must provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order⁴.

⁴ as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).
(Further information is available at - NPPG Paragraph: 021Reference ID: 41-021-20140306.)

APPENDIX 2: GLOSSARY

Annual Planning Monitoring Report: All local planning authorities are required to produce these documents to assess progress against the LDS and the extent to which policies in Local Plan documents are being achieved.

Development Plan: This includes adopted Local Plans, and Neighbourhood Plans, and is defined in Section 38 of the Planning and Compulsory Purchase Act 2004.

Local Development Scheme (LDS): A project management document setting out what the emerging Local Plan will contain and a timetable for its production.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community, neighbouring authorities, and key stakeholders.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area. These include district councils, borough councils, county councils, and national park authorities.

Neighbourhood Plans: A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area.

Policies Map: A map showing site allocations and geographical areas where policies apply.

Statement of Community Involvement (SCI): A document setting out the Council's approach to involving the community in the preparation, alteration and review of the Local Plan documents, and in the consideration of planning applications.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Sustainability Appraisal: Assessment of the social, economic, and environmental impacts of the policies and proposals contained within the emerging Local Plan.

Supplementary Planning Documents (SPD): Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan. They are therefore not included in this Local Development Scheme.

