



**Bolsover District Council**

**Retail and Town Centre uses Land Availability  
Assessment**

**Updated March 2018**

# 1 Introduction

## National Planning Policy Framework

- 1.1 The NPPF<sup>1</sup> states that “Local planning authorities should use an evidence base to assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.

## National Planning Policy Guidance

- 1.2 The NPPG provides further guidance concerning the methodology used for collecting and presenting the evidence in the ‘Housing and Economic Land Availability Assessment.’ Please note this assessment concerns A1 – A5 uses only.
- 1.3 An assessment of land availability identifies a future supply of land which is *suitable*, *available* and *achievable* for employment or other uses over the plan period. The assessment of land availability is an important step in the preparation of Local Plans.
- 1.4 An assessment should:
- identify sites and broad locations with potential for development;
  - assess their development potential;
  - assess their suitability for development and the likelihood of development coming forward (the availability and achievability).
- 1.5 This approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 1.6 The assessment forms a key component of the evidence base to underpin policies in the local plan for economic development, including supporting the delivery of land to meet identified need for these uses.
- 1.7 From the assessment, the Council will then be able to plan proactively by choosing sites to go forward into the Local Plan to meet objectively assessed needs.
- 1.8 The assessment is an important evidence source to inform plan making but does not in itself determine whether a site should be allocated for development. This is because not all sites considered in the assessment will be suitable for development (e.g. because of policy constraints or if they are unviable). It is the role of the assessment to provide information on the range of sites which are available to meet need, but it is for the Local Plan itself to determine which of those sites are the most suitable to meet those needs.

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<sup>1</sup> Paragraph 161.

## 2 Joint Land Availability Assessment Methodology

- 2.1 To establish a common and consistent approach to land availability assessments across the authorities of the North Derbyshire and Bassetlaw Housing Market Area (Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council), a Joint Land Availability Methodology was agreed between the authorities in July 2015.
- 2.2 The assessment process broadens the previous scope which just focussed on residential land to cover other potential land uses. The assessment can be broken down into a series of broad stages which are available through the NPPG<sup>2</sup>.
- 2.3 A detailed flowchart highlighting the stages of assessment in relation to the North Derbyshire and Bassetlaw HMA has also been produced and is available as part of the Joint Methodology. The flowchart illustrates the assessment process and can be broadly broken down into two stages.
- 2.4 The first stage of the assessment involved the screening of sites against a series of fundamental availability and suitability criteria. These include:
- site ownership;
  - site threshold; and
  - site proximity to the green belt or local / national designated sites.
- 2.5 At the second stage sites were assessed against more specific suitability and achievability / viability criteria. These include potential physical constraints and the willingness of a developer to invest in a site.
- 2.6 At any stage a site can be discounted from further assessment. At stage one the assessment criteria are more critical. For example if, after investigation, a site does not have a known landowner it would be difficult to take the site forward in the assessment process. The same applies if a site is predominantly within the green belt or would affect a local / national designated wildlife site. During the second stage there is more discretion involved and the assessment of a site will be taken in the round being weighed up against all relevant criteria.
- 2.7 The assessment will record where sites have been discounted. Such sites may be revisited in more exceptional circumstances. For example if at the end of the assessment process there are not sufficient sites to meet objectively assessed needs.
- 2.8 Sites which 'pass' the assessment may inform the employment land supply trajectory and possible local plan allocations The Council may carry out further specific site assessments when considering sites for allocation.

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<sup>2</sup> *National Planning Practice Guidance*, Paragraph 006, Reference ID 3-006-20140306

- 2.9 As part of its Regulation 18 consultation in October 2014, the Council made a call for potential development sites to inform the preparation of the Local Plan for Bolsover District.
- 2.10 In addition to this specific exercise, additional sites have been identified through the following sources:
- sites allocated in the adopted Bolsover District Local Plan (2000) that are currently without planning permission;
  - sites with planning permission (full or outline);
  - consultation on the Identified Strategic Options for the Local Plan for Bolsover District in October 2015;
  - consultation on the Consultation Draft Local Plan in October 2016 and
  - sites actively promoted by private landowners and / or developers outside Local Plan consultation exercises, such as through the Development Management process, individual promotion to the Planning Policy team or through another department of the Council.
- 2.11 To enable the effective preparation of the Consultation Draft Local Plan, the cut off date for the inclusion of sites within this assessment stage was the 31<sup>st</sup> August 2017.
- 2.12 In total, 7 sites were identified for consideration within this assessment and the outcome of the assessment is summarised below. The assessment record for each site is set out in a background document and will inform the Publication version of the Local Plan for Bolsover District.

#### Site Assessment Criteria and Summary

- 2.13 In accordance with the Joint Methodology, the assessment has been conducted in two stages but consideration will be given throughout to site availability, suitability and achievability / viability based on the provided and available information relating to the site.

#### **Stage One: Site Screening**

- 2.14 The screening criteria set out within the Joint Methodology are repeated in Figure 1 below.

## Figure 1 - Stage One: Screening Criteria

### Availability:

- Known land owner who is prepared to make the site available for development
- No legal/ownership problems or restrictive covenants

### Suitability:

- Capable of delivering 0.25 ha or more of economic development
- Predominantly outside of the green belt (unless a green belt review is undertaken)
- Predominantly outside of a European or local designated site (e.g. SSSI or LNRs)

2.15 All 7 identified sites have been assessed against the Stage 1 criteria. The following site has been assessed as not passing the screening stage for the reasons outlined:

- Riverside Way, Bolsover - Restrictive Covenant in place.

2.16 As a result, in accordance with the Joint Methodology this site have been assessed as being unavailable or unsuitable at Stage 1 and therefore have not been progressed to Stage 2. Should new information be provided during the preparation of the Local Plan for Bolsover District, the Council will revisit this assessment.

## Stage Two: Site Suitability, Achievability and Viability

2.17 The suitability, achievability and viability criteria set out within the Joint Methodology are repeated in Figure 2 below.

## Figure 2 - Stage Two: Suitability, Achievability and Viability Criteria

### Suitability:

- Level of flood risk
- Relationship to neighbouring land uses and surrounding settlement
- Relationship to Town or Local centre
- Access to and impact on local highways
- Proximity to HS2 and/or major transport infrastructure
- Access to key services and facilities
- Hazardous risks and/or contamination
- Site topography
- Land stability
- Pylons or high voltage cables
- Natural obstacles

### **Achievability and Viability:**

- Known developer willing to invest in the site?
- Development considered viable
- No exceptional abnormal costs associated with the site?
- Deliverable in the life of the local plan

2.18 In light of the NPPG recommendations on Housing and Economic Land Availability Assessments, the following additional criteria have also been applied:

- 'Impact on landscape Character'<sup>3</sup>;
- 'Heritage conservation'<sup>4</sup>; and
- 'Impact on the best quality agricultural land'<sup>5</sup>.

2.19 Whilst the joint methodology lists the criteria to be considered, it does not outline how each criterion should be considered, leaving this aspect to each individual authority to determine.

2.20 Therefore, for this assessment, a simple traffic light system has been utilised to identify the severity of the constraint. For each criterion, guidelines have been developed to identify the evidence source being used in the assessment and to detail how the individual criteria will be applied. The guidelines are shown below.

### **Suitability**

2.21 Level of Flood risk (Fluvial and Ground Water)

Evidence source: Latest Environment Agency maps

**Major constraint** - High risk of flooding on 25% or more of the site

**Possible constraint** - High risk of flooding on between 10% and 24% of the site

**No constraint** - High risk of flooding on less than 10% of the site

2.22 Relationship to neighbouring land uses and surrounding settlements

Evidence source: Officer knowledge of the site

**Major constraint** - Close proximity to several incompatible neighbouring uses

**Possible constraint** - Close proximity to some incompatible neighbouring uses

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<sup>3</sup> NPPG Housing and Economic Land Availability Assessments Paragraph: 019 Reference ID: 3-019-20140306

<sup>4</sup> NPPG Housing and Economic Land Availability Assessments Paragraph: 019 Reference ID: 3-019-20140306

<sup>5</sup> NPPF Paragraph 112.

**No constraint** - Close proximity to compatible neighbouring uses

## 2.23 Relationship to Town or Local centre

Evidence Source – Publication Local Plan Town centre Boundaries

**Major Constraint** – Outside a Town or Local centre boundary

**Possible Constraint** – Accessible location well connected to a local or town centre.

**No constraint** – Within or on the edge of a town or local centre

## 2.24 Highways (Access to Highway network)

Evidence Source: Derbyshire County Council Highways comments

**Major constraint** - Third party land required to achieve acceptable access

**Possible constraint** - Access achievable but not straight forward / depends on detailed design

**No constraint** - Access achievable

## 2.25 Highways (Impact on highways network)

Evidence Source: Derbyshire County Council Highways comments

**Major constraint** - Likely unacceptable impact on highway network

**Possible constraint** - Depends on the findings of a Transport Assessment

**No constraint** - Likely acceptable impact on highway network

## 2.26 Proposed High Speed 2 railway line

Evidence Source: Revised Safeguarding Directions for HS 2 railway line (July 2017)

**Major constraint** - The proposed safeguarding zone passes through the site, affecting a substantial part of the site's area.

**Possible constraint** - The proposed safeguarding zone skirts very close to the boundary of the site.

**No constraint** - The site is unaffected by the proposed safeguarding zone.

## 2.27 Access to key services

This criterion has not been considered in respect of retail and town centre uses sites and is considered to be more relevant to residential sites.

## 2.28 Hazardous Risks

Evidence Source: Hazardous Substances Consent Zones or explosives safeguarding zones (as shown in local authority mapping software)

**Major constraint** - The site is constrained by a hazardous substances consent zone or an explosives safeguarding zone

**Possible constraint** - The site is close to a hazardous substances consent zone or an explosives safeguarding zone

**No constraint** - The site is unconstrained by a hazardous substances consent zone or an explosives safeguarding zone

## 2.29 Contamination

Evidence Source: Land Availability Assessment Form / Officer knowledge of the site

**Major constraint** - The site is known to be heavily contaminated

**Possible constraint** - Due to previous uses on the site it is possible that further investigations might be required

**No constraint** - Greenfield site with no record of contamination

## 2.30 Site Topography

Evidence Source: Land Availability Assessment Form / Officer knowledge of the site

**Major constraint** - Steepness of slope makes the site undevelopable

**Possible constraint** - Steepness of slope may cause difficulty for development

**No constraint** - Site topography not an impediment to development

## 2.31 Land Stability

Evidence Source: Land Availability Assessment Form / Land Stability Zones / Officer knowledge of the site

**Major constraint** - A detailed survey revealed that the site is undevelopable due to land stability concerns

**Possible constraint** - Either the whole site or part of the site falls within a Coal Authority High Risk zone and therefore requires a detailed investigation

**No constraint** - The site falls outside a high risk coal authority zone

## 2.32 Pylons and High Voltage Cables

Evidence Source: National Grid maps



**Major constraint** - A national grid high voltage cable line runs through the site or a pylon is situated on the site

**Possible constraint** - A national grid high voltage cable line runs close to the site or a pylon is situated close to the edge of the site

**No constraint** - The site is unaffected by pylons or high voltage cables

### 2.33 Natural Obstacles (Trees, Ponds)

Evidence Source: Land Availability Assessment Form / Officer knowledge of the site

**Major constraint** - Natural obstacles form major constraint to development of site

**Possible constraint** - Natural obstacles may be an impediment to development

**No constraint** - No natural obstacles identified

### 2.24 Landscape Character

Evidence Source: Derbyshire County Council Landscape character constraints

**Major constraint** - Unacceptable impact on landscape character

**Possible constraint** - Potential impact on landscape character

**No constraint** - No detrimental impact on landscape character

### 2.35 Heritage Conservation

Evidence Source: Bolsover District Council heritage conservation records

**Major constraint** - Unacceptable impact on a heritage asset or its setting

**Possible constraint** - Potential impact on heritage assets or their setting

**No constraint** - No adverse impact on heritage assets or their setting

### 2.36 High Quality Agricultural Land

Evidence source: Agricultural Land Classification

**Major constraint** - Grade 1 Agricultural land

**Possible constraint** - Grade 2 Agricultural land

**No constraint** - Grades 3 and 4 Agricultural land / Urban land

2.37 The 7 sites progressing from Stage 1 have been assessed against these Stage 2 suitability criteria and the following sites have been assessed as having at least one **major constraint** for the reasons outlined:

- Shirebrook 02, Portland Road East - High risk of Surface water flooding on approximately 25% of the site.
- Bolsover 02, Land south of Bolsover Business Park – Poorly connected to the town centre

2.38 The assessment also highlights that careful consideration should be given to the heritage conservation impacts of one site: Bolsover 01/ Sherwood Lodge.

## **Achievability and Viability**

### 2.39 Known developer willing to invest

Evidence source: Land availability assessment form / Correspondence with site proponent

**Major constraint** - There is no evidence that a developer is willing to invest

**Possible constraint** - There is evidence that a developer may be willing to invest

**No constraint** - There is evidence that a developer is willing to invest

### 2.40 Development considered viable

Evidence source: Land availability assessment form / Correspondence with site proponent

**Major constraint** - Costs of developing the site are likely to be prohibitive

**Possible constraint** - Costs of developing the site are likely to be a concern and a viability assessment is likely to be required

**No constraint** - Costs of developing the site are likely to be no constraint on development.

### 2.41 Exceptional abnormal costs associated with the site

Evidence source: Land availability assessment form / Correspondence with site proponent

**Major constraint** - There are known exceptional abnormal costs associated with the development of the site

**Possible constraint** - There may be exceptional abnormal costs associated with the development of the site

**No constraint** - There are unlikely to be exceptional abnormal costs associated with the site

### 2.42 Development delivery within 5 years

Evidence source: Land availability assessment form / Correspondence with site proponent

A site is considered to be deliverable within 5 years if:

- it currently has planning permission;
- there is evidence that a developer is willing to invest;
- the costs of developing the site are likely to be no constraint on development;
- there are unlikely to be exceptional abnormal costs associated with the site.

#### 2.43 Reasonable prospect delivered beyond 5 years

Evidence source: Land availability assessment form / Correspondence with site proponent

A site is considered to have **a reasonable prospect** if:

- Remediation works have taken place or are underway;
- There is evidence to suggest that a developer is willing to invest.

A site is considered to have **no reasonable prospect** if:

- Remediation works have not taken place, nor are they planned;
- There is a lack of developer interest.

2.44 The 6 sites progressing from Stage 1 have been assessed against these Stage 2 achievability and viability criteria and the following sites have been assessed as having at least one major constraint for the reasons outlined:

- Shirebrook 02 Portland Road (East) – due to no evidence that a developer is willing to invest;
- Bolsover 02 / Land South of Bolsover Business Park – due to no evidence that a developer is willing to invest;
- South Normanton 01 / Land off Market Street - due to no evidence that a developer is willing to invest;
- South Normanton 02/ Land North of Lees Lane – due to no evidence that a developer is willing to invest.

### 3 Final Assessment and Overcoming Constraints

3.1 In accordance with the Joint Methodology, the sites have been categorised on the following basis:

- Deliverable within 0-5 years
- Developable over 5+ years
- Developable beyond 5 years on the basis that the constraints can be overcome

#### Sites considered deliverable within 0-5 years

3.2 The following sites were considered to have performed well in the assessment and are considered to be deliverable within 0- 5 years.

Shirebrook 01 / West of Portland Road	1 ha
<b>Total</b>	<b>1 ha</b>

#### Site considered developable over 5+ years

3.3 The following sites were considered to have also performed well in the assessment, and are deliverable beyond 5 years.

Bolsover 01 / Sherwood Lodge	3 ha
Clowne 01 / Station Road	1.91 ha
South Normanton 01 / Market Street	0.33 ha
South Normanton 02 / Lees Lane	1.20 ha
<b>Total</b>	<b>6.44 ha</b>

#### Site considered deliverable beyond 5 years on the basis that the constraints can be overcome

3.4 The assessment has identified major constraints for the following site. This site is considered to be deliverable beyond 5 years on the basis that the constraints can be overcome.

Shirebrook 02 / Portland Road West	1 ha
<b>Total</b>	<b>1 ha</b>

#### Land Availability and Local Needs

3.5 Based on the evidence provided by the Council's Retail and Centres Study (2018), the Council has to meet quantitative needs for convenience goods of between 1,400 m<sup>2</sup> and 2,100 m<sup>2</sup> between 2017 and 2033. The Council also needs to meet qualitative needs for both convenience and comparison goods. The Retail and Centres Study already took into account existing commitments at the time of the study and that included the original permission for a Lidl at Portland Road, East for 2,470 m<sup>2</sup>. However, a later permission for a smaller store, 1,794 m<sup>2</sup> was granted permission in January 2018. Therefore, it is reasonable to add this 676 m<sup>2</sup> to the capacity figures for the plan period, so the target range for convenience goods becomes **2,076 m<sup>2</sup> to 2,776 m<sup>2</sup>**.

- 3.5 Based on the application of the Joint Methodology, and bearing in mind that the site at Portland Road (west) has already been taken account of in the Retail and Centres study calculations, the assessment has identified a further 4 sites that are available, suitable and deliverable that would help to meet the Council's quantitative and qualitative needs. These sites are Sherwood Lodge, Bolsover, Station Road, Clowne, Market Street, South Normanton and Lees Lane, South Normanton. Therefore sufficient sites are available, suitable and deliverable to enable the Council to meet its retail needs.
- 3.6 Beyond this, the assessment has identified a further site Portland Road (East) that could provide approximately 1 ha of additional land to help the Council meet its Qualitative needs should new information be provided to the Council that could demonstrate how the identified constraints could be overcome.
- 3.7 Finally, it should be noted that a site appearing in or passing the assessment is not the same as a grant of planning permission. This high level assessment highlights the constraints that will need to be overcome. Based on the high level assessment it is considered that the sites to be allocated could be brought forward and developed.