

NORTH EAST DERBYSHIRE LOCAL PLAN - EXAMINATION
STATEMENT OF COMMON GROUND

For: POLICY SS6: COALITE PRIORITY REGENERATION AREA

Between: North East Derbyshire District Council, Bolsover District Council,
Chesterfield Borough Council and Bolsover Land Ltd.

Date: 10 October 2018

1.0 Introduction

- 1.1 This Statement of Common Ground relates to the issues raised by Bolsover Land Ltd [4542] (Representation ID 7733) and Chesterfield Borough Council [8156] (Representation ID 7131) in their representations to Policy SS6: Coalite Priority Regeneration Area in the North East Derbyshire Publication Draft Local Plan:
- 1.2 The Coalite site straddles the administrative boundary of Bolsover District Council and North East Derbyshire District Council. It also lies in close proximity to the boundary with Chesterfield Borough Council, making it an important cross-boundary strategic site.
- 1.3 The policy approach in the Local Plan has been formulated jointly with Bolsover District Council to ensure that the site is addressed appropriately in line with the Duty to Co-operate. For this reason, this statement also takes into consideration the representations made in relation to the Bolsover Publication Draft Local Plan and Bolsover District Council is a signatory to this document.

2.0 Context

- 2.1 **Table 1** provides a summary of representations received from Bolsover Land Ltd and Chesterfield Borough Council in relation to Policy SS6 and the supporting text; the Council's response to the issues raised; and any modifications to the Plan that the Council is prepared to make. The table is based upon the content of the Council's Response to Specific Requests for Change (Examination Document ED7), but represents a more up to date response following more detailed consideration of the issues raised taking account of the cross-boundary issues involved. **Appendix 1** illustrates the full changes to Policy SS6 and supporting text.
- 2.2 Whilst both parties are generally supportive of the overall approach to the site, they each raise separate concerns about the detailed policy provisions for the site. These concerns stem from the continued evolution and uncertainty created by the confirmed line of HS2, which cuts through the corner of the site compromising the implementation of the approved housing scheme on land within North East Derbyshire. It is understood that the part of the Joint Masterplan covering land in

Bolsover District is also partly affected, as the route of HS2 does go through the south east part of the site and impacts on the alignment of Buttermilk Lane.

- 2.3 Paragraphs 4.50 - 4.54 accurately reflect the current position and clarify that a revised scheme for site (within North East Derbyshire) is required. It is understood that the impacts of HS2 make a residential-led scheme very unlikely and the landowner is now considering an employment-led scheme. Policy SS6 as set out in the Publication Draft Local Plan seeks to set out the parameters for development on the site whilst providing sufficient flexibility to enable the Plan to respond to a revised scheme and potential changes in market conditions.

Bolsover Land Ltd

- 2.4 Bolsover Land Ltd request specific changes to the wording of the Policy in order to create more flexibility, which would in effect remove the co-ordinated links between the site in terms of the comprehensive masterplan approach and remove the requirement for the clean-up of the contaminated land within Bolsover District prior to development commencing on land within North East Derbyshire.
- 2.5 The Council remains committed to securing the comprehensive remediation and redevelopment of the entire Coalite Site and considers that a Joint Masterplan approach is both necessary and entirely appropriate. This co-ordination is particularly important because around half of the site within North East Derbyshire is greenfield and within the setting of a Grade 1 Listed Building; and the release of the land for development is justified on the basis of it being required on the grounds of viability and the substantial public benefits that will arise from the clean-up of the wider site. The Council is willing to remove the policy reference requiring full reclamation prior to any development taking place within North East Derbyshire, however this should not apply in the case of residential development on the grounds of public safety. (See Table 1 & Appendix 1).
- 2.5 Bolsover Land Ltd also raise concerns about the detailed wording of criteria within Policy SS6 in relation to the impact of development upon historic assets and Biodiversity. The Council has proposed changes to the Policy to seek to address these concerns (see Table 1 & Appendix 1).

Chesterfield Borough Council

- 2.6 Chesterfield Borough Council recognise the uncertainty in the end form of development created by the revised route of HS2 through the site, however they suggest that Policy SS6 should identify the range of uses that would be considered acceptable on the site and provide some indication of the potential scale of development. The Council considers that this is a reasonable request and proposes changes to Policy SS6 and supporting text to provide some clarity (see Table 1 & Appendix 1). This includes the uses currently permitted on the site that could still be implemented if HS2 does not go ahead along with employment uses.

Bolsover District Council's Local Plan Policies

- 2.6 Bolsover's Local Plan has also reached examination stage and contains a Policy for the Coalite Site. This Policy was prepared jointly with North East Derbyshire to ensure a co-ordinated approach. Bolsover Land Ltd has also raised similar representations to Bolsover District Councils Publication draft Local Plan. A

summary of the issues raised along with Bolsover District Council's draft responses is attached at Appendix 2. The two Councils have co-ordinated responses to the issues raised in order to maintain compatibility between polices for the site; acknowledging that the issues between the two administrative areas are different.

3.0 Areas of Agreement

- 3.1 All parties are committed to the comprehensive remediation, reclamation and redevelopment of the whole site (including land within Bolsover District)
- 3.2 All parties agree that it is a sensible and sound approach for the Council not to rely on the site to deliver housing on the basis that the impact of HS2 has rendered the approved scheme undeliverable and a revised scheme for the land within NEDDC is necessary.
- 3.3 All parties agree that the Policy (with proposed changes outlined at **Table 2**) offers sufficient clarity and flexibility to allow a suitable and viable scheme to come forward within the plan period and that the quanta of development types proposed will not undermine the strategy approach of the Local plan or that of adjoining authorities.
- 3.4 Bolsover Land Ltd agree that the proposed changes to the plan text set out in Table 2 would satisfy the concerns raised in their representation (Rep ID 7733).
- 3.5 Chesterfield Borough Council agrees that the proposed changes to the plan text set out in Table 2 would satisfy the concerns raised in their representation (Rep ID 7131).

4.0 Areas of Disagreement

- 4.1 There are no remaining areas of disagreement between the parties.

Signatories to the Statement of Common Ground:

Authority	Officer	Member
North East Derbyshire District Council	Name: Dan Swaine	Name: Cllr Michael Gordon
	Position: Chief Executive	Position: Portfolio Holder Environment & Chair of Local Plan Steering Group
	Signature:	Signature:
	Date: 22 October 2018	Date: 22 October 2018
Bolsover District Council	Name: Dan Swaine	Name: Cllr Tom Munro
	Position: Chief Executive	Position: Chair of Planning Committee
	Signature:	Signature:
	Date: 19 October 2018	Date: 19 October 2018
Chesterfield Borough Council	Name: Alan Morey	Name: Cllr Terry Gilby
	Position: Strategic Planning and Key Sites Manager	Position: Executive Member for Economic Growth
	Signature:	Signature:
	Date: 17 October 2018	Date: 17 October 2018
Bolsover Land	Name: Sophie Taylor	
	Position: Planning Director, (iSec on behalf of Bolsover Land)	
	Signature:	
	Date: 11 October 2018	

Table 1

Bolsover Land Ltd (Sir / Madam) [4542] iSec Group (Sophie Watkin) [4539] Rep ID 7733	
Respondent's suggested Changes to Plan	NEDDC's Response & Proposed Modification
<p>Policy SS6 (a) Whilst we support comments in respect of a 'comprehensive approach', it should be noted that we do not expect the masterplan for the BDC part of the site to change in light of HS2, and remediation and infrastructure work has already commenced in respect of the BDC site. Future proposals for the NEDDC part of the site will reflect the BDC permission/development, but not change it. We consider the use of the word 'reflect' is more flexible.</p> <p>"2a. Reflect a comprehensive masterplan for re-development on the whole site (including the land in Bolsover District) including infrastructure requirements and delivery);"</p>	<p>Criterion 2a: disagree with the request to amend the wording of this criterion. The requirement for development to form part of a comprehensive masterplan for the area is not unreasonable and reflects the need to ensure a co-ordinated scheme across the site. In addition it does not undermine or necessarily amend the approved scheme within BDC as the overall joint masterplan for the site can be simply updated in relation to NEDDC land to account for the impact of HS2. Any change to the current permitted scheme will constitute a change to the masterplan, whether or not the BDC elements are changed.</p>
<p>2 (b). We object to the inclusion of this criterion. Whilst we accept there was an obligation to ensure full remediation of the BDC and NEDDC site before the commencement of development of residential uses on the NEDDC land, this obligation was only agreed due to risks to public health issues (e.g. odour) and controlled water. Now the masterplan is evolving to an employment-led scheme, this obligation may no longer be needed to protect the public health of future residents. This obligation has the potential to stall development, when in public health terms it could be acceptable. Details of phasing / obligations should be dealt with through Development Control, it is the role of the Local Plan to set objectives and</p>	<p>Disagree that Criterion 2b should be deleted. It remains important to ensure the full reclamation of the entire site as this is critical to justifying development on the greenfield elements of the site and for providing the substantial public benefits that outweigh the harm to Bolsover Castle (Grade 1 Listed Building).</p> <p>However it is considered that the criterion could be amended to remove reference to the need for full reclamation to take place prior to development commencing. This is on the basis that this can be appropriately addressed at the planning application stage through the use of detailed conditions controlling the phased release of land. Notwithstanding this if housing development forms part of any future scheme it will be essential to ensure that the site is fully remediated first, (in the interests of public safety),</p>

strategy such as the remediation of the site, not to define	therefore an additional criterion should be inserted to clarify this.
Respondent's suggested Changes to Plan	NEDDC's Response & Proposed Modification
<p>the detailed phasing of this process, particularly where the final masterplan is unknown. In its current form, this aspect of the policy has the potential to impact on deliverability. Suggest this criterion is deleted.</p>	<p>Amend criterion b:</p> <p>b. Enable the full reclamation of the site prior to the development commencing, in line with an agreed programme of work and delivery plan;</p> <p>Insert New Criterion c:</p> <p>c. <u>Notwithstanding Criterion b, ensure that no residential development takes place until the whole of the site has been fully remediated;</u></p>
<p>2 (c) We note the need to consider the setting of heritage assets which may be impacted upon by the development of the site. However, we consider the policy should be amended to be consistent with NPPF, namely that 'public benefits' should also be considered where harm may be being caused. The policy is currently too rigid and does not allow for any impact on the setting of the heritage assets." Suggested wording:</p> <p>"c. Where possible, protect the setting of heritage assets, in particular the Grade 1 Listed Bolsover Castle and Sutton Scarsdale Hall, or demonstrate sufficient public benefits to outweigh harm."</p>	<p>Criterion 2c agree to amend to reflect the NPPF more closely. However it is not appropriate to use the term 'where possible', which is contrary to the aims of national policy for the protection of historic assets.</p> <p>Amend criterion c: <u>e.d. Protect Conserve or enhance the setting of heritage assets, in particular the Grade 1 Listed Bolsover Castle and Sutton Scarsdale Hall; or demonstrate that the development is necessary to achieve public benefits that outweigh the harm caused to the significance of the asset.</u></p>

Respondent's suggested Changes to Plan	NEDDC's Response & Proposed Modification
<p>2(d) Whilst we support the general approach to protecting and enhancing the biodiversity of the Doe Lea corridor and promoting links, this should only be 'where possible', creating links beyond the site is outside of the landowners control.</p> <p>Suggested wording:</p> <p>"d. Protect and enhance the biodiversity value of the Doe Lea Corridor and where possible promote linkages to the wider green infrastructure network;"</p>	<p>Criterion 2d agree to amend the wording to clarify that it is not reasonable to require works on land outside of the landowners control.</p> <p>Amend criterion d:</p> <p>d.e. Protect and enhance the biodiversity value of the Doe Lea Corridor <u>within the site</u> and promote linkages to the wider green infrastructure network <u>where possible</u> ;"</p>
<p>2(g) We agree that HS2 should be a material consideration in the determination of future applications for the site. This criteria reflects the most up to date evidence and is justified in its approach.</p>	<p>Support acknowledged</p>

Chesterfield Borough Council (Mr Alan Morey) [8156] Rep ID 7131	
<p>Whilst recognising the uncertainty in the end form of development created by the revised route of HS2 through the site, we do believe that the policy should nonetheless identify the range of uses that would be considered acceptable on the site and some indication of the potential scale of development.</p>	<p>Agree</p> <p>It is appropriate to provide an outline of the range of acceptable uses on the site and their potential scale.</p> <p>Insert additional text after Paragraph 4.53 to refer to level and range of uses likely to be acceptable on the site:</p> <p>"It is acknowledged that a revised scheme for the land in North East</p>

Derbyshire will be required. The range of uses that form part of the approved schemes for the wider site remains broadly appropriate, accepting that the quanta of development types is likely to change. It is therefore considered that the site could accommodate the following uses up to and/or beyond the plan period;

- Residential development of up to 660 dwellings, incorporating: a local centre, and land for a primary school where appropriate to meet the needs arising for the development of the site and where consistent with other policies in the Plan;
- Employment development within use classes B1, B2 and B8 for up to 28ha (gross);
- Transport hub to serve the wider site; and
- Open space.”

Amend Policy SS6 by the insertion on the following:

“3. The following are considered acceptable main uses for the site either individually or in combination, subject to meeting the requirements of 2 above:

- a. Housing development for up to 660 dwellings, including where justified;
 - i. a local centre to serve the day to day needs of the site
 - ii. provision of a Primary School or land for a Primary School.
- b. Employment development (comprising B1, B2 & B8) for up to 28ha;
- c. Transport hub; and
- d. Open space.”

Publication Draft Plan Extract – Coalite Policy Text

New Text: Underlined

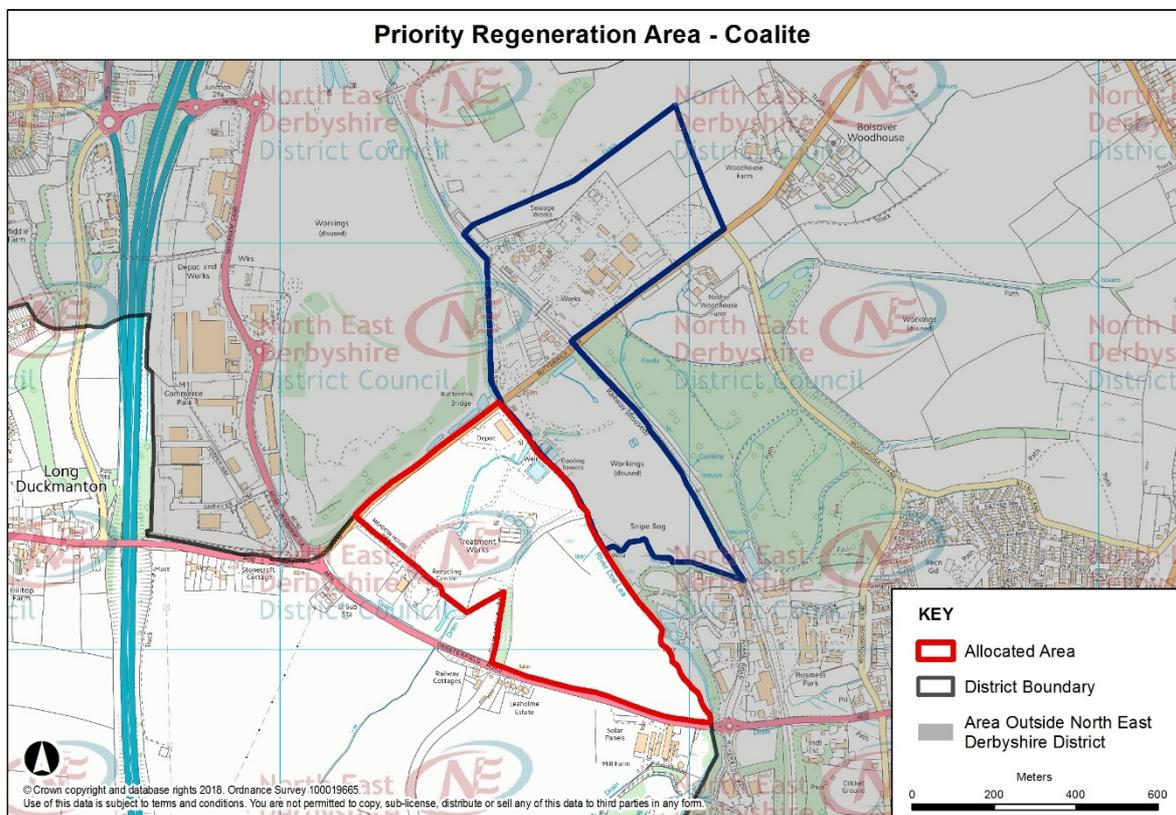
Deleted Text: ~~struck through~~.

- 4.50 The Coalite Priority Regeneration Area comprises the 61 hectare former Coalite Chemical Works site. This large area of previously developed land is located to the east of Junction 29A of the M1 motorway and the Markham Vale Enterprise Zone straddling the administrative boundary with Bolsover District Council and in close proximity to the boundary with Chesterfield Borough Council, making it an important cross-boundary strategic site.
- 4.51 The site is predominately brownfield with a legacy of contamination due to its historical uses associated with coal mining, and coal oil chemical processing. The site forms part of the setting of Bolsover Castle, and includes the Doe Lea Corridor and its important biodiversity, both of which would need to be effectively protected in any regeneration proposals. The site is being promoted by the land owner and outline permissions were secured with both North East Derbyshire and Bolsover District Councils in 2016 and 2015 respectively. The approved scheme includes remediation of the site, the provision of approximately 660 dwellings, approximately 30ha employment land, a transport hub, energy centre, visitor centre/museum, local centre and land for a new primary phase school.
- 4.52 Since planning permission was secured on the site the Government has confirmed proposals for the realignment of the proposed route for HS2, such that it runs through the eastern end of the Coalite site affecting two proposed housing phases and a key roundabout access off Chesterfield Road. The impact of this creates significant uncertainty for the currently approved scheme within North East Derbyshire. Work has commenced on the clean-up of the site and the land owner has confirmed that they remain committed to the development of the entire site, but indicate that a revised scheme will be necessary to take account of the impacts of HS2.
- 4.53 In light of these uncertainties the Council cannot be confident in relying on the housing land proposed to contribute to the delivery of the Local Plan's housing target. However, the Council still strongly supports the site's remediation and development and is working in partnership with the landowner to identify an alternative scheme. Therefore in accordance with the regeneration ambitions of the Local Plan, the Council allocates the site as a Priority Regeneration Area.
- 4.54 It is acknowledged that a revised scheme for the land in North East Derbyshire will be required. The range of uses that form part of the approved schemes for the wider site remains broadly appropriate, accepting that the quanta of development types is likely to change. The Council aspires to secure a high quality Business Innovation Park as a gateway to the site and is currently investigating the feasibility of this in partnership with the landowner and other bodies. It is therefore considered that the site could accommodate the following uses up to and/or beyond the plan period;

- Residential development of up to 660 dwellings, incorporating: a local centre, and land for a primary school where appropriate to meet the needs arising for the development of the site and where consistent with other policies in the Plan;
- Employment development within use classes B1, B2 and B8 for up to 28ha including a Business Innovation Park where appropriate;
- Transport hub to serve the wider site; and
- Open space.

4.54 4.45 This policy approach has been discussed and formulated jointly with Bolsover District Council to ensure that this strategic cross boundary site is addressed appropriately in line with the Duty to Co-operate.

Figure 4.4: Coalite Regeneration Area – Cross Boundary Strategic Site



POLICY SS6: Coalite Priority Regeneration Area

- 1. Land at the former Coalite Chemical Works site as defined on the Policies Map is allocated as a Priority Regeneration Area within the Local Plan. As such, the site will be safeguarded from development which would jeopardise the comprehensive remediation, reclamation and redevelopment of the whole site (including the land in Bolsover District)**
- 2. Proposals for the development of this priority regeneration area will be guided by the approved masterplan for the site or any subsequent approved document and permitted where they:**
 - a. Form part of a comprehensive masterplan for re-development on the whole site (including the land in Bolsover District) including infrastructure requirements and delivery;**
 - b. Enable the full reclamation of the site ~~prior to the development commencing~~, in line with an agreed programme of work and delivery plan;**
 - c. Notwithstanding criterion b, ensure that no residential development takes place until the whole of the site has been fully remediated;**
 - d. Protect- Conserve or enhance the setting of heritage assets, in particular the Grade 1 Listed Bolsover Castle and Sutton Scarsdale Hall, or demonstrate that the development is necessary to achieve public benefits that outweigh the harm caused to the significance of the asset;**
 - e. Protect and enhance the biodiversity value of the Doe Lea Corridor within the site and promote linkages to the wider green infrastructure network where possible;**
 - f. Protect the water quality of the River Doe Lea;**
 - g. Protect development from the risk of flooding by avoiding placing vulnerable uses in the high risk flood zones within the site; and**
 - h. Take account of any potential impacts arising from the implementation of High Speed 2.**
- 3. The following are considered acceptable main uses for the site either individually or in combination, subject to meeting the requirements of 2 above:**
 - a. Housing development for up to 660 dwellings, including where justified;**
 - i. a local centre to serve the day to day needs of the site**
 - ii. provision of a Primary School or land for a Primary School.**
 - b. Employment development (comprising B1, B2 & B8) for up to 28ha**
 - c. Transport hub; and**
 - d. Open space.**

Bolsover District Local Plan Publication Draft - Responses and proposed modifications.

<p>Respondent – Bolsover Land Limited</p>	<p>Agent iSEC Group (Sophie Watkin)</p>	<p>Element - Spatial Strategy – Coalite –Priority Regeneration site (Para 4.48)</p>	<p>Rep 9086</p>
<p>Respondent’s Suggested Change to Plan</p> <p><i>In terms of the supporting text, we object to the following statement at paragraph 4.48 (highlighted in capitals):</i></p> <p><i>"the landowner has confirmed that they remain committed to the development of the entire site BUT INDICATE THAT A REVISED SCHEME FOR THE WHOLE OF THE SITE WILL BE NECESSARY TO TAKE ACCOUNT OF THE IMPACTS OF HS2"</i></p> <p><i>To be clear, we have not at any point indicated that a revised scheme / masterplan is necessary for the BDC part of the site; we are discharging pre-commencement planning conditions. Only the NEDDC part of the site is impacted upon by HS2, and as we have made clear to NEDDC through their local plan process, we do intend to revisit that scheme with a revised masterplan.</i></p>		<p>Council’s Response and any proposed Modifications</p> <p><i>Despite the agent indicating this is a support, it is clearly an objection. Whilst it is accepted that the direct impact of HS2 on the Bolsover part of the site is limited, it does impact on some of the land. Also, any change to the <u>joint</u> Masterplan by definition requires a change to the ‘Masterplan’ and the respondents accept that a revised Masterplan is needed.</i></p> <p><i>There is no basis to amend Para 4.48</i></p> <p>No change proposed</p>	
<p>Respondent – Bolsover Land Limited</p>	<p>Agent iSEC Group (Sophie Watkin)</p>	<p>Element - Spatial Strategy – Coalite –Priority Regeneration site (Para 4.49)</p>	<p>Rep 9086</p>
<p>Respondent’s Suggested Change to Plan</p> <p><i>Suggest that the supporting text should provide a clear distinction between the permissions/schemes in relation to the two Local authority areas. It is important that the issues facing the NEDDC part of the site are not misinterpreted to impact upon</i></p>		<p>Council’s Response and any proposed Modifications</p> <p>Whilst the Respondents views are noted and understood, both Councils have sought in planning terms to address this site as a single entity despite the administrative boundary running through it and the different status of individual applications. There appears to be no overarching reason to</p>	

<i>the BDC part of the site.</i>		change this approach No change proposed.	
Respondent – Bolsover Land Limited	Agent iSEC Group (Sophie Watkin)	Element - Spatial Strategy – Coalite –Priority Regeneration site (Policy SS7)	Rep 9086
Respondent’s Suggested Change to Plan Would like to see the following amendments to the policy: a) form Reflect part of a comprehensive masterplan for re-development on the whole site (including the land in North East Derbyshire District) including infrastructure requirements and delivery; b) enable the full reclamation of the site prior to the development commencing, in line with an agreed programme of work and delivery plan; c) where possible protect the setting of heritage assets, in particular the Grade I listed Bolsover Castle and Sutton Scarsdale Hall; or demonstrate sufficient public benefits to outweigh harm. d) protect and enhance the biodiversity value of the Doe Lea Corridor and where possible promote linkages to the wider green infrastructure network; g) take account of any potential impacts arising from the implementation of High Speed 2. (Concern over what it means) h) Providing for a Multi User trail across the site from the Stockley trail.		Council’s Response and any proposed Modifications Some partial modifications are agreed as set out below: a) It is considered that the ‘reflect’ wording is too general, Assuming that the intention is still that the Masterplan will ‘guide’ development as set out in the preceding paragraph wording, it follows that it would ‘form part’ of that Masterplan anyway. No change proposed b) Full reclamation is required by condition and in order that parts of the site are not left without these works being completed. This criteria is considered reasonable. If the planning conditions are amended, this criteria would cease to apply. However, in view of emerging circumstances the wording could be modified to: “enable the full reclamation of the site prior to the development commencing, in line with an agreed programme of work and delivery plan.” c) Including the words ‘where possible’ downgrades the importance of the heritage assets, which is likely to bring forward objections from Historic England, who also want to see ‘preserve’ replaced by conserve or enhance. The NPPF issue about public benefit is accepted to a degree, however it should reflect the actual NPPF wording, so the criteria should read, “ Conserve or enhance the setting of heritage assets, in particular the Grade 1 Listed Bolsover Castle and Sutton Scarsdale Hall; or demonstrate that the development is necessary to achieve public benefits that outweigh the harm caused to the significance of the asset ”	

	<p>d) The concerns of the respondents in relation to this are to a degree accepted in terms of the site area. An amended criteria should say; - “Protect and enhance the biodiversity value of the Doe Lea Corridor within the site, and promote linkages to the wider green infrastructure network, where possible.”</p> <p>g) This criteria means nothing more than in laying out future developments, the developer will have to consider the potential impacts of HS2. It is considered suitable.</p> <p>h) The multi user trail is part of a wider route way which the Council wants to see retained.</p>
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