

NORTH EAST DERBYSHIRE LOCAL PLAN EXAMINATION



STATEMENT OF NORTH EAST DERBYSHIRE DISTRICT COUNCIL

22 OCTOBER 2018

MATTER 9

**Strategic Sites, Employment Allocations
and Policies for the Economy
(Policies SS3 – SS6, WC1 – WC7)**

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Main Matter 9 – Whether or not the proposed strategic site and employment allocations are soundly based and deliverable in the plan period and whether other policies will support the economy (Policies SS3 – SS6, WC1 – WC7)

The Avenue, Wingerworth (Policy SS3)

Council's Response - Context:

The Council is working with landowners and developers to prepare a Statement of Common Ground (SoCG) to inform the Inspector and other parties about the areas of agreement between North East Derbyshire District Council, Homes England, Kier Living Ltd and Taylor Wimpey Homes in relation to The Avenue site and Policy SS3, of the Publication Draft Local Plan (2014-34).

Question 9.1

Are the overall scale and mix of uses justified having regard to planning permissions for the site and are the site boundaries appropriate?

Council's Response:

9.1.1 The Council considers that the overall scale and mix of uses for the site as set out in Policy SS3 of the Publication Draft Local Plan are fully justified and reflect the context provided by both the Avenue Area Strategic Framework (AASF) (**CD-CSF10a & 10b**) and the planning permissions in place.

9.1.2 The AASF was approved in 2013 and has guided all subsequent planning applications on the strategic site, to ensure a comprehensive and co-ordinated approach to development. The AASF sets out a range of development principles which consider that the site is capable of delivering:

- Up to 1100 new homes (the exact number to be determined by capacity and demand)
- 4-5 hectares of employment land (in addition to current provision within the site)
- Community facilities (potentially including a school (1.8ha) and shop (0.9ha))
- Public open space and landscaping, and
- Ancillary infrastructure.

9.1.3 The Planning history for the site will be set out in detail in the SoCG for the site. In brief the site is split into 3 separate areas of ownership.

- Part A - Homes England (HCA site) –Outline Planning Permission for 489 homes (13/00386/OL and 16/00525/OL)
 - Phase 1 is delivered by Kier Living Development - reserved matters permission (16/00526/RM) for 252 dwellings. A start of site has been made.
 - Phase 2 of the Homes England Outline permission is to commence on site subsequent to Phase 1 completing, from 2023/24. Phase 2 will

include the remaining 237 dwellings and 2.8ha of commercial land for employment use (Class B1). Additionally, land is set aside for education and community uses.

- Part B – Taylor Wimpey site
 - Phase 1 is the northern end of this portion of the site, which gained full permission for 111 dwellings (15/00867/FL). A start on site has been made
 - Phase 2 is the southern part of the Taylor Wimpey site, which gained a resolution to grant subject to s106 agreement (15/00863/OL), for 136 dwellings and a retail unit of approximately 1,500 sq m and associated car parking. The s106 agreement is still being negotiated.
- Part C – Council owned land
 - The Council has identified the site for a mix of uses, including approximately 180 houses.

9.1.4 Planning permissions are in place for two of these which together comprise the delivery of the following within the plan period:

- 736 dwellings,
- 2.8ha of land for employment uses.
- Community uses including:
 - 1.8ha of land for a Primary School
 - 0.4ha for other community uses
- Associated roads and access infrastructure, play space, recreation facilities, landscaping and public open space.

9.1.5 The remaining site area (within the Council's ownership) will deliver approximately 180 dwellings and the remaining 1.2ha of additional employment land required by the policy. It is expected that this will be delivered beyond the plan period. It is acknowledged that the total level of housing development currently approved and that anticipated on the land within the Council's ownership falls below the 1100 homes identified in Policy SS3. This figure is derived from the AASF which was established at a time when detailed land capacity and market demands were unknown. Whilst the figure could be reduced to reflect the permissions in place, the Council considers that the 1100 figure provides an appropriate upper threshold and flexibility for the future, should there be the need for a revised scheme and increased densities proposed on the site either within or beyond the plan period. In addition the Plan does not rely upon this higher level of housing to achieve the target for housing delivery.

9.1.6 The permitted and anticipated levels of employment land are consistent with the requirements set out in Policy SS3.

9.1.7 The site boundaries for Policy SS3 as defined on the Proposals Map for the Publication Draft Local Plan are consistent with developable area of the Avenue Site as defined by the AASF. This area was recently extended to include the offices at Pioneer House, which lie directly adjacent to the former CPL offices on Mill Lane and form a natural extension to facilitate the comprehensive redevelopment of the entire site. The site boundaries are also

broadly consistent with the planning application site areas as defined in the planning permissions referred to in paragraph 9.1.3 above.

- 9.1.8 Representations have been received to the Publication Draft Local Plan, suggesting that the site boundaries should be further extended to incorporate additional land (Grassmoor Coal Yard) to the east of the Avenue Area, (**REP ID, 6852**). The site lies on the opposite side of the Midland Mainline Railway track and is not physically connected to the wider Avenue Area, on this basis the Council does not agree that it should form part of the SS3 site allocation.

Question 9.2

What is the role of the Avenue Area Strategic Framework in ensuring a comprehensive development and delivery of associated infrastructure?

Council's Response:

- 9.2.1 The Avenue Area Strategic Framework (AASF) (**CD-CSF10a & 10b**) does not allocate land for development, but has been adopted by the Council as Planning Guidance and forms a material consideration in the determination of planning applications.
- 9.2.2 The AASF evolved in response to landowner and developer interest in redeveloping the Avenue site and adjoining areas of land and sets out a place-making vision and strategic objectives for the Avenue Area. This establishes a clear place making framework and design principles and provides a co-ordinated and consistent basis to inform subsequent master-planning and planning applications. This seeks to ensure proposals are considered in relation to one another rather than in isolation to secure the delivery of the wider Avenue Area as a comprehensive and integrated place.
- 9.2.3 The main strategic principles of the AASF have been embodied within the Publication Draft Local Plan, Policy SS3 and are integral to the detailed land use quanta, design and layouts of the individually approved schemes as demonstrated in paragraphs 9.1.2 and 9.1.3 above.
- 9.2.4 The AASF does not ensure delivery of infrastructure, but does provides a strategic context and an overview of the anticipated infrastructure requirements along with the phasing of development and infrastructure (Section 8, **CD-CSF10a**). For those parts of the site with Planning Permission, Infrastructure delivery has been considered in detail at the planning application stage and secured through Section 106 agreements. This process will apply to the remainder of the site
- 9.2.5 of the delivery of highway infrastructure is addressed in the Council's response to Question 9.3 below.

Question 9.3

Should any specific off-site highway measures necessary to mitigate the impact of the development on the local highway network including the A61 corridor be set out in Policy SS3? How would these be delivered?

Council's Response:

- 9.3.1 It is not considered appropriate or necessary to include reference to off-site highway measures within Policy SS3. The matter is addressed within Policy ID2 which sets out all transport infrastructure requirements associated with the delivery of the Local Plan. The Plan's policies should be read as a whole and this is clarified in the introduction to the Publication Draft Local Plan at paragraph 1.12.
- 9.3.2 Criterion 2.a of Policy ID2 requires "improvements to the A61 corridor, south of Chesterfield to Clay Cross, including the Southern Access to the Avenue Strategic Site Allocation from the A61". This requirement is a response to the transport evidence base (**EB-TRA7**) which identifies that pressure on the A61 (which is a critical transport corridor) would increase substantially as a result of planned development in the area. In response to this Derbyshire County Council in partnership with the District Council and Chesterfield Borough Council has developed the A61 Growth Corridor Strategy to focus on addressing current capacity issues and unlocking development potential. The Strategy together with an investment plan has identified priority projects and funding interventions to support growth, this includes the provision of a second principal access to the Avenue Site (**EB-TRA6**).
- 9.3.3 Derbyshire County Council has submitted a full application (18/00125/FL) for a new roundabout at, and spine road off the A61 known as Avenue Southern Access (ASA) which will provide the second access to the Avenue site, comprising a new roundabout at the junction of Derby Road and Nottingham Drive. The application is still under consideration, but clearly demonstrates progress in delivery of the site, without which Phase 2 of the Taylor Wimpey site to the south of the Avenue Area could not be delivered.
- 9.3.4 The Avenue Southern Access forms an integral component of the A61 Growth Corridor Strategy. The Strategy as a whole has attracted a provisional offer of £12.8 million grant funding from the D2N2 LEP Local Growth Fund (LGF) and these funds are to be supplemented by other resources, including Section 106 contributions and Local Transport Plan funding. The total cost of the Avenue Southern Access is anticipated to be £4.60 million. The extract below shows the anticipated financial profile for the Avenue Southern Access.

Scheme	Total Cost (£m)				
		2017/18	2018/19	2019/20	2020/21
Avenue Southern Access	£4.60	£0.172	£0.280	£2.150	£1.998
	LGF	£0.172	£0.280	£1.673	£1.555
	Public	-	-	-	-
	Private	-	-	£0.477	£0.443

- 9.3.5 In terms of the timing of delivery, the preparation, development and land assembly programme is currently underway and the County Council is aiming to submit the full business case for the Avenue Southern Access in September 2019 with a view to construction being completed by the end of March 2021¹

Question 9.4

Are the delivery rates and timescales for the employment, housing, community facilities and necessary infrastructure realistic and deliverable??

Council's Response:

Housing:

- 9.4.1 The Council has undertaken work assessing the deliverability and phasing of the site, and consider that the Revised Housing Trajectory (**ED18**) for this site is realistic and deliverable, based on the following:
- 9.4.2 Kier Living (on Part A: Homes England site, Phase 1) submitted a phasing schedule to the Council (to discharge Condition 6 of 16/00526/RM) in March 2018 confirming that they aim to deliver 252 units between 2018 and 2023. The estimated delivery timescales of the Phase 1 of the development was discussed with Kier Living Ltd in May and July 2018. Subsequent to this the Council received an email from Kier's Senior Quantity Surveyor setting out a detailed housing trajectory for the years 2018- 2023, with 19 completions in 2018/19, and a further average build-rate of 50 units a year between 2019 and 2023.
- 9.4.3 The Council also spoke to Taylor Wimpey (part B), who intend to complete the first 20 homes by March 2019 and a subsequent build out rate of 40 homes a year, completing Phase 1 of this site in 2021/22.
- 9.4.4 The information from Kier Living and Taylor Wimpey would result in approximately 40 new dwellings in 2018/19 and approximately 90 new dwellings in the subsequent two to three years. Additionally, there are two Bellway schemes in fairly close proximity (allocations WW1 and WW2), which have also just started on site (WW1), or are underway (WW2). These are expected to deliver approximately 30 dwellings per year and have one year where both sites are expected to deliver 30 dwellings (2019/20). The Council have therefore taken a view that the delivery rates of the Homes England site Phase 1 and the Taylor Wimpey site Phase 1 are likely to be lower than estimated by the individual site developers due to competition from each other and adjacent sites in Wingerworth.
- 9.4.5 In terms of Phases 2 of Part A and B, Homes England confirmed in July that they intend to procure a developer to deliver later phases over seven years, 2023/24 (year 5) to 2029/30 (year 11) at an average of 40 units a year. Taylor Wimpey's intention is to deliver Phase 2 following the completion of Phase 1; depending on the local housing market and house sales during that time. The

¹ Source: Derbyshire County Council, Cabinet Report 11 October 2018, table 2 and Appendix 1

same issues of competition exist for the Phase 2 developments as for the Phase 1 developments.

- 9.4.6 The revised housing trajectory therefore includes 50 dwellings completions in the first 8 years, up to 2026/27, and 45 dwellings completions in subsequent years, up to the end of the Plan Period. This is considered to be a more balanced and realistic build out rate.

Employment

- 9.4.7 The Avenue Strategic Site is made up of the following parts consisting of employment development:

- Part A - Homes England (HCA site) –Outline Planning Permission for mixed uses. (13/00386/OL and 16/00525/OL)
 - Phase 2 of the Homes England Outline permission will include the remaining 237 dwellings and 2.8ha of commercial land for employment use (Class B1) (Additionally, land is set aside for education and community uses).
 - Delivery of Phase 2 of the Homes England site: Homes England confirmed their intentions for the remaining phases of the Former Avenue Site in an email in July 2018. Senior Development Manager, Anastasija Clayton confirmed that Employment plots will be sold on the open market for design and build from 2024 onwards. This may come forward to 2022 depending on when the southern access is provided.
- Part B – Taylor Wimpey site
 - Phase 2 is the southern part of the Taylor Wimpey site, which gained a resolution to grant subject to s106 agreement (15/00863/OL), for 136 dwellings and a retail unit of approximately 1,500 sq m (on 0.68ha) and associated car parking. The s106 agreement is still being negotiated.
 - Delivery - Taylor Wimpey's intention is to deliver Phase 2 following the completion of Phase 1, which has started on site. Housing delivery will depend on the local market and house sales. The delivery of the retail element of the development is expected to be concurrent with the housing development.
- Part C – Council owned land
 - The Council has identified part of this site for the remaining 1.2ha of additional employment land required by the policy. It is expected that this will be delivered beyond the plan period.

9.4.8 This indicates that substantial elements of the employment allocations on the Avenue site are viable and deliverable for employment development within the plan period.

Question 9.5

Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development, including foul drainage arrangements and Health Impact Assessments??

Council's Response:

9.5.1 The Council considers that Policy SS3 along with other relevant policies in the Plan provide sufficient safeguards and/or mitigation measures necessary to achieve an acceptable form of development on the site. (see the Council's response to Matter 10, Q.10.1b for more information in relation to housing).

9.5.2 The Council does not consider that it is necessary to include reference to foul drainage arrangements within Policy SS3 because this matter is adequately addressed in Policy SDC11: Flood Risk and Drainage. In terms of Health Impact Assessments it is considered unduly onerous to set a policy requirement for all major development proposals to be accompanied by a HIA. The council considers that positive health outcomes can still be achieved through the development management process without the need for a policy requirement for HIA's. For example, by the consideration of health in the overall design of new development and through Design and Access Statements.

Former Biwaters site, Clay Cross (Policy SS4)

Council's Response - Context:

The Council is working with the landowners and developers to prepare a Statement of Common Ground (SoCG) to inform the Inspector and other parties about the areas of agreement between North East Derbyshire District Council and Biwaters Industries Limited/ St Modwen Developments Ltd in relation to Policy SS4: former Biwaters Site, Clay Cross, of the Publication Draft North East Derbyshire Local Plan (2014-2034).

As part of the SoCG the Council is proposing to amend Policy SS4 to address the representations raised by St Modwens in their response to consultation on the Publication Draft Local Plan. The proposed changes to Policy SS4 are set out in the Appendix to this Statement.

Question 9.6

Are the overall scale and mix of uses in Policy SS4 justified and accurate having regard to planning permissions for the site and are the site boundaries appropriate? How would any shortfall in the delivery of employment land be addressed?

Council's Response:

9.6.1 The Council considers that the overall scale and mix of uses for the site as set out in Policy SS3 of the Publication Draft Local Plan are fully justified. The supporting text and policy now reflect the latest planning permission now in place as well as the commitment of the Council to delivering a development that serves the needs of the area and objectives of the Plan, in particular D1 and S2 relating to employment and regeneration.

9.6.2 The site was originally allocated in the previous Local Plan (2001-2011). The landowner, working closely with the Council has a comprehensive strategy to bring forward development of the site.

9.6.3 Outline planning permission was first secured for the site in August 2010 and included site remediation, public open space, residential and employment development. Since then outline permission has been secured for a foodstore and drive-through restaurant, as well as a full permission for a public house and reserved matters permission for the first phase of housing development.

9.6.4 A revised outline scheme was approved in August 2018 for the following development:

- 825 new homes during the plan period
- Approximately 8 ha of employment generating uses incorporating:
 - i. B1, B2 & B8 (up to 5ha),
 - ii. A local centre, A1, A2, A3, A4 and/or A5 (up to 2ha)
 - iii. Hotel/Care Home, C1 and C2 (up to 0.8ha)
- Open Space, and

- Associated highway works including a link road between the A61 and A6175.
- 9.6.5 Work has commenced on site with the construction of a roundabout on the A61, a road into the site; and a new public house and drive-through restaurant at the A61 site entrance. Construction is also underway on the first phase of the housing development for 166 dwellings.
- 9.6.6 The landowner, St Modwen Developments has raised representations in respect of criterion b of Policy SS4 on the basis that the requirement for 8ha of employment land does not accurately reflect the permissions on site which amount to approximately 5ha (**Rep ID 7158**). The Council acknowledges the recent planning permissions for the site, however a balance is needed to ensure that the policy provides an appropriate long term strategic policy context for the site, rather than simply reflecting current permissions; which naturally reflect current circumstances and market conditions.
- 9.6.7 In order to provide greater flexibility and recognise the contribution of employment generating land uses already delivered on the site, the following changes to Policy SS4, Criterion b) are proposed by the Council:
- b. Provide for approximately up to 8 hectares of employment generating land uses to include provision for starter units and managed workspace;*
- 9.6.8 The Council considers that the site boundary for Policy SS4 as shown on the Policies Maps for the Publication Draft Local Plan is appropriate and accurately reflects the area approved for development.
- 9.6.9 Bearing in mind the planning permission in place and current progress on the site it is not anticipated that a significant shortfall will be encountered. The Council does however, recognise that a shortfall, i.e. less provision of employment land, could arise through revisions to development schemes, where development has not been implemented. This situation could occur on this and other Strategic sites. Consequently a change is proposed to policy WC3 to clarify that where employment areas on certain strategic sites are not defined, the amount of land provided for will be subject to the Policy, as for the other sites listed in the policy.
- 9.6.10 The proposed change to Policy WC3 will be the insertion of a further item within Section 1 (below 'Hepthorne Lane') as follows:
"Employment areas on Strategic Sites
 Those areas set aside for employment purposes, whether identified by a boundary or not, within the following Strategic Site policies:
 SS3: The Avenue (Sub-paragraph 2c & d)
 SS4: Former Biwaters Site (Sub-paragraph b) (Note: as amended)
 SS5: Markham Vale
 In Section 2 " 'General Employment Areas' " will replace "Employment Areas"
- 9.6.11 A shortfall could be understood to be through slow delivery. Should this happen it will contribute to the Plan's under-delivery, and be addressed in a review of the Plan, as described in the response to Matter 13, Question 13.2.

Question 9.7

What is the role of the Design Framework in ensuring a comprehensive development and the delivery of associated infrastructure and are any additional delivery documents necessary?

Council's Response:

9.7.1 The Design Framework referred to in Policy SS4 has been overtaken by planning permissions on the site and is no longer of relevance to the development of the site. The Council therefore proposes to remove reference to the Design Framework from part 1 of Policy SS4 as follows:

2. ~~Development proposals for the comprehensive remediation and mixed use development of this site will be guided by the Design Framework or any subsequent approved document and permitted where they:~~

Question 9.8

Is the reference to rail access justified and is it clear what is being sought?

Council's Response:

9.8.1 Paragraph 9.40 of the Publication Draft Local Plan explains that a new Railway Station at Clay Cross is included as a project for further appraisal within the Local Transport Plan (**EB-TRA2**). Whilst this is not being actively pursued at present, land to the east of the allocated area remains as the only potential location for a new station within the District. It is therefore important to ensure that development of the Biwaters site does not preclude pedestrian and vehicular access to the site. There is no requirement for the development of the strategic site to provide a railway station.

9.8.2 The landowner, St Modwen Developments has raised representations in respect of criterion G of Policy SS4, seeking alterations to the reference to precluding the future provision of rail access, on the basis that the proposals do not and never have allowed for rail access within the site (**Rep ID 7158**). The Council agrees that it is appropriate to amend references to the provision of rail access to clarify what is required and propose to amend Policy SS4, criterion g. as follows:

- g. "promote and accommodate sustainable transport for pedestrians, cyclists and public transport and does not preclude the future provision of rail access including the provision of a route through the site to provide pedestrian and vehicular access to a future off-site railway station"

Question 9.9

Are the delivery rates and timescales for the employment, housing, community facilities and necessary infrastructure realistic and deliverable?

Council's Response:

Housing:

9.9.1 It is anticipated that development of 825 dwellings will come forward throughout the Plan Period. Development has commenced on phase 1 Derby Road site with the construction of the estate road accessed off the existing spine road already constructed off the new A61 New Derby Road roundabout and other infrastructure.

9.9.2 10 homes were completed in 2017/18 and it is anticipated that 49 homes will be built by the end of 2018/19, 62 in 2019/20 and 45 in 2020/21, in line with the Reserved Matters approval. St Modwen Homes expects a second housebuilder on site in subsequent years, which the Council included in the trajectory in the Publication Draft. However, since no evidence has been provided yet to indicate a second housebuilder on site, the Council has taken a more cautious approach, which aligns more with St Modwen's approach to the first phase and anticipates 50 to 55 annual housing completions on site. The Council considers this a realistic and deliverable trajectory. (As included in response to Matter 10, Q.10.1(c))

Employment development:

9.9.3 In response to a consultation representation from St Modwen above the Council has proposed a change to Policy SS4, Criterion b) as described in 9.6.6 - 9.6.7, above. This is to reflect the status of current planning permissions and to provide a policy context that reflects the flexible approach to delivering employment development, as reflected in Policy WC3 (See also Main Matter 3, Question 3.9). In this regard it is a realistic and facilitating approach to delivering development.

9.9.4 Development of the retail uses in the western portion of the site is going forward, with two units already built. The employment uses at the eastern side of the site will be dependent upon access being provided in association with the second housebuilder mentioned above. An application is anticipated for this aspect of the development during 2019.

Question 9.10

Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development, including foul drainage arrangements and Health Impact Assessments?

Council's Response:

9.10.1 The Council considers that Policy SS4 along with other relevant policies in the Plan provide sufficient safeguards and/or mitigation measures necessary to achieve an acceptable form of development on the site. (see also the

Council's response to Matter 10, Q.10.1b for more information in relation to housing).

9.10.2 The Council does not consider that it is necessary to include reference to foul drainage arrangements within Policy SS4 because this matter is adequately addressed in Policy SDC11: Flood Risk and Drainage. In terms of Health Impact Assessments it is considered unduly onerous to set a policy requirement for all major development proposals to be accompanied by a HIA. The council considers that positive health outcomes can still be achieved through the development management process without the need for a policy requirement for HIA's. For example, by the consideration of health in the overall design of new development and through Design and Access Statements.

Policy SS5 Markham Vale, Long Duckmanton

Question 9.11

Is the overall scale of employment development in Policy SS5 clear having regard to planning permissions for the site?

Council's Response:

9.11.1 Yes, The area of 4.7 ha identified as available employment land corresponds to that remaining from the development implemented within the strategic site allocation, as shown on the base map in figure 4.3.

Question 9.12

Have cross boundary impacts been identified and appropriately addressed?

Council's Response:

9.12.1 In view of the status and long history in delivering this site it is considered that all cross boundary impacts have been identified and appropriately addressed. There have been no objections to the proposed policy SS5.

Question 9.13

Is the site viable and would it be delivered within the plan period?

Council's Response:

9.13.1 Table 10.6 of the WPVA (EB-IV2a) sets out the appraisal results for the commercial development typologies tested. In relation to employment development generally the results show that development costs far exceed gross development value for each 'B' use class such that development produces a negative residual land value.

9.13.2 However, the Markham Vale Strategic Site (Policy SS5) has already been opened up with new road and utilities infrastructure. Some of the development costs assumed in the commercial development appraisals in the WPVA (EB-IV2a) have therefore already been absorbed on this strategic employment site. In this respect, the viability picture for employment development to be brought forward on a plot by plot basis over the plan period is likely to be more favourable than anticipated in the WPVA (EB-IV2a).

9.13.3 In addition, it should be noted that one B8 unit has already been built and another B2/B8 unit is under-construction on the site. Reserved matters approval is also currently being sought for the construction of a B2/B8 unit with ancillary B1(a) offices, with associated access; parking and servicing area; engineering, landscaping and drainage works on a further plot on the site. (Application Ref: 18/00820/RM). Discussion with the case officer has confirmed that permission for this unit is expected to be granted by the council during November 2018.

9.13.4 In the light of the above, the Council considers the Markham Vale site is viable and deliverable for employment development within the plan period.

Question 9.14

Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development?

Council's Response:

9.14.1 In view of the status and long history in delivering this site it is considered that any safeguards or mitigation measures have been addressed. As development is underway any such safeguards are dealt with in Policy SS5 and subsequently would be addressed at the planning application stage. There have been no objections to policy SS5.

Coalite Priority Regeneration Area (Policy SS6)

Council's Response - Context:

The Council has prepared a Statement of Common Ground (SoCG) (**ED17**) to inform the Inspector and other parties about the areas of agreement between North East Derbyshire District Council, Bolsover Land Ltd, Chesterfield Borough Council and Bolsover District Council in relation to Policy SS6: Coalite Regeneration Area, of the Publication Draft North East Derbyshire Local Plan (2014-2034).

The SoCG (**ED17**) clarifies that all outstanding matters raised in representations to the Publication Draft Local Plan by Bolsover Land and Chesterfield Borough Council have been addressed in full. The Council's responses to Questions 9.15 – 9.19 should therefore be read in this context.

Question 9.15

Should Policy SS6 include an indication of the scale and mix of uses for the site?

Council's Response:

9.15.1 In their representations to the Publication Draft Local Plan, Chesterfield Borough Council recognise the uncertainty in the end form of development created by the revised route of HS2 through the site, but suggest that the policy should identify the range of uses that would be considered acceptable on the site along with some indication of the potential scale of development (**Rep ID 7131**) The Council agrees with this and proposes changes to Policy SS6 to set out more clearly the parameters for development (scale and mix of uses) on the site. The proposed changes to Policy SS6 and supporting text are set out in full in the SoCG (**ED17**). The proposed Policy is set out in **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.

9.15.2 All parties (including Bolsover District Council) have signed the SoCG (**ED17**) and agree that the Policy (with proposed changes) "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."

9.15.3 The changes stem from the continued evolution and uncertainty created by the recently revised and now 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.

9.15.4 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, however, this is not feasible at the present time. A new paragraph in the supporting text to Policy SS6 clarifies that because of this uncertainty a revised scheme for

site (within North East Derbyshire) is required. It is reproduced below for completeness.

“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”

Question 9.16

How will the comprehensive development of all parts of the site within Bolsover and North East Derbyshire Districts be secured in a co-ordinated and consistent matter and have cross boundary impacts been appropriately identified and addressed?

Council's Response:

9.16.1 The Statement of Common Ground (SoCG) at section 3 (**ED17**) indicates the commitment of all parties, including the landowners, to the comprehensive and co-ordinated development of all parts of the site within Bolsover and North East Derbyshire Districts.

9.16.2 Bolsover Land Ltd had requested changes to the wording of the Policy which would have removed the co-ordinated links across the whole site in the original masterplan approach (**Rep ID 7733**). However the Council remains committed (as does Bolsover District Council) to comprehensive remediation and redevelopment of the entire Site and a Joint Masterplan approach. 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.

9.16.3 However the Council recognises that the requirement for full reclamation (on the whole site) prior to any development taking place within North East Derbyshire was based in part upon public health grounds and would not necessarily be required for development other than residential. The Council has therefore agreed to amend criterion b and insert a new criterion c to

address the issue. See Policy SS6 at **Appendix 2**. This change has been agreed in the SoCG (**ED17**).

9.16.4 In addition to the requirements set out in policy and the phasing requirements of current planning approvals for the Site, there are a range of working groups that have been established to secure the comprehensive approach to, and delivery of the site. These include the:

- **Project Control Board** - this is a strategic level group comprising key partners including the Council, Bolsover District Council, Derbyshire County Council, the landowner, representatives of the LEP and other specialist consultants (as required). It is attended by the Chief Executive and Leaders of Bolsover and North East Derbyshire District Councils and meets quarterly. It provides a strategic overview for key decision makers and provides context for the Project Operations Group.
- **Project Operations Group** – this group comprises the above key partners with the role of addressing key cross boundary issues. This group meets monthly.

Question 9.17

How does HS2 affect the area of the site and the uses proposed within NED? Should any contribution to housing supply be identified?

Council's Response:

9.17.1 The confirmed line of HS2 through the eastern side of the site affects approximately 2.5ha of the approved housing scheme land within North East Derbyshire. It is understood that part of the site in Bolsover District within the Joint Masterplan is also partly affected. 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.

9.17.2 An area of agreement in the SoCG states: "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." Consequently no contribution to housing supply should be identified. However, the current planning permission for housing represents a fall-back position should HS2 be abandoned, on this basis the revised Policy SS6 retains reference to housing as an appropriate use on the site.

Question 9.18

Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development?

Council's Response:

9.18.1 The Council considers that Policy SS6 along with other relevant policies in the Plan provide sufficient safeguards and/or mitigation measures necessary to achieve an acceptable form of development on the site. (see also the

Council's response to Main Matter 10, Question 10.1b for more information in relation to housing).

Question 9.19

Are the mitigation measures appropriate and justified including the requirement for full reclamation of the site prior to development commencing? Are any other mitigation measures necessary to achieve an acceptable form of development?

Council's Response:

9.19.1 The Council considers that there are no safeguards or mitigation measures that have not been addressed. As outlined above, the Council has proposed changes to Policy SS6 and revisions to the supporting text (SoCG (**ED17**) and **Appendix 2**). Amongst other things these clarify the safeguards over:

- a) Establishing a comprehensive masterplan,
- b) Ensuring the necessary reclamation can be appropriately addressed at the planning application stage through the use of detailed conditions controlling the phased release of land, except in the case of housing where it will be essential to ensure that the site is fully remediated first.
- c) Clarifying the need to conserve or enhance the setting of heritage assets,
- d) Clarifying the requirement to protect and enhance the biodiversity value of the Doe Lea Corridor

Dronfield Regeneration Area (Policy WC1)

Question 9.20

Is the policy sufficiently clear about the scale and mix of uses that would be appropriate on the site?

Council's Response:

9.20.1 It should be pointed out that the development of this area is a long-standing commitment of the Council's, with significant support from members, and continuing investigations and studies into prospective development. Development of the site is only likely towards the end of the Plan period and the land is therefore safeguarded under Policy WC1 as a regeneration area. Comprehensive development of the site is essential in order to release the northern part for employment use, or indeed any other use. There are significant uncertainties over the timing and finance of the upgrade of a bridge over the Midland Main Line which would provide suitable access to enable comprehensive development of the site. Such an upgrade would also have an impact on the viability of development.

9.20.2 The area is expected to contribute around 6ha of land in employment use allowing for constraints on uses of parts of the land such as contamination and flood risk associated with the River Drone. A business park environment that would enhance the attraction of Dronfield for high-quality employment is envisaged. Therefore while it is anticipated that an appropriate range of uses would be provided on most of the employment land, it is not currently possible to describe those uses in further detail.

Question 9.21

Is the site viable and deliverable within the plan period?

Council's Response:

9.21.1 The development of the site is only likely towards the end of the Plan period, or indeed, beyond. Viability is very much dependent upon the ability to fund the improvement of the Midland Main Line bridge. In the light of the recent HS2 line decisions the electrification of the Midland Main Line is now within the remit of HS2 Ltd and decisions relating to the bridge will depend upon the clearances that are necessary to enable the overhead wires to be accommodated. This may require replacement bridges. Safeguarding the land in this way under Policy WC1 as a regeneration area will help to ensure that any replacement bridge can be designed to accommodate access to the regeneration area.

9.21.2 Further demonstration over the viability of the proposal can be found by reference to the text in the adopted Local Plan (**CD-CSF4**) which state that:

"The existing Callywhite Lane Industrial Estate is one of two locations within Dronfield, which accommodate the majority of the towns manufacturing and office enterprises. The estate suffers a number of infrastructure problems, including poor highway access, which have in

turn led to a decline in its local environment. These problems prevent existing business on the estate from expanding and increasing job opportunities. Without investment in its infrastructure it is likely that the estate will decline and jobs may be lost. A study commissioned by this Council to explore issues surrounding the constraints of the existing Callywhite Lane Industrial Estate, noted that the expansion of the Estate could prevent this decline and help diversify the local economy.” (paras 4.40-41)

9.21.4 It is therefore of significance that the Estate continues to be successful. The North East Derbyshire Employment Sites Study (EB EMP4) notes that the Callywhite Lane estate is well occupied, providing a mix of modern and older units with a range of uses i.e. B1, B2, B8, a gym (D2) and nursery (C2).” (para 6.19)

9.21.5 The report considers that two recent employment applications indicate a willingness to bring forward new employment use development. This would suggest a flexible approach to attracting occupier interest.

9.21.6 The report identifies a number of concerns for Callywhite Lane; the site suffers from complex connectivity to the A61 trunk road, which may be an issue for some occupiers, but unlikely to be a concern to businesses serving the local market. Also some units on the estate may need investment to refurbish or redevelop them.

9.21.7 However, improvements to access would help to maintain occupier interest at this site. Many older large units have the potential to be adapted to meet smaller requirements as and when vacancies arise. Despite issues of access and maintenance; vacancies at this estate are low and offer an active substantial employment location for the local area. The Report concludes that the site should continue to be protected as an employment area suitable for a mixture of B1, B2 and B8 uses. (North East Derbyshire Employment Sites Study (**EB EMP4**))

9.21.7 The Whole Plan Viability Assessment (WPVA) (**EB-IV2**) finds that the majority of commercial uses, not only failed to meet the benchmark land values consistent with overall scheme viability but, in many cases, produced negative land values. While this suggests that the market is not strong enough to support significant levels of speculative commercial development this does not mean that development will not take place but that it is unlikely to occur on this business model of speculative development.

9.21.6 This supports the approach of the Plan to support local businesses. The WPVA modelling was predicated on a speculative business model which would involve entering that market with built development and await tenants on the basis of a supportive market situation. The situation in North East Derbyshire is different and more closely based upon employers’ expansion and accommodation requirements. In this case they outgrow their premises or identify shortcomings of quality and look for a new site. They then commission something that meets their needs. The provider, in this case indigenous

businesses, therefore faces less risk and therefore requires rather less profit – which keeps costs down and makes development more viable.

9.21.7 This certainly appears to be borne out in the case of Callywhite Lane, and other instances across the District. Consequently the Council recognises that it has to take the lead by allocating land and it should not seek to burden the process by seeking excessive planning obligations. Therefore it is justified in retaining this area as safeguarded for further development of Callywhite Lane, and the enhancement of the employment offer in Dronfield. The policy helps deliver several Plan Objectives: D1, D2, D4, D9, D12, N1 and N3.

Question 9.22

Are any other mitigation measures including provision of infrastructure necessary to achieve an acceptable form of development?

Council's Response:

9.22.1 Yes, as described above, flood risk, contamination and impact on highways are amongst the measures required. There is work still required to establish the precise extent of these, including the timescales for addressing them, as they may require the improvement to the bridge. This is ongoing in association with the Council's Economic Development and Estates Teams.

Issue – Will other employment and economy policies support jobs and contribute to the economy in the plan area?

Question 9.23

How have the existing employment sites set out in Policies WC2 and WC3 been reviewed?

Council's Response:

9.23.1 Please see response to Main Matter 8, Question 8.1 & 8.2

Question 9.24

What is the basis for seeking to protect the employment areas listed in Policy WC2 for the uses specified and is the approach justified?

Council's Response:

9.24.1 The justification for this approach arises from the Employment Land Review Update (**EB EMP2**). While assessing employment forecasts covering all sectors and uses, the report studied the requirements for employment land particularly relating to B1, B2 & B8 uses. In its policy implications conclusions (para. 6.10) it states:

“To meet the future requirements for office and industrial space in North East Derbyshire, it will be necessary for the Council to make choices about which employment sites to protect or allocate for employment development or which to bring forward as mixed-use schemes either in part or whole. These judgements need to consider:

- 1 the local benefits of B class employment sectors and the need to sustain a diversified and resilient economy that is able to capitalise on economic growth opportunities as they arise;
- 2 the economic and market outcomes that would arise if particular sectors become displaced from the economy, or are otherwise constrained from expanding in the District;....“

Question 9.25

Are the policy requirements for other employment areas set out in Policy WC3 based on robust evidence, justified and consistent with national policy? In particular, what is the basis of the requirement in criteria (b) to maximise opportunities for ‘local people’ and how would this be secured and delivered? Are the requirements set out in criteria 4(b) justified and deliverable?

Council’s Response:

9.25.1 The NPPF 2012 introduced a wider definition of economic development, with the NPPF defining it as development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development). Policy WC3 is derived from this definition, and is further based on, and consistent with, page 6, paragraph 21 of the NPPF which makes clear that local planning authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth.

9.25.2 Furthermore paragraph 22, identifies that LPAs should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, for which reason this policy sets out deliverable and justified criterion against which development involving the full or partial loss of sites or building to non-employment uses can be assessed.

9.25.3 The Policy’s criteria 2 & 4 respond to the Employment Review update (**EB-EMP2**) which goes into detail on how the Council will determine employment sites to protect, allocate, or bring forward as mixed-use schemes. These judgements would need to take account of:

- both the local benefits of B class employment sectors,
- the need to capitalise on economic growth opportunities as they arise, and
- the need to promote growth in higher value employment roles in North East Derbyshire.

Taken together these would give benefits of jobs that meet the aspirations of resident workers, and which will reduce levels of net-out commuting to Chesterfield and Sheffield. Criterion 3 relates to, and is justified by reference to Policy WC5 and the evidence in the Council’s Retail and Centres Study 2018 (**EB-RT1a**).

9.25.4 Section 2 aims to fulfil the Council's objective of maximising employment, skills and training opportunities. Thus creation 2(b) is not there to restrict jobs to just 'local people', but instead it ensures that the development contributes jobs which are beneficial to the local economy on such sites, which historically have supported significant levels of employment. This policy will be delivered through the planning application process, with sufficient and suitable criteria having been created, against which development proposals in employment areas can be assessed. Such conditions attached to planning permissions have been in practice in the District for several years, to support the Council's joint Housing and Economic Development Strategy.

9.25.5 The requirements set out in criterion 4(b), are both justified and deliverable, in that there is a specific need to demonstrate that suitable promotion of a site has taken place, particularly in areas where the viability of employment development may be in question. The requirements, although seemingly onerous, are achievable, and will assist the District to retain its existing employment land where possible. Despite issues of viability employment land development does take place in the district and there is a need to retain a stock of employment land and buildings including at the lower end of the market to cater for local business of all types, not just those of inward investors. This approach to local business needs is recommended in the Employment Review update (EB-EMP2).

9.25.6 Criterion 4(b) does fulfil paragraph 22 of the NPPF as it avoids the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being use for that purpose. It should be noted, that while not specifically applicable to this Plan, that paragraph 22 in the NPPF has been removed in the 2018 version.

Question 9.26

Is the approach to protecting existing employment sites and development on employment land set out in Policy WC4 justified, effective and consistent with national guidance? In particular, what is the basis of the requirement in criteria (b) to maximise local employment opportunities and how would this be secured and delivered?

Council's Response:

9.26.1 The intention of Policy WC4 is to protect and allow development on the identified Employment sites. It could be clearer that this is the case and a change is suggested to the policy such that there is a preliminary paragraph: "This policy applies to employment sites as listed in Policies WC2 and WC3, and the employment elements of the Strategic sites referred to in Policies SS3-6. Sub-section1 then starts: "1. Proposals for the redevelopment of employment sites as described above..."

9.26.2 In addition part 1 could be clearer to indicate how an ancillary use would be identified where its scale were greater than would be permitted, as follows: "...the proposed use, if it were integral or of smaller scale, would be ancillary

to the main employment use of the area covered by an application, will be permitted where:“

9.26.3 The NPPF (2012), on page 6, paragraph 21 makes clear that local planning authorities should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth, Policy WC4 is consistent with the NPPF by reinforcing the protection of employment sites and allowing flexibility in uses on them. It supports the redevelopment of existing employment sites so long as the proposal will support the economic viability of both the employment site and the local economy. It is also effective as it sets out adequate Development Management guidance against which proposals can be assessed, with appropriate criteria to ensure the proposal does not prejudice the operation of neighbouring employment activities and sites.

9.26.4 Criteria b), will be secured through the planning application process, and through conditions that can be put on permissions, if/ when granted. See also the Council’s response to Main Matter 9, Question. 9.25.

Question 9.27

The following questions apply to Policies WC5 – WC7:

- a. Is the policy clear and justified and will it provide sufficient guidance for decision making?***
- b. How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?***
- c. Is the policy consistent with national policy?***

Council’s Response:

9.37.1 Please see the Council’s response in the table overleaf.

Council's Response:

Policy	a) Is the Policy clear and justified and will it provide sufficient guidance for decision making?	b) How will the policy be implemented and would it be flexible to respond to specific circumstances including viability?	c) Is the policy consistent with national policy?
<p>Policy WC5: Retail Hierarchy and Town centre Uses</p>	<p>This policy is justified through the evidence in the Council's Retail and Centres Study 2018 (EB-RT1a).</p> <p>Policy WC5 along with the policies map sets out clear and comprehensive Development Management guidance, including town centre area definitions and threshold guidance, against which proposals within or adjoining town centres and retail proposals across the District can be assessed.</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The criteria included within the policy allows for a degree of flexibility on development in town centres, allowing sustainable development to come forward, so long as it does not negatively impact upon the District's town centres.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>	<p>The Council considers policy WC5 is consistent with the NPPF.</p> <p>The NPPF (page 7 – 8, paragraph 23 – 27) requires local authorities to quantify the need for additional retail development and then identify locations for such development by applying a sequential approach which prioritises town centre location, in order to ensure the vitality and vibrancy of town centres.</p> <p>This policy sets out the approach the Council will take in regards to guide development in town centre. Whilst also recognising the roles of the District's town centres within a wider network, including Sheffield and Chesterfield.</p>

<p>Policy WC6: Visitor Economy and Tourism Development in the Countryside</p>	<p>Policy WC6 sets out sufficient Development Management guidance against which visitor economy and tourism development in the countryside can be assessed. This policy is supported by National Policy.</p> <p>The District has significant rural areas within which the rural economy, tourism development, the environment and heritage assets warrant consideration.</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The criteria included within the policy allows for a degree of flexibility, as it allows sustainable leisure, visitor and tourist development to come forward in the Countryside, so long as they fit with certain criteria, which have been set out to ensure the development is in appropriate locations, with development particularly being encouraged where it is beneficial to the District.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>	<p>The Council considers policy WC6 is consistent with the NPPF.</p> <p>On page 9, paragraph 28 of the NPPF (2012), Local Planning Authorities are advised to promote a strong rural economy, by supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.</p> <p>Policy WC6 is consistent with the NPPF in that it supports sustainable rural tourism development which can be shown to benefit rural communities and businesses, and which respects the character of the countryside.</p>
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<p>Policy WC7: Tourist Accommodation in the Countryside</p>	<p>Policy WC7 sets out sufficient Development Management guidance against which proposals for tourist accommodation in the countryside can be assessed. This policy is supported by National Policy.</p> <p>The District has significant rural areas within which the rural economy, tourism development, the environment and heritage assets warrant consideration.</p>	<p>The policy will be implemented through the determination of planning applications as and when they are submitted through the development management process.</p> <p>The criteria included within the policy allows for a degree of flexibility depending upon the design and character of buildings within their countryside setting.</p> <p>The Council's Whole Plan Viability Assessment (EB-IV2a) found that this policy was not considered relevant from a viability point of view, in terms of having a direct financial impact upon development.</p>	<p>The Council considers policy WC7 is consistent with the NPPF.</p> <p>On page 9, paragraph 28 of the NPPF (2012), Local Planning Authorities are advised to promote a strong rural economy, by supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.</p> <p>Policy WC7 is consistent with the NPPF, in that it requires that proposals for tourist accommodation in the countryside will need to be accompanied by a business plan which identifies tourism related needs and demonstrates the likely impact on business viability.</p>
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POLICY SS4: Former Biwaters Site, Clay Cross

1. Land at Former Biwaters, Clay Cross, as shown on the Policies Map, is allocated as a Strategic Site, for mixed use development.
2. Development proposals for the comprehensive remediation and mixed use development of this site ~~will be guided by the Design Framework or any subsequent approved document and permitted where they:~~
 - a. Provide a high quality, sustainable, mixed use development that is well connected and has a functional relationship with Clay Cross;
 - b. Provide for ~~approximately up to~~ 8 hectares of employment generating land uses to include provision for starter units and managed workspace;
 - c. Provide up to 1000 new dwellings (approximately 825 within the period up to 2034);
 - d. ~~Provide new local facilities to include a range of small shops catering for local needs;~~
 - e. Protect existing open space, sport and recreation facilities and provide or enhance additional facilities to meet additional need generated by the development
 - f. Locate the residential element to maximise accessibility to existing and new local facilities;
 - g. Promote and accommodate sustainable transport for pedestrians, cyclists, and public transport including the provision of a route through the site to provide pedestrian and vehicular access to a potential railway station outside the site boundary and does not preclude the future provision of rail access;
 - h. Provide effective links for pedestrian and cycle access, including to Clay Cross town centre, Tupton, and North Wingfield via a trail network to incorporate the development of a Brassington Lane safe route link to Tupton Hall School;
 - i. Provide a through road from the A61 to Furnace Hill/A6175;
 - j. Sustain or enhance the significance of heritage assets (including the Grade 1 listed St Lawrence Church in North Wingfield);
 - k. Provide a wildlife corridor and buffer zone along the River Rother to protect the biodiversity value of the river corridor and protect new development from the risk of flooding, and promote linkages to the wider green infrastructure network;
 - l. Provide structural landscaping, and public open space in accordance with Policies ID6-9 and SDC12; and
 - m. Incorporate an appropriate mix of house types and tenures, to reflect housing need and market considerations

APPENDIX 2:

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.**