

9 May 2023

Ms K Johnson
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Dear Ms Johnson

Examination of the Bassetlaw Local Plan 2020 - 2038

Post Hearing Advice – Main Modifications and Related Matters

Introduction

1. Further to the recent hearing sessions for the Bassetlaw Local Plan we are writing to confirm the necessary modifications to make the Plan sound. During the hearing sessions a number of main modifications were discussed. This letter confirms the modifications that were agreed during the hearing and sets out those modifications which were discussed but not confirmed. It also sets out the administrative arrangements for progressing the Plan through examination.

Main Modifications

2. Potential main modifications are set out in the Annex to this letter. In addition to the proposed modifications agreed at the hearing sessions, the Annex sets out further proposed main modifications which we consider necessary for the Plan to be made sound.

Process

3. The Council should now prepare a consolidated schedule of all the potential main modifications identified during the hearing sessions and as set out in the Annex to this letter. The Council should also consider the need for any consequential changes that might be required in connection with any potential main modifications.

4. We will need to see the draft schedule and may have comments on it. We will also need to agree the final version of the schedule before it is made available for public consultation.

5. The schedule should take the form of a numbered list of main modifications with changes shown by means of strikethrough to show deleted text and new text shown underlined. It should also include a column that briefly explains the reasons for the main modifications to

assist consultees. For clarity and to avoid an excessive number of main modifications, it is best to group all the changes to a single policy together as one main modification.

6. The main modifications should be expressed as changes to the Publication Version Composite of the Plan and not any subsequent version which contains changes suggested by the Council which have not been subject to public consultation.

7. The Council should satisfy itself that it has met the requirements for sustainability appraisal by producing addenda to the Sustainability Appraisal and Habitats Regulations Assessment of the submitted Plan in relation to the potential main modifications, as appropriate. We will need to see a draft of the addenda and may have comments on them. The addenda should be published as part of the public consultation. The Council should also consider whether the potential main modifications necessitate any further Habitat Regulations Assessment.

8. Some of the modifications proposed by the Council to the submission Plan are not considered necessary for soundness but were discussed at the hearing as Additional Modifications which the Council may wish to make to the Plan upon adoption. We will provide a schedule of the identified Additional Modifications in the next week or so.

9. Additional modifications are a matter solely for the Council. If the Council intends to make any additional modifications these should be set out in a separate document from the main modifications. If the Council intends to publicise or consult on any additional modifications it should be made clear that such changes are not a matter for the Inspectors.

10. Advice on main modifications and sustainability appraisal, including on consultation is provided in the 2019 Procedure Guide for Local Plan Examinations. Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the Plan and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.

Consideration of Potential Main Modifications

11. The views we have expressed in the hearing sessions and in this letter on potential main modifications and related policies map changes are based on the evidence before us, including the discussion that took place at the hearing sessions. However, our final conclusions on soundness and legal compliance will be provided in the report which we will produce after the consultation on the potential main modifications has been completed. In reaching our conclusions, we will take into account any representations made in response to the consultation.

12. Consequently, the views we expressed during the hearing sessions and in this letter about soundness and the potential main modifications which may be necessary to achieve a sound Plan could alter following the consultation process.

Timetable

13. At this stage we are not inviting any comments about the contents of this letter or the Annex to it, with the exception of the Council, as we will consider all responses through the formal consultation process in due course.

14. We would be grateful if the Council could now confirm a timetable through to the publication of the main modifications for consultation. Thank you for your cooperation on this. If you need any clarification, please contact us through the Programme Officer.

Yours sincerely,

Anne Jordan and Alison Partington

INSPECTORS

Examination of the Bassetlaw Local Plan 2020-2038

Post Hearing Advice – Main Modifications and Related Matters

We have already discussed at the hearing sessions a number of potential modifications to the Plan, including those proposed by the Council which are set out in [BDC20a]. The following are in addition to the potential main modifications signalled as being necessary at the hearing sessions and are those which were not concluded during the public sessions. The Council should consider the need for any consequential changes to the submitted Plan as a result of these potential main modifications.

Section 5.1 and ST1 Housing Requirement and Housing Supply

The Housing Requirement of 582 dwellings per annum (10,476 dwellings by 2038) is partly based on assumptions of housing need derived from the Employment Related Housing Requirement (ERHC). Following the hearing sessions, we requested that some of the assumptions within the ERHC were reviewed and this work was supplied on the 15 February 2023. We have reviewed this report and consider that maintaining this housing requirement is not necessary for soundness and that the revised figure of 540 dwellings per annum (9,720 dwellings by 2038) in the February report should be adopted. Taking into account the factors on which this lower figure is based we consider it to offer a sufficient buffer to allow for flexibility and to mitigate against uncertainty in the conservative baseline outlook.

After the hearing you provided us with additional information in relation to how the housing supply figures in the Plan were calculated. We consider the delivery assumptions applied to both Peaks Hill Farm and Ordsall South to be overly optimistic and that the windfall contribution is also overly high. Furthermore, in light of the current status of the Worksop Development Plan Document (DPD) and resulting lack of certainty as to whether some of the sites within it will be delivered within the lifetime of the Plan, other than Gateford Road Car Park and Priory Wharf, the sites within the DPD should not be relied upon as part of the housing trajectory. We have also identified some minor changes to the contributions from small sites. We will set out the required changes to the housing trajectory and any consequential amendments under separate cover.

Taking into account changes to both the housing requirement and housing supply we are satisfied that the Plan would provide an appropriate level of housing and that it will not be necessary to make changes to the site allocations.

ST2 Residential Growth in Rural Bassetlaw

At the initial hearing session on the 29 November 2022 we identified that the policy as drafted was unclear as to whether the figures quoted were meant as a minimum

requirement or a maximum target. The policy also lacked sufficient detail in relation to how development in the Countryside would be considered. We have previously discussed the Council's proposed modification to this policy and these modifications should now be finalised and added to the schedule of main modifications.

Policy ST7 and Policy 9 – Apleyhead

We note the views of Nottinghamshire County Council (NCC) and the Council's Transport advisers, that the Transport Assessment demonstrates that the site can be developed to the extent set out in the assessment, without the need for carriage widening to the A57. We are therefore satisfied that the allocation would be acceptable in highways terms. However, we do not consider it necessary that the policy be amended to include a floorspace "cap" as such matters would more appropriately be dealt with by way of a planning application when a full Transport Assessment would be provided. In the interests of clarity, the criteria in Part 3) should be removed as these are duplicated in Policy 9. Furthermore, in the interests of clarity, and to ensure that the site is developed for its stated purpose as a strategic employment site the wording of the policy should be amended to make clear the circumstances when non-B8 uses would be appropriate on the site. We also discussed a number of changes to Policy 9 at the hearing sessions and these should now also be included in the schedule of main modifications.

Policy ST10 Employment Sites

In the interests of effectiveness, the policy should differentiate between the uses that will be suitable on urban and rural employment sites. This will necessitate identifying these sites separately within the policy. Further, the criteria within the policy which set out the circumstances when a change to non – employment uses would be acceptable should be reordered in the interests of clarity. In addition, having regard to "agent of change" principles the policy should also contain criteria to protect adjacent employment uses.

Large Brownfield Sites in the Countryside

At the hearing we identified that there are a number of large brownfield sites in the rural parts of the District that have previously been in economic use. The Plan does not contain any specific provision for these. For the Plan to be effective it should provide guidance on how development and investment opportunities at large brownfield sites with the potential to accommodate development at a strategic scale should be considered. In some cases, rural brownfield sites can have attributes that are of importance beyond the District and the Plan should set out how it seeks to capitalise on these.

We note that since the hearing the Council has been in dialogue with representors and that a policy has been drafted which seeks to address this. This should now be finalised and included in the list of proposed main modifications.

Policy ST38 – Green Gaps

The Council has provided a background note on the areas considered as potential green gaps and how development within a green gap would be treated. As discussed at the hearing session on the 24 January 2023 we consider that the focus of this policy should be on preventing the coalescence of settlements and protecting the setting and identity of these settlements by maintaining the openness of the land between them, with the protection of the landscape being dealt with by other policies including ST1, ST35 and ST37. The Council has since provided revised wording for the policy and this proposed modification should be included in the Council's list of main modifications.

In addition, we note that since the hearing sessions the Council has been in dialogue with the promoter of the Ordsall South site to address the potential conflict between the green gap and the site allocation, and that as a result it is proposed to revise the boundary of GG8. We consider this change to be appropriate, removing the potential conflict between the 2 policies and should be progressed as part of the main modifications to the Plan.

Policy ST50 – Climate Change Mitigation

The Council has provided a background note as to the rationale behind the proposed requirement for treeplanting within new developments and we are satisfied that the proposed modification, to include tree planting within all new developments, is necessary for effectiveness. This proposed modification should now be included in the Council's list of main modifications.

Policy ST51 – Renewable Energy Generation and High Marnham

At the hearing session on 13 December 2022, we indicated that the policy didn't provide a clear strategy for renewable energy provision within the District. Rather than focussing on one location, in the interests of effectiveness, the policy should be redrafted to relate more broadly to how renewable energy provision will be supported throughout the District. Furthermore, the Plan as a whole, also fails to provide sufficient direction as to the future development potential for High Marnham. The Council has since revised this policy to respond to our concerns. Furthermore, we note that our concerns would also potentially be addressed by the Council's proposed policy relating to brownfield sites in the countryside. These proposed modifications should now be included in the Council's list of main modifications.

Policy ST58 – Infrastructure Provision and Supporting Information

At the hearing session on 24 January 2023 we identified that the Infrastructure Delivery Plan lacks clarity particularly in relation to how the "infrastructure funding gap" had been calculated. Following the hearing, the Council agreed to revise The Infrastructure Delivery

Plan Baseline Assessment 2021 to identify the specific provision or contributions to improvements that would be necessary to accommodate Local Plan growth on a site-by-site basis. This would then inform the requirements in site specific policies. The Council also agreed to provide further explanation on how CIL receipts were estimated and to provide information on additional funding sources to fill in the infrastructure gap. We consider these changes to be appropriate and necessary for clarity and these should be progressed as part of the main modifications to the Plan.