

BASSETLAW LOCAL PLAN

EXAMINATION OF THE BASSETLAW LOCAL PLAN 2020 – 2038

Response to Matters, Issues and Questions for the Examination

Submitted on behalf of Caddick Developments Ltd

MATTER 1A – LEGAL COMPLIANCE

MATTER 1B – OVERARCHING MATTERS

Introduction

- 1.1 This submission is made on behalf of Caddick Developments Ltd. Caddick is promoting land at Apleyhead Junction (site SEM001) for approximately 4.7m sqft of employment uses (predominantly B8, with elements of B2, and ancillary offices), which is identified as a strategic allocation in the draft plan. Caddick has made representations at all stages of the plan, and this MIQ response should be read in conjunction with those representations.
- 1.2 A signed Statement of Common Ground between Caddick and the Council is available in the Examination Library.

ISSUE 1A: HAS THE COUNCIL COMPLIED WITH THE DUTY TO CO-OPERATE AND OTHER RELEVANT PROCEDURAL AND LEGAL REQUIREMENTS IN THE PREPARATION OF THE LOCAL PLAN

1.1 in preparing the plan did the council engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the duty to co-operate?

- 1.3 Caddick consider the Council has engaged in a robust and proper manner, and that the plan has been prepared to reflect the nature and content of these discussions.
- 1.4 In terms of Caddick's interests in the local plan, with further detail on employment matters provided in the Matter 3 response, it is relevant to note the Council has agreed Statement(s) of Common Ground with neighbours and relevant organisations on employment matters and other matters which relate to Caddick's interests at Apleyhead specifically, as set out in:
- SCG-008 - Mansfield District Council and Bassetlaw District Council Statement of Common Ground (May 2022).
 - SCG-010 - Nottinghamshire County Council and Bassetlaw District Council Draft Statement of Common Ground (January 2022).
 - SCG-011 - Housing Market Area Joint Statement of Common Ground (May 2022).
 - SCG-012 - Natural England and Bassetlaw District Council Statement of Common Ground (May 2022).
 - SCG-014 - Doncaster Metropolitan Borough Council (June 2022).
 - SCG-015 – Apleyhead Statement of Common Ground (between Caddick and Bassetlaw District Council) (May 2022).
 - SCG-016 - Newark & Sherwood Council Statement of Common Ground (June 2022).

- SCG-017 - Central Lincolnshire Joint Strategic Planning Committee Statement of Common Ground (June 2022).
- SCG-018 - North Lincolnshire Council Statement of Common Ground (June 2022).
- SCG-019 - Bassetlaw A1 Corridor Logistics Assessment Property Market Area Authorities Statement of Common Ground (June 2022).

1.5 These Statements of Common Ground agree key issues in respect of the plan, and in particular the principle, location, and scale of development at Apleyhead (Site SEM001).

1.2 has the plan been prepared in accordance with the adopted local development scheme (May 2022)?

1.6 Caddick has no comments on this matter at this stage but reserves the option to comment further on the matter following MIQ responses by others.

1.3 has consultation on the plan been carried out in accordance with the council's statement of community involvement (Jan 2020 and June 2021 update) and the requirements of the 2004 act (as amended) and the 2012 regulations?

1.7 Caddick has no comments on this matter at this stage but reserves the option to comment further on the matter following MIQ responses by others.

1.4 does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:

- A) its assessment of the likely effects of the plan's policies and allocations?**
- B) its consideration of reasonable alternatives, including the eight spatial strategy options? Does it capture all reasonable alternative site options put forward in the plan preparation process? Can these be compared on a like for like basis?**
- C) its explanation of why the preferred strategy and policies were selected?**
- D) its assessment of the amount of development that would arise as a result of the provisions in the plan?**

1.8 Caddick consider an appropriate Sustainability Appraisal (SA) has been undertaken to assess the matters raised in MIQ 1.4 questions A to D (above). The SA assess various spatial growth options and potential site allocations, which in turn has informed the overall plan.

1.9 The SA (particularly documents PUB-024) assesses the Apleyhead employment site (Policy 9), which is a site that presents the opportunity for significant growth in the District during the plan period, against other allocated and non-allocated sites.

1.10 The SA concludes Apleyhead scores better than or equal to other allocations from an SA perspective, setting aside the fact that in commercial terms Apleyhead is a unique opportunity (as detailed in our Matter 3 response) as the only site in the plan which is truly flexible in its potential layout meaning it can cover the full range of large-scale occupier requirements (including a single unit of up 4m sqft) in an attractive location. The SA notes a number of site constraints, and these are reflected in the Policy 9 wording (as the site specific policy). Although, as per previous representations, Caddick consider the site scores better than any other sites against SA3 (economy and skills) rather than equally as well as those site in that it provides the single largest employment opportunity in the plan and can deliver significant socio-economic gains. Furthermore, based on site specific heritage and archaeology assessments there may not be a 'significant affect' as is currently concluded in the SA against SA13 (Cultural Heritage) for example the site is well screened from nearby heritage designations and indicative archaeological surveys have shown that only some of the site has notable archaeological potential.

1.5 Is the Habitats Regulations Assessment (May 2022) adequate and does the plan include all the recommendations identified in the assessment as necessary to ensure compliance with the habitats regulations? Is it robust and convincing in its conclusion that the plan will have no likely significant effects on the integrity of any European sites?

1.11 The Habitats Regulations Assessment (HRA) is appropriate and in the case of the Apleyhead specific policy (Policy 9) the HRA recommendations have been carried forward.

1.12 The Apleyhead site is within 500m of the Sherwood Forest ppSPA. However, it should be noted that a 'ppSPA' has no lawful status and is afforded no statutory nor planning policy protection. A potential SPA designation was first suggested in approximately 2006 following a series of bird surveys for relevant species (woodlark and nightjar in this instance), however a formal SPA designation was not taken forward in the UK SPA review (2010-2011) and there has been no progress at all since then on designation. Nevertheless, a 'highly precautionary approach' (as advocated by Natural England) has been taken forward in respect of both the local plan HRA and a project specific 'Shadow HRA' which would accompany any forthcoming planning application on the Apleyhead site.

1.13 The Local Plan HRA (document PUB-26) undertakes a Shadow HRA, and references the ppSPA, with the conclusions set out in HRA Table 5.1. Of note, Table 5.1 concludes:

'Woodland in the site may provide some contribution towards maintaining the extent and connectivity of offsite foraging habitat for nightjar, but this contribution is likely to be insignificant at a landscape scale. Furthermore, the policy [policy 9] makes

commitments that the new development will protect and enhance the woodland and provide mitigation for any loss through the creation of an access from the A57. In line with a highly precautionary approach, it is recommended that as part of project level HRA, winter surveys are undertaken to determine the contribution that this site provides to supporting wintering woodlark. In the highly unlikely event that significant numbers of woodlark are identified, mitigation may be required through the provision of areas of optimal foraging habitat (e.g. seed-rich set aside land) either within the site, or offsite in the wider landscape.'

- 1.14 Therefore, the Apleyhead site does not share the same key habitat characteristics as the ppSPA in terms of capacity of supporting the relevant species which led to the ppSPA 'identification'. Surveys at Apleyhead show the site does not support woodlark and nightjar.

1.6 Does the plan include policies to address the strategic priorities for the development and use of land in Bassetlaw?

- 1.15 Caddick consider the plan does include policies which address strategic priorities in Bassetlaw. The Council has rightly taken a pro-active approach to growth in the District, in seeking to achieve a 'step change' in the local economy (as described at Local Plan Strategic Objective 3). The various strategic policies in the plan (e.g., ST7 and Policy 9) are aligned to this objective, albeit Caddick consider ST7 and Policy 9 require modifications in the interests of soundness (as detailed in the Matter 3 response).

1.7 Does the plan include policies designed to ensure that the development and use of land in Bassetlaw contributes to the mitigation of, and adaptation to, climate change?

- 1.16 Caddick consider the plan includes these policies, and climate change matters are further considered in site specific policies (such as Policy 9).

1.8 How have issues of equality been addressed in the local plan?

- 1.17 Caddick has no comments on this matter at this stage but reserves the option to comment further on the matter following MIQ responses by others.

1.9 Does the plan comply with all other relevant legal requirements, including in the 2004 act (as amended) and the 2012 regulations?

- 1.18 Caddick has no comments on this matter at this stage but reserves the option to comment further on the matter following MIQ responses by others.

MATTER 1B – OVERARCHING MATTERS

1.10 Is the plan period (2020 – 2038) justified, effective and consistent with national policy? If so, should the requirements/timescales for review of the plan be set out in policy?

- 1.19 Caddick consider the plan period (2020 to 2038) is justified, effective and consistent with national policy. They also consider there is no requirement at this stage for an early review of the plan beyond the good practice review required by the relevant legislation and endorsed in national policy.

1.11 Are there any 'made' neighbourhood plans, or any being prepared or in the pipeline? If so, how have these been taken into account and where is this evident? How has the emerging Worksop DPD been taken into account in the preparation of the plan?

- 1.20 Caddick has no comments on this matter at this stage but reserves the option to comment further on the matter following MIQ responses by others