

## Examination of Bassetlaw Local Plan 2020 - 2038

Written Statement on behalf of Dooba Developments Limited (c/o Commercial Estates Group)

### Matter 3 - Employment Land

On behalf of our client, Dooba Developments Limited (c/o Commercial Estates Group), Rapleys LLP has prepared this Statement in relation to the examination of the Bassetlaw Local Plan 2020 - 2038. Our client is the freeholder of Vesuvius, an employment site within Sandy Lane Industrial Estate in Worksop.

This Statement follows the previous representation, dated 14 October 2021, submitted in response to the Bassetlaw Local Plan Submission Version Regulation 19 Consultation (September 2021).

With regard to the Matters, Issues and Questions raised by the Planning Inspectors, this Statement relates to 'Matter 3 - Employment Land', which concerns the justification of employment land provision and the consistency with national policy. Specifically, it responds to the following questions issued by the Inspectors:

- 3.5 In relation to policy ST10 is the policy based on up-to-date evidence and is the policy consistent with national policy?
- 3.7 Are there any omissions in the policies and are they sufficiently flexible?

#### Consistency With National Policy and Flexibility

Paragraph 82 of the National Planning Policy Framework (NPPF) states the following:

*“Planning policies should:*

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*

The current drafting of policy ST10 refers to existing employment sites and seeks to safeguard land for development within Use Classes E(g), B2 and B8, or for small-scale and ancillary uses that would support such development. Furthermore, it only permits the loss of employment floorspace to other uses where one or more of the following apply:

- The site is no longer suitable for employment use and there is no realistic prospect of re-use or redevelopment for employment use.
- Economic growth and employment opportunities in the area would not be adversely affected.
- The land or buildings have been marketed without success for a minimum of 12 months.
- The continuation of the land or buildings for employment use is no longer financially viable.

As set out in Rapleys' Regulation 19 consultation representation, whilst encouraging to a certain degree, this policy is too restrictive and currently conflicts with national policy. It is accepted that employment floorspace should be afforded protection, however, a flexible approach should be

adopted to allow for adaptability and responding to changing economic circumstances. Such an approach would align with Government policy, specifically the amendment to the Use Classes Order in 2020, and the NPPF.

The new ‘Commercial, Business and Service’ Use Class E was introduced in September 2020 to simplify the system of Use Classes in England. The intention behind this was to provide businesses with the additional flexibility to enable them to adapt and diversify, to meet changing economic and societal demands and facilitate economic growth.

The amended Order introduced flexibility to businesses by providing the opportunity to adapt to changing market conditions. This approach, which echoes the NPPF, recognises that economic growth does not relate solely to business and industrial uses. It also accepts that many commercial and services uses are not well suited to retail high streets and are instead more aligned to typical employment units. For example, many bulky goods retail provision, community facilities and specialised leisure uses such as gyms, martial arts studios and soft play centres require large areas of continuous floorspace and/or sizeable floor to ceiling heights, or locations away from other amenity sensitive uses where noise and disturbance impacts could otherwise be experienced.

It is also pertinent that non-industrial/storage/distribution uses within employment areas can be mutually beneficial as they can complement and support the function of employment areas by providing services to businesses and employees within it, thereby delivering sustainable development.

In summary, policy ST10 essentially reiterates policy DM7 of the Bassetlaw Core Strategy and Development Management Policies DPD, which applies a historic approach to employment land that is not reflected in the updated Use Classes Order or the NPPF. To reiterate previous commentary, it makes the outdated assumption that only uses falling within the former Class B1, B2 and B8 are employment generating and are thus ‘employment’ uses. On the contrary, economic growth and employment generation is heavily stimulated by commercial, business and service sectors.

It is acknowledged that floorspace which creates economic growth should remain the focus of these existing employment areas, however, other uses should be supported provided they do not undermine the principal employment function of the area. Taking account of the above, it is recommended that policy ST10 is amended to the following (or something similar) in order to ensure that it is consistent with national policy:

1. *Designated Existing Employment Sites, as shown on the Policies Map, are important drivers for the District’s economy and will be protected for new or additional development in the E(g), B2, B8 use classes or for small-scale ancillary uses required to support employment development.*

*In addition to these uses, the following uses are also likely to be acceptable within Existing Employment Sites provided they do not undermine the overall employment function of the wider site and satisfy other relevant development plan policies:*

- *Bulky goods retail uses;*
- *Commercial training facilities;*
- *Specialist leisure uses that are not suited to designated centres due to their scale and / or operational impacts.*
- *Community facilities, including day centres and childcare provision;*
- *Small scale food and drink uses;*

2. *Major development in these locations will be required to enter into a site related Employment and Skills Plan in accordance with Policy ST7.*

*Loss of Employment Sites and Buildings to Non Employment Uses*

3. *The change of use or redevelopment of all or part of an Existing Employment Site or other employment land or buildings to use not specified above will only be permitted where it can be evidenced that:*
- a) the land or building is no longer suitable for employment use and there is no realistic prospect of re-use or redevelopment for employment use; and/or*
  - b) the loss of land or buildings would not adversely affect economic growth and employment opportunities in the area the site or building would likely serve; and/or*
  - c) the land or buildings has been appropriately but proportionately marketed without a successful conclusion for a period of not less than 12 months on terms that reflect the lawful use and condition of the premises; and/or*
  - d) it is no longer financially viable for the land or building to continue in its existing employment use - an appropriate and robust viability assessment based on realistic assumptions and up-to-date baseline information will be required.*

**Summary**

On behalf of Dooba Developments Limited, we thank you for this opportunity to provide this Statement in relation to the examination of the Bassetlaw Local Plan 2020 - 2038.

Policy ST10 refers to Existing Employment Sites, which includes our client’s Vesuvius employment site on Sandy Lane, Worksop. The policy is not considered to provide suitable flexibility for existing employment floorspace and does not enable sites to respond swiftly to changing economic circumstances. In conclusion, it does not facilitate economic growth and is therefore not consistent with national policy.

As the freeholder of Vesuvius, our client can attest to the inflexibility of current local planning policy (which policy ST10 essentially duplicates). Despite being completed in Summer 2021, circa 1,175sqm of 3,996sqm built out under Phase 1 of Vesuvius remains vacant. Amendments to the policy are required in order to comply with national policy; and also to move away from the redundant notion that only uses falling within the former Class B (B1/B2/B8) are truly ‘employment’ uses along with acknowledgement that the economy is now more diverse where other commercial, business and service uses are key to economic growth and can support and complement the functioning of designated employment areas.