

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 14

INFRASTRUCTURE AND DELIVERY, AND MONITORING

POLICIES ST56 – ST58

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 14 – DOES THE PLAN SET OUT A POSITIVELY PREPARED STRATEGY AND POLICIES FOR INFRASTRUCTURE, DELIVERY AND MONITORING WHICH IS JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY?

14.1 a) Does Policy ST56 provide an effective framework to ensure the delivery of the necessary infrastructure? In particular, is the requirement to safeguard the land to deliver area-wide or site-specific infrastructure justified and consistent with national policy? Would the policy be effective particularly with regard to enabling the delivery of future transport schemes?

b) Are the policy's requirements supported by up-to-date evidence?

c) Have the implications of the policy in relation to viability been appropriately tested?

d) Is the policy sufficiently flexible?

e) Are there any omissions from the proposed policy and supporting text?

- 1.3 Caddick has no particular comments on this matter but reserves the option to comment following MIQ responses by the Council and others.

14.2 a) Are the requirements for the provision of digital infrastructure in Policy ST57 justified, would they be viable and does the policy provided an effective framework to deliver this infrastructure?

b) Is the suggested main modification necessary for soundness?

- 1.4 Caddick has no particular comments on this matter but reserves the option to comment following MIQ responses by the Council and others.

14.3 a) Are the requirements of Policy ST58 clear, justified and consistent with national policy? Would they be effective?

b) Is there robust and convincing evidence to demonstrate that the Policy's provision not to charge CIL on developments of over 50 dwellings, justified by robust evidence? Would this secure the necessary infrastructure to support the development proposed in the Plan? Would this approach adequately address the cumulative impacts of development?

c) Is sufficient clarity provided with regard to the review mechanism?

d) Is the policy sufficiently flexible?

e) Are there any omissions from the proposed policy and supporting text?

f) Are the suggested main modifications to the supporting text necessary for soundness?

14.4 Is the plan sufficiently clear as to how its implementation will be monitored?

- 1.5 As a general point, the local plan, IDP, and site-specific policies must align to ensure appropriate infrastructure is delivered in a proportionate manner for the development proposed. As detailed in Caddick's Matter 13 response, the purpose of Policy 9, ST54, ST58 and the IDP should be clarified. Caddick conclude Policy 9 is entirely sound and robust in its requirements for highways mitigation, whereas the IDP is a wider infrastructure 'wish list' which is not necessarily directly related to the impacts of development.
- 1.6 Turning specifically to ST58 and Part 5 of the policy, Caddick is concerned the policy could be retrospectively applied in a manner which conflicts with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) in that if infrastructure has already been provided then said infrastructure (or contributions to it) it may not be '*necessary to make the development acceptable in planning terms*' as required by Regulation 122 as the development may be acceptable with the infrastructure in place. Furthermore, ST58 Part 5 could be relied upon by the Council to seek funding from developments in a way which is not directly related nor proportionate (as is also required under Regulation 122).
- 1.7 In response to the Matter 14 question 14.3(d), ST58 requires clarification such that onerous s106 requirements are not retrospectively sought and that there is alignment with other relevant plan policies.