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# Response to BDC43

## On behalf of Caddick Developments

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### Introduction

- 1.1 This note forms Caddick Developments' ('Caddick') comments on matters raised in BDC43 (*'Meeting note under the Duty to Co-operate with the Property Market Area Authorities in relation to Apleyhead proposed employment split'*).
- 1.2 This response covers three main areas:
  - i. Proposed B2/B8 floorspace split, and the need, demand, and benefits of such as split.
  - ii. Floorspace cap as initially raised by Nottinghamshire County Council ('NCC') and discussed in the hearing session of 24<sup>th</sup> January 2022.
  - iii. Proposed policy changes to address the above points.
- 1.3 The note is submitted as a means of supporting BDC's commitment to enabling a step change in economic growth in the district and wider sub-region (including the Property Market Area ('PMA') as set out in the stated objectives in the emerging draft local plan.

### Floorspace split at Apleyhead

#### Apleyhead site specific evidence

- 2.1 Caddick has been consistent in local plan representations and hearing statements that a 'market facing' blend of B2 and B8 Uses at Apleyhead is appropriate, evidenced, and sound. Evidence submitted by Caddick (see Savills Report appended to the Matter 3 Hearing Statement), as expanded upon at the recent hearings, shows a clear market need and demand for the types of strategic scale industrial and logistics units at Apleyhead and that there are no other sites which can meet this demand. It is this ability to accommodate the largest occupier requirements which makes Apleyhead a unique opportunity.
- 2.2 The Savills Report shows that of the entire development there could be B2 occupier interest for approximately 15% of the ground floor space, based on current market trends. Hence, a truly 'market facing' scheme should allow for such uses. Therefore, we suggest that no more than 15% of the ground floor area should be used for dedicated standalone B2 uses.
- 2.3 We note that BDC43, and the relevant neighbouring authority responses, assume 20% of the site would be for B2 Uses. However, in reality, Caddick is seeking flexibility that up to 15% (i.e., not that amount exactly, and not 20% as referred to in BDC43) could be used for dedicated B2 Uses. This is an important distinction in terms of deliverability and consideration of perceived impacts.

#### Locally relevant evidence and examples

- 2.4 B2 Uses on these types of sites has accepted locally, through the development management and planning policy process. For example, planning permission for Land at Sunny Nook Farm (planning permission 19/00866/VOC) allows for non-ancillary B2 Uses, likewise the relevant planning permission at Symmetry Park Blyth.

- 2.5 Of further relevance, the Doncaster Council response within BDC43 specifically recognises the very recently adopted Doncaster Local Plan (2021) allows for B2 Uses at iPort Doncaster. The relevant Doncaster Local Plan policy (Policy 71) and supporting text state:

*Policy 71: iPort (Strategic Policy)*

*A Strategic Rail Freight Interchange (SRFI) together with ancillary infrastructure and operational development, known as iPort, will be developed at Rossington as shown on the Policies Map...*

*B. Units in Use Class B2 will also be acceptable, subject to meeting other policies in the Local Plan.*

The supporting text (paragraph 16.127) confirms (Barton Willmore emphasis):

*The National Policy Statement for National Networks states (footnote 42) that SRFI may include manufacturing and processing activities, in addition to warehousing and container handling facilities so, although iPort has been granted permission specifically for rail related strategic warehousing, there may be instances where an alternative use maybe appropriate such as those within Use Class B2. Each case will be considered on its merits and will need to meet the requirements set out in other Local Plan policies such as parking standards and design standards. Based on the best information on market potential currently available, it is anticipated that around 15% of the overall employment floorspace will be for B2 uses.*

- 2.6 This shows a clear direction of travel that specific B2 Uses on mainly B8 Use sites is increasingly commonplace and relevant in market (and evidential) terms. Furthermore, the Sunny Nook consent and iPort allocation policy demonstrate that such uses can be consented without adversely impact neighbouring authorities.
- 2.7 Caddick maintain that for ST7 to be positively prepared (and sound) it is entirely correct and justified to allow for a proportion of B2 Uses.

### **Proposed policy wording**

- 2.8 In light of the above, Caddick conclude that B2 Uses can be delivered at Apleyhead without undermining other local growth strategies and neighbouring plans. Notwithstanding this, Caddick propose discreet amendments to Policies ST7 and ST9 which effectively means:
- i. Dedicated B2 Uses (excluding ancillary B2) do not exceed 15% of the ground floor space of the development (with the total development floorspace to be controlled through future planning applications), and
  - ii. Any proposed B2 Uses would need to demonstrate they do not significantly impact on growth strategies within Bassetlaw and existing adopted local plans in neighbouring districts.
- 2.9 The form of wording is similar to that originally proposed by the Council in respect of B8 uses at the site (see former wording to ST7 Part 3 in the submitted plan).
- 2.10 The Inspector will recall that Caddick strongly opposed such suggested wording in respect of B8 Uses and correctly considered such wording to be unsound as there is ample evidence that already clearly shows that B8 uses would not impact on other growth strategies. The council has effectively agreed with Caddick's position by suggesting further changes to ST7

Part 3 (see BDC-36). A similar approach to that originally proposed by the council in respect of B8 Uses could be agreed in respect of B2 Uses to allay neighbouring authority perceived concerns (notwithstanding Caddick's position that B2 Uses are entirely appropriate).

2.11 The suggested revised policies are set out below in section 4.

## **Floorspace cap at Apleyhead**

### **Test of soundness**

- 3.1 As BDC and the Inspector will be aware Section 20(7C) of the Planning & Compulsory Purchase Act is clear that modifications to a submitted plan can only be made to address issues of soundness and that modifications can only be made by the Inspector. This position is confirmed through the PINS '*Procedure Guide for Local Plan Examination*'.
- 3.2 Therefore, on submitting the draft plan for examination BDC considered the plan was sound otherwise the plan would not be submitted. The submitted plan did not include a floorspace cap at Apleyhead, and the nature of the development has not materially changed since the plan was submitted.
- 3.3 Although BDC is seeking to make changes to the plan during the examination process, the starting point must be the submitted plan was sound (without a floorspace cap), that a floorspace cap is unsound, and modifications should only be used to address soundness issues. There is no soundness reason to retrospectively impose a cap.
- 3.4 It is important to note the point of difference between Caddick's soundness points made in the context previous ST7 wording on the mix of uses and policy tests, and these further comments on floorspace cap. As set out above in section 2, the council has agreed with Caddick that Part 3 of ST7 as per the submitted plan was not sound, hence the council is entirely correct to propose changes to the policy to address issues of soundness. By comparison, the proposed floorspace cap is unsound and unjustified and ST7 should not be modified to introduce a cap.
- 3.5 Notwithstanding matters of soundness, we go on to demonstrate a floorspace cap is not needed in practical terms and is not supported by evidence.

### **Clarification on discussions at the hearings**

- 3.6 As a point of clarification, at the hearing sessions of 24<sup>th</sup> January 2023 BDC inferred a cap had been discussed with neighbouring authorities and that a cap was broadly welcomed by neighbours. However, BDC43 shows a floorspace cap was not discussed at the DTC meeting and the neighbouring authority responses make no reference to a cap. It is unclear why reference was made, at the hearings, to local support for a cap.

### **The proposed cap**

- 3.7 Caddick conclude, in the strongest possible terms, a floorspace cap is unsound as it is neither justified nor positive (in respect of plans being positively prepared) and certainly is not needed to make the policy sound.
- 3.8 The suggested floorspace cap appears to stem from NCC's response to the latest Bassetlaw Transport Study Addendum which tested a revised development scenario at the site. The proposed cap is therefore only being proposed in relation to perceived trip generation

concerns and associated highways matters. We go on to demonstrate it is entirely incorrect to impose a floorspace cap in order to limit/manage trip generation, notwithstanding any form of cap is not sound.

- 3.9 Caddick's evidence to the hearings shows a form of development which *could* be delivered at Apleyhead, and demonstrated it would not give rise to significant offsite effects. The Council's evidence (see various Transport Studies) initially tested a larger development and concluded that impacts of the development could be mitigated.
- 3.10 Development at the site within the proposed area for allocation is, therefore, self-limiting on the basis that if the quantum of development became so significant that unviable offsite works were required then the quantum of development would be reduced accordingly. To be clear, there is no indication that development at Apleyhead would require unviable levels of offsite mitigation. A Transport Assessment submitted as part of a planning application is the appropriate mechanism to assess the development in detail.
- 3.11 Notwithstanding Caddick's position that a cap is unsound, if the Inspector were minded to include a limit/cap then a more appropriate mechanism would be to agree a trip generation or vehicle movement cap or budget. In practice, if the cap were exceeded then further assessment would be required to identify and agree further mitigation from the development.

### **Proposed policy wording**

- 4.1 The following suggests revised policy wording to ST7 and ST9 to address the matters raised above and to also provide clarity on other matters discussed at the hearings such as the extent of required highways assessments and junction improvements.

### **Proposed ST7**

- 4.2 A revised policy ST7 is proposed as follows, with the proposed changes seeking to align the submitted plan with the BDC led changes during the hearings (see BDC20 and BDC43):

#### **Policy ST7: Provision of Land for Employment Development**

1. *(No changes proposed.)*
2. *(No changes proposed.)*
3. Proposals for land at Apleyhead Junction (189ha gross site area, with an approximate developable area of 118.7ha) identified as site SEM001 on the Policies Map will be developed to meet sub-regional and/or regional scale logistics needs (Class B8 with complimentary and ancillary uses as defined in Part 4 of this Policy) within the property market area defined by the Bassetlaw A1 Corridor Logistics Assessment Update 2022.
4. Development within the General Employment Sites that is not within the E(g)/B2/B8 Use Classes or, in the case of the Strategic Employment Site at Apleyhead not within the B8 Use Class, (other than uses that are truly ancillary and within the same building, which will be acceptable), will only be supported where:
  - a. It is complimentary to the allocated use; and
  - b. Can demonstrate support for the primary uses the site is allocated for; and
  - c. Will maintain or enhance the primary function of the site; and

- d. The number and distribution of complimentary units would not result in an over-concentration that might affect the function and appearance of the site.

In the case of Apleyhead (site SEM001), complementary uses will be limited to the B2 Use Class and be for no more than 15% of the total site floorspace. Furthermore, proposals for B2 development shall not significantly compromise the deliverability of:

- i. Other employment allocations in this Bassetlaw Local Plan, and/or
- ii. Strategic employment development allocations within other already (at the time of adoption of this Plan) adopted Local Plans within the Property Market Area.

5. (*No changes proposed.*)

## **Proposed ST9**

- 4.3 A revised policy ST9 is proposed as follows, with the proposed changes seeking to align the submitted plan with the BDC led changes during the hearings (see BDC20 and BDC43):

### **Policy ST9: Site SEM001: Apleyhead Junction, Worksop**

1. Land at site SEM001: Apleyhead Junction, Worksop as identified on the Policies Map, will be developed as a strategic employment site in accordance with Policy ST7 in this plan period.
2. The proposed development should be delivered in accordance with a comprehensive masterplan framework for the site consistent with Policy ST58, and the development should make provision for:

#### **Good quality design and local character**

- a) Design and location of buildings that support the positive development of the site whilst respecting local character and distinctiveness;
- b) A scheme that ensures no significant adverse impacts upon the Clumber Park SSSI, evidenced by an Air Quality Management Strategy, a Landscape Visual Impact Assessment, indicative lighting strategy and a project level Habitats Regulations Assessment, including winter bird surveys;
- c) BREEAM very good-excellent standards (or any successor scheme) for energy, water efficiency and sustainable construction;
- d) A scheme of an appropriate scale, layout, form and materials for the proposed use(s) which respects the significance and setting of affected heritage assets, supported by a heritage statement and archaeological assessment comprising a geophysical survey and intrusive site investigations, and mitigation strategy;

#### **Green/blue infrastructure and biodiversity**

- e) A scheme of an appropriate scale, layout, form and materials for the proposed use(s) which protects and enhances the special characteristics of the Top Wood/Great Whin Covert Local Wildlife Site and biodiversity value on the site informed by an Ecological Impact Assessment and arboriculture assessment, with management agreed through the planning application;

- f) Green/blue infrastructure connectivity within the site and to neighbouring green/blue infrastructure assets to support climate resilience;
- g) An appropriate landscape buffer between the site and the A1 to the east and the railway line to the north;

**Transport and connectivity**

- h) All necessary transport infrastructure improvements through direct mitigation or contributions to new or improved infrastructure as evidenced by a development specific Transport Assessment(s) and Travel Plan(s), including:
  - i. Safe access to the site from the A57 for vehicles, public transport, cyclists and pedestrians;
  - ii. An assessment of and, if required; necessary, appropriate and proportionate improvement(s) towards highway infrastructure;
  - iii. An appropriate and proportionate financial contribution towards extending a high frequency bus service between the site and Worksop town centre supported by appropriate public transport infrastructure within the site;
  - iv. Quality, safe and direct pedestrian and cycle links along the A57 to connect with existing development;
  - v. Appropriate servicing and parking provision for each development parcel.

**Employment and skills**

- i) An Employment & Skills Plan to maximise local employment and training opportunities in each phase of development during construction and operational/occupier stages.