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Ms Carmel Edwards  
C/O Queen's Building  
Potter Street  
Worksop  
S80 2AH

23 August 2023

Dear Ms Edwards,

Please find enclosed a statement from Nottinghamshire County Council with respect to the Bassetlaw District Council Community Infrastructure Levy (CIL) Charging Schedule Examination.

The County Council looks forward to participating in the virtual hearings on Thursday 7<sup>th</sup> September.

Yours sincerely,

Will Lawrence  
Developer Contributions Practitioner  
Nottinghamshire County Council

## BASSETLAW DISTRICT COUNCIL CIL CHARGING SCHEDULE EXAMINATION NOTTINGHAMSHIRE COUNTY COUNCIL STATEMENT – 23 AUGUST 2023

*Matter 3 Q2. Is the levy rate of zero for Residential (Use Class C3) – 50 or more dwellings, justified by appropriate available evidence, having regard to national guidance, local economic context and infrastructure needs, including the various adopted and emerging planning policies for Bassetlaw?*

The exemption of major residential development sites from the CIL will reduce the capability of the County Council to deliver strategic transport infrastructure which is necessary to mitigate the cumulative impact of planned growth as identified in the Bassetlaw Transport Study (BTS).

It has been assumed that, for zero CIL-rated sites, the County Council would secure funding towards transport mitigation through negotiated Section 106 Agreements (S106). The Bassetlaw Infrastructure Delivery Plan May 2023 confirms that £23m would be secured through S106 towards highway, public transport, and walking/cycling schemes. However, any contribution secured through S106 must be necessary to make the development acceptable in planning terms and directly related to the impact of the development<sup>1</sup>. With regards to the highway schemes identified in the BTS, the improvements would only be necessary because of cumulative development and cannot be attributed to the impact of any individual site. It is therefore uncertain that funding towards these schemes could be agreed through a compliant S106 planning obligation.

The modified plan policies do not provide any certainty to the County Council that contributions towards the highway schemes identified in the BTS will be secured through a S106. With regards to improving highway infrastructure, the relevant policies require the sites to provide “*any appropriate proportionate financial contribution*” which is ambiguous and subject to negotiation. Given that no site allocation - in isolation - would exceed the junction capacity of the A57 corridor, it is conceivable that contributions towards its improvement would not be considered as being necessary to make the developments acceptable in planning terms. This point was articulated by prospective applicants during the local plan hearings. In this likely scenario, the County Council would have no means through which to fund the highway improvements recommended by the BTS.

Moreover, it is not clear how the transport contributions which are intended to be funded via S106 (£23m) could be secured given that the viability evidence does not support the application of a CIL for major sites. If payments through the CIL are not viable, then it follows that payments through S106 are not viable. Conversely, if payments through S106 are deemed to be viable, then the proposed value (£23m) should be reduced in order to facilitate CIL payments. This would provide greater assurance to both councils that funding will be available to deliver the schemes in the BTS.

The Highway Authority and District Council has worked effectively together to apply funds collected through the CIL towards strategic highways schemes along the A57 corridor and would advocate this route of delivery. The proposal to apply S106 in lieu of a CIL is not cognisant of the regulations governing the use of planning obligations and may result in future projects becoming undeliverable.

The County Council notes that the District Council expects to secure £8.8m through S106 for education, as set out in the Bassetlaw Infrastructure Delivery Plan May 2023. This is supported as the need for school places is not related to the cumulative impact of development and is directly related to the impact of each site. The County Council is successful at securing education contributions through S106, which is generally preferred to CIL.

**The County Council contends that the charging schedule has been produced without regard to national guidance on the use of developer contributions and the strategic transport infrastructure needs in the BTS. The County Council recommends that the zero CIL-rating is increased for major residential sites in order to ensure that there is funding available to support the delivery of strategic highway schemes that are necessary at a plan-wide level. The proposal to fund public transport services and education infrastructure via S106 should be retained, as these facilities are necessary to make individual applications acceptable in planning terms and would accord with planning regulations.**

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<sup>1</sup> National Planning Policy Framework Paragraph 57

*Matter 4 Q2 - Is the levy rate for all other uses justified by appropriate available evidence, having regard to national guidance, local economic context and infrastructure needs, including in relation to the various adopted and emerging planning policies for Bassetlaw?*

The District Council is proposing to exempt all other uses, including employment development, from CIL. As set out above, this will reduce the capability of the County Council to deliver strategic transport infrastructure which is necessary to mitigate the cumulative impact of planned growth as identified in the Bassetlaw Transport Study (BTS). The Bassetlaw Infrastructure Delivery Plan May 2023 confirms that £23m would be secured through S106 towards highway, public transport, and walking/cycling schemes, including from the major employment site at Apleyhead (SEM001). However, for the reasons outlined above (Matter 3 Q2), there is no certainty that this level of funding could be secured via this route.

**The County Council contends that the charging schedule has been produced without regard to national guidance on the use of developer contributions and the strategic transport infrastructure needs in the BTS. The County Council recommends that the zero CIL-rating is increased for employment sites in order to ensure that there is funding available to support the delivery of strategic highway schemes that are necessary at a plan-wide level. The proposal to fund public transport services via S106 should be retained, as this is necessary to make individual applications acceptable in planning terms.**