



# **Newark and Sherwood Amended Core Strategy DPD**

## **MATTER 15 – Core Policy 8**

**Statement on behalf of Newark and  
Sherwood District Council**

**January 2018**

**Question 15: Is Core Policy 8 a proper reflection of national retail policy?**

- 15.01 Paragraph 23 of the National Planning Policy Framework (NPPF) carries the expectation that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Core Policy 8 ‘Retail & Town Centres’ (CP8), supplemented by Policy DM11 ‘Retail and Town Centre Uses’ in the Allocations & Development Management DPD (CS/05), outlines the Authority’s approach to delivering this.
- 15.02 The process has been iterative with the policy approach having emerged in light of the above. Underpinning the policy is the Town Centre & Retail Study (TC&RS), December 2016 (RET/01 and RET/01A) which provides a robust and objective assessment of retail, town centre and economic trends, the health of the District’s various Centres and the quantitative retail needs over the plan period to provide effective recommendations. Notably no representations were received at the Publication stage questioning the soundness of the study’s assumptions or conclusions.
- 15.03 Representations from Barton Willmore [Representor 049] objected to the reference to new centres not ‘harming’ the vitality and viability of existing centres, with the appropriate test within national policy being ‘significant adverse impact’. This was accepted and proposed to be resolved through the making of a main modification (**MM/0006**). Amending the ninth bullet point to read:
- ‘Ensure that the development of new centres consolidates and enhances the hierarchy of centres ~~and does not harm~~ with the likely impact on the vitality and viability of existing centres being appropriately assessed; and’*
- 15.04 As modified CP8 is considered to properly reflect national policy in supporting the viability and vitality of centres, defining a network and hierarchy of centres resilient to future economic change, supporting the definition and management of primary and secondary frontages, promoting competitive centres to provide customer choice whilst reflecting their own individuality, establishing the need for future retail and other main town centre uses, ensuring that these needs can be met in full and integrating the sequential and impact tests into local policy.
- 15.05 Barton Willmore [Representor 049] has submitted representations questioning the soundness of the proposed approach to meeting convenience retail needs. The inclusion of ‘need’ is objected to. It is recognised that ‘need’ is no longer an explicit national policy test, although the position of the Authority would be that matters such as ‘need’ and/or ‘capacity’ can contribute towards impact. Notwithstanding this the policy does not seek the reintroduction of ‘need’ as an explicit individual test, but rather replicates the content of the 6<sup>th</sup> bullet point under paragraph 23 of the

NPPF. This states that ‘it is important that *needs* (Council’s emphasis) for retail, leisure, office and other main town centre uses are met in full...’ Furthermore the precise policy wording ‘*of a scale sufficient to meet the needs generated by population growth...*’ does not place an upper limit of the scale of retail development which could be acceptable. It merely seeks, in line with national policy, to ensure that the needs (driven by population growth) will be met.

- 15.06 The position of Barton Willmore [Representor 049] in terms of the need to apply the sequential and impact tests as part of bullet point 6 is inconsistent. Application of the tests appears to be accepted in the representor’s objection over the inclusion of ‘need’, where the inference is made that the tests should be relied on to determine what is acceptable in retail planning terms. However additional representations have then been made, citing that to require development within a centre to be subject to the sequential and impact tests is inconsistent with national policy.
- 15.07 It is accepted that a straight reading of national policy (paragraphs 24 and 26) absolves main town centre uses (sequential) and retail, leisure and office development (impact) located within centres from application of the tests. Although in sequential-terms the paragraph refers to *existing* centres and there could be some debate over whether those at Land South of Newark meet that definition. Nonetheless it is clear that scenarios may exist whereby convenience provision to meet forecast requirements is proposed beyond the defined centres. In such circumstances it would be appropriate and consistent with national policy to apply the sequential test at site level, ensuring that the vitality and viability of the respective centres is not significantly adversely affected. Where the proposal is located within a centre then the test would be considered passed.
- 15.08 Turning to the impact test, the Authority concurs with the representor’s earlier position that ‘where a scheme complies with the sequential and impact tests then it should be acceptable in retail policy terms’. Whilst national policy does not anticipate application of the test within a centre it is considered that there are specific local factors making impact material to how future proposals should be assessed.
- 15.09 The policy approach has been left deliberately flexible in response to the nature of forecast convenience capacity. With meaningful convenience retail capacity not forecast to occur (District-wide) by the TC&RS (RET/01 and RET/01A) until at least 2026 (926 sqm), and doesn’t become significant until around 2031 (1,963 sqm). Indeed the picture over the short-term forecasts -160 sqm at 2021. There is however a steep rise towards the end of the plan period (in line with population growth and development) with capacity arriving at 4,227 sqm (net) by 2033. The representor has not stated these forecasts to be unsound. Nevertheless forecast projections beyond

a five year period should be, necessarily, treated with increasing caution given the assumptions made and the dynamic nature of retailing.

- 15.10 On this basis it is not appropriate to commit to a particular quantum of floorspace within the policy or to indicate a precise timescale for its delivery. The key determinant of what scale of provision would be appropriate, and when it can be accommodated, can only reasonably be application of the impact test. Without reference to the test how can the matters of scale and timescale of delivery be defined with any level of precision? The representor has suggested that ‘early delivery’ of additional convenience retail at Land South of Newark is appropriate, but this is at the very least questionable in light of forecast capacity (see the Councils response to Matter 20). In the view of the Authority the matter of impact is clearly material, and so its inclusion as a requirement in CP8 is justifiable and reasonable.
- 15.10 Aspbury Planning Limited [Representor 015] submitted representations highlighting the proposed approach to meeting future comparison retail needs to be unsound. Stating that the 6<sup>th</sup> bullet point of CP8 should be amended to support ‘specialist’ comparison retail development and other main town centre uses beyond the scale of ‘local need’ referred to, where such uses can’t be accommodated within Newark Town Centre and with reference to the sequential and impact tests.
- 15.11 In response, forecast comparison needs are modest until the latter stages of the plan period (rising from 35 sqm in 2026, to 3,851 sqm in 2031 and ending up at 5,359 sqm in 2033), again this in line with population growth and the delivery of planned development. The proposed approach to meeting these needs is as follows – firstly through the investigation, planning and delivery of Newark Town Centre improvement schemes in the locations referred to in NAP1 ‘Newark Urban Area’. It is anticipated that such schemes could yield net increases in comparison retail floorspace. Importantly with forecast capacity a long-term prospect there is the time and space to undertake the necessary preparatory work through the production of a Town Centre Strategy. If required this would then be supplemented by delivery of the NSK mixed use allocation (NUA/MU/3), which is considered to remain deliverable over the long-term. This is deemed to present the most appropriate approach to meeting strategic comparison retail requirements. Nevertheless truly ‘specialist’ proposals unable to be accommodated within Newark Town Centre could already be supported in a location such as Land around Fernwood where the sequential and impact tests are passed. The proposed amendment would just repeat national and local planning policy.
- 15.12 Nottinghamshire County Council [Representor 018] provided representations seeking the introduction of content to address the concentration, clustering, hours of operation and promote sale of healthy eating options by takeaway food outlets on public health grounds. The Authority however took the view that as no local

evidence identifying the need for such measures within Newark & Sherwood District had been provided, and that the links to higher consumption of takeaway food referred to were 'marginal' then the proposed amendments would be unjustifiable and disproportionate.

- 15.13 Local Impact thresholds are proposed for introduction through CP8. Paragraph 26 of the National Planning Policy Framework allows for the setting of a 'proportionate, locally set floorspace threshold', with Paragraph 016 (Reference ID: 2b-016-20140306) in the Planning Practice Guidance outlining the considerations for doing so. The policy approach has been informed by the recommendations of the TC&RS (RET/01 and RET/01A), the undertaking of research and the input received through public consultation. With the threshold for the Newark Urban Area being raised from 350 sqm (gross) to 400 sqm (gross) following the Preferred Approach - Town Centre & Retail consultation in February 2017 (CS22). Notably no representations have been received questioning the soundness of the final approach.
- 15.14 Whilst the health checks carried out for the TC&RS (RET/01 and RET/01A) revealed the majority of centres to be vital and viable they are not without challenges that need to be addressed to maintain this status. There is increased vulnerability to out-of-centre competition and the growth of internet shopping, with the TC&RS (RET/01 and RET/01A) indicating that Newark Town Centre has lost market share to out-of-centre foodstores, retail warehouses and retail parks.
- 15.15 The scale of proposals relative to town centres renders the default 2,500 sqm threshold in national policy unsuitable for even the District's largest centre of Newark Town Centre. Proposals now routinely fall below this level (the Lidl in Balderton and change of use of the Sawmill public house being recent examples), and it is notable that the existing large scale out-of-centre convenience stores developed in the Town predate significant changes within this retail sector, where the focus of the main grocery operators (Tesco, Sainsbury's, Asda, Waitrose and Morrisons) has shifted to growing market share through new smaller convenience store formats. Applications for large format stores have slowed and there has been significant growth in European-led 'deep discount' food operators (namely Aldi and Lidl), who trade from much smaller stores. The TC&RS (RET/01 and RET/01A) indicates that such trends are likely to continue over the plan period. Within the Local Centre tier of the hierarchy the Centres tend to be anchored by either a single or small number of modestly sized convenience stores. Whilst appearing vital and viable at the present time these smaller centres can be vulnerable to even small increases in out-of-centre competition with far-reaching implications for the health of the Centre.
- 15.16 On the basis of the above, the policy approach is viewed as consistent with the requirements of national policy and the tests outlined within the Planning Practice

Guidance. The Authority would also point to the similar thresholds recently adopted through the Local Plans of Richmondshire District Council, Rother District Council, Rotherham Metropolitan Council, Stafford Borough Council, Warrington Borough Council and Norwich City Council. However to provide clarity over the reasoning for the thresholds a ‘clarifying minor amendment’ is proposed (**CMA/009**). This would result in the introduction of a new sub-paragraph to the third bullet point under paragraph 5.31 to read:

*This resulted in the Study recommending that a District-wide 350sqm (gross) threshold should be introduced, whereby an impact assessment would be required. However given the difference in scale between Newark Town Centre and the other centres in the hierarchy, and having had regard to the scale and the form of recent retail proposals within Newark Urban Area this was raised to 400sqm (gross) in this location.*