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Newark and Sherwood Allocations & Development Management Development Plan Document (DPD) – Consultation on Additional Modifications – Retail

In terms of the information contained in the Additional Modifications document, I consider that Newark and Sherwood District Council are moving forward with the Allocations DPD on a basis that I consider unsound in terms of the tests of soundness set out in paragraph 182 of the NPPF which I discuss below.

I have concerns with regards the figures contained in the Final Modifications document in terms of the Final Proposed Modification 306 Retail Requirements table regarding the 13000 sqm of comparison retail contained in the column entitled “*Sites where the principal of development has been accepted in the Core Strategy and Allocations and Development Management DPD*”.

Correspondence with Newark and Sherwood planning Officer Matthew Norton has confirmed that the figure of 13000 is derived from 10000 for NSK and an assumption of 3000 on the strategic site which have not yet got permission.

I have concerns over the validity of this assumption of 3000sqm on the strategic sites which have not yet got permission and consider that this does not provide a robust, sound and comprehensive template to meet the retail requirements of the district for the reasons set out below.

Firstly, in terms of the Inspector’s report on the examination into the Newark and Sherwood Core Strategy DPD (11th March 2011), in relation to retail and the SUEs, paragraph 73 refers to the Council’s FPC 52 to Table 8. With regards table 8, paragraph 73 goes on to state that “*This properly defines the local requirement, so that the new retail units would have complementary roles to that of Newark town centre, rather than providing competition. Any of a greater scale in the SUEs risk harming the vitality and viability of the town centre.*”

In terms of table 8, this sets out the role and function of the District’s retail hierarchy. With regards the SUEs, these are included under the Local Centre designation which states that the role and function of Local centres is “*concerned with the sale of food and other convenience goods to the local community in which they are located*”.

On the basis of the above that the SUEs will only provide for convenience retailing with no assumption for comparison floorspace provision and that anything of greater scale would risk harming the vitality and viability of the town centre, I consider that the 3,000 sqm which relates to comparison floorspace should not be given over to the SUEs and should be rolled into the NSK requirement. Furthermore, the NPPF doesn’t allow for assumptions to be made about potential retail floorspace, this has to be planned for.

Further to the above, we recognise that part of the 3,000sqm is over provision in any event which we assume the Council are happy with due to it giving flexibility. As stated above the Core Strategy does

not direct this 3,000sqm to the SUEs nor indeed is there any reference in the Allocations & Development Management DPD at any stage to directing this 3,000sqm to the SUEs and national policy would seek to direct it to as close as possible to Newark town centre. Therefore, this flexibility should still be the case as nothing has changed, and as there are no sequentially preferable sites, this 3,000sqm should be directed to NSK.

Furthermore, as I have outlined previously, while planning permission has been granted in outline for the Northgate site, I would note that the Council has continued to express significant doubts about the deliverability of the Northgate proposals. We endorse these doubts, which have been fully supported by evidence provided to the appeal inquiry. Notably, at paragraphs 23 and 24 of the inspector's decision letter, the view expressed by the Council's expert commercial witness - that some of the units would not be viable for prospective occupiers, is not answered by the appeal decision – the inspector leaves it to the market to decide. The appellant's advocates comment that '*the planning system is not concerned about whether or not a proposed development would be profitable for the developer, unless there would be land use consequences*' is of course contrary to the test of plan soundness, which is directly concerned with effectiveness through the deliverability of the plan.

Evidence has been provided through the plan process to give sufficient confidence that Policy NUA/MU/3 as it stood before these additional amendments, would be delivered over the plan period and that it is viable. No such viability evidence has been provided on alternative sites and it is therefore vital that the plan continues to clearly identify sufficient, deliverable land to meet retail floorspace requirements. That sufficient, deliverable land is the NUA/MU/3 allocation. To put reliance in the plan on potentially undeliverable sites, even if they have planning permission, risks failure of the plan to meet assessed needs.

Despite the grant of planning permission on the Northgate site, the Inspector's letter makes it very clear that 'the draft allocation of the NSK site (and some adjoining land) is for a mixed use development. In terms of its nature and scale, the NSK redevelopment would be quite different from the development proposed on the appeal site. The appeal development is much smaller and is focussed on bulky goods retail warehousing.' As such, it is clear that the Northgate site cannot and will not meet the retail needs of the district over the plan period and that it has a small and defined market. Therefore as stated previously it is imperative that sufficient retail provision is provided at the NSK site to ensure that the plan is flexible enough to meet potential needs.

Further to the above, it is interesting to note that the Northgate appeal inspector's decision is based on the view that granting the appeal would not predetermine the scale, location or phasing of new development which is being addressed in the Allocations DPD. I would express the view that since the appeal results in substantive changes to the scale of comparison retail provision within the plan, it has done just that and has been inherently premature.

A further crucial factor is that the nature and scale of the NUA/MU/3 Policy is predicated on the significant regeneration benefits that will be derived from the scheme and the wider economic benefits that it will deliver. The policy is identified as a strategic policy directly designed as a key tool in delivering the wider Core Strategy vision. Therefore, a significant reduction in the quantum of development such as the reduction to 4,000 sqm which in essence relates to a 60% reduction will have an influence on the regeneration of a deprived part of the town and the opportunity to secure significant long term investment by a major multinational engineering company. Regrettably any reduction in retail floorspace will need to be accompanied by a commensurate drawing back of aspiration for the wider regeneration benefits.

Therefore, having regard to the above, in relation to the approach set out in the Additional Modifications document, I consider that the strategy is unsound when assessed against the four tests of soundness of paragraph 182 of the NPPF. These are:

- **Positively prepared** – An assumption of 3000 sqm of comparison retail space at the SUEs does not meet the objectively assessed development requirements set out in the Core Strategy or the Allocations DPD evidence base.
- **Justified** – Setting aside 3000 sqm comparison retail for the SUEs cannot justifiably be considered the most appropriate or sustainable retail strategy capable of achieving the delivery of positive economic, social and environmental benefits without leading to any significant adverse impacts that outweigh such benefits.
- **Effective** - The reliance in the plan on potentially undeliverable sites, even if they have planning permission, risks failure of the plan to meet assessed needs.
- **Consistent with national policy** – Provision of this 3,000 sqm at the SUEs is not consistent with the underlying objectives of the NPPF. National policy would seek to direct it to as close as possible to Newark town centre and to sequentially preferable sites.

Therefore on the basis of the above we object to the proposed rewording of Policy NUA/MU/3 contained in the Final Modifications Document and in order to make the document sound I propose that Policy NUA/MU/3 should be reworded to read: **“The site will accommodate at least 150 dwellings, employment provision and comparison retail provision of around 4000 up to 7,000 square metres (net)”**.

We consider that this reworded policy would not only make the document sound but would ensure that the maximum opportunity to deliver significant regeneration and economic benefits to the wider benefit of Newark are met without harm to the town centre or other acknowledged interests.