

**Newark and Sherwood District
Council**

**Amended Allocations &
Development Management DPD
Examination**

**Written Statement on behalf of
Tritax Acquisition 39 Limited
(Respondent ID: 35)**

Matter 6 – Employment Development



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1. Introduction

- 1.1. This Statement is submitted on behalf of Tritax Acquisition 39 Limited (Tritax) in response to the Matters, Issues and Questions (MIQs) identified by the Inspector appointed to examine Newark and Sherwood District Council's Amended Allocations and Development Management Development Plan Document (AADM DPD). It relates to land to the east of Newlink Business Park, Newark, an omission site, which Tritax has promoted as an additional strategic employment site for inclusion in the DPD throughout the preparation of the Plan.
- 1.2. One of the matters the Inspector has identified is 'Employment Development' (Matter 6) which is to be considered at the scheduled Hearing Session on 7 November 2024. As set out in the MIQs, the Inspector considers the main issue to be whether the Plan makes adequate provision for employment development. He has set out a series of questions for discussion including consideration of the employment needs evidence base and how this has been addressed through the DPD, and importantly for Tritax, whether the provision of employment land is sufficient for 'big box' schemes. This Statement seeks to address the Inspector's questions raised on these issues.
- 1.3. This Statement should be read alongside the representations Tritax submitted to the DPD at the Regulation 19 consultation stage, including the associated Site Supporting Statement for the land east of Newlink Business Park.

2. Inspector's Matters and Issues

2.1. The Inspector has set out the key questions he wishes to discuss at the scheduled hearing sessions on Matter 6. These include the following questions of particular relevance to Tritax's land interest in Newark:

- Question 6.1: Are the scenarios in the Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study (the Employment Land Needs Study) soundly based and justified?
- Question 6.2: How do the conclusions on employment land demand/supply in the Employment Land Needs Study relate specifically to the allocations in Newark and Sherwood District?
- Question 6.4: Are the employment allocations based on a robust site selection methodology, positively prepared and will they be deliverable in accordance with the trajectory in appendix C?
- Question 6.6: Is the provision of employment land sufficient for 'big box' schemes?

2.2. These questions are considered in turn below.

Q6.1: Are the scenarios in the Employment Land Needs Study soundly based and justified?

2.3. We do not wish to comment in detail on the scenarios that have been assessed in the Employment Land Needs Study (ELNS), apart from bringing to the Inspector's attention the fact that the study does not include a detailed consideration of strategic logistics requirements. The ELNS assesses the need and supply of employment land for offices, industrial and local warehousing and then balances the two to establish if there is a shortfall or surplus. With regard to strategic logistics needs, however, it sets out a very brief assessment noting that the scenarios considered by the study are not well suited to assess strategic logistics requirements.

2.4. The ELNS highlights that the logistics sector has seen an unprecedented level of change and growth and acknowledges that there has been a lack of supply of available sites for strategic logistics uses. It concludes at Para 9.17 that *"any approach that essentially relies on past trends for forecasting future needs is, by its very definition, going to struggle to accurately project new or emerging trends in the market"* and then states at Para 9.20 that *"large scale logistics is **not reflected** in the take-up data, and given the recency of the shift to e-commerce, it is arguably **not reflected** in the Experian modelling either"* [emphasis added].

2.5. The ELNS provides an indication of potential B8 requirements considering that this could range from 23.61ha to 95.27ha for the Core HMA and 33.78ha to 112.69ha for the Outer HMA. It does not consider the assessment to be reliable, however, and therefore recommends at Para 9.32 that a separate study should

be undertaken to quantify the scale of strategic logistics requirements across Nottinghamshire and potentially identify sites where this need should be allocated.

- 2.6. The Nottingham Core and Outer HMA Logistics Study¹ (the 'Logistics Study') was subsequently prepared (Iceni, August 2022), which specifically looked at the need for strategic logistics land across Nottinghamshire. The Logistics Study identified a need of 425ha for strategic logistics with a residual need of between 137ha to 155ha once existing commitments, draft allocations and redevelopment opportunities are taken into account.
- 2.7. Our key concern, as further set out in response to Q6.6, is that the clearly evidenced need for additional strategic logistics sites in Nottinghamshire, including Newark has not been taken into account in the preparation of the AADM DPD.
- 2.8. Therefore, the draft Plan is unsound because it is not positively prepared, justified, effective, or consistent with national policy.

Q6.2 How do the conclusions on employment land demand/supply in the Employment Land Needs Study relate specifically to the allocations in Newark and Sherwood District

- 2.9. As noted in response to Q6.1 above, the ELNS does not look at strategic logistics in any detail and the key evidence base on this is provided by the 2022 Logistics Study instead. This specifically identifies Newark as one of five Areas of Opportunity in the Nottinghamshire where new strategic logistics sites should be located.
- 2.10. Despite strong evidence of need for new sites in Newark to specifically meet the requirements of the strategic logistics market, no new logistics sites have been allocated in the AADM DPD. Therefore, the draft Plan is unsound because it is not positively prepared, justified, effective, or consistent with national policy. Our criticism of the Council's approach is further set out in response to Q6.6 below.

Q6.4 Are the employment allocations based on a robust site selection methodology, positively prepared and will they be deliverable in accordance with the trajectory in appendix C?

- 2.11. We have no comment to make on the allocated sites but given that the AADM DPD fails to make proper provision to meet logistics needs and is therefore unsound, we wish to address this question in reference to the Tritax promoted site east of Newlink Business Park, Newark.
- 2.12. The starting point for site selection is Spatial Policy 9 in the Amended Core Strategy. This provides a criteria-based guide to the allocation of additional sites

¹ Nottingham Core and Outer HMA Logistics Study has been included as Supporting Evidence Base Document EMP3

to meet development needs within the District in addition to those allocated in the Amended Core Strategy. We consider that this policy sets out an adequate list of development considerations. The land east of Newlink Business Park would satisfy all the criteria for the selection of new sites contained within this policy as follows:

1. **Be in, or adjacent to, the existing settlement** – The site is located adjacent to the Newark urban area immediately adjacent to the Newlink Business Park (Currys Distribution Complex) and is contiguous with, and can be served off the same access as, the recently approved Tritax development (Ref: 20/01452/OUTM and 22/02427/RMAM).
2. **Be accessible and well related to existing facilities** – As above the site immediately adjoins the Currys Distribution Centre Complex and recently approved Tritax development with an approved access off the A17. There is off road footway/cycleway provision to the existing Newlink Business Park which is to be extended as part of the new Tritax development into the site. There are also public footpath routes that run along the site's eastern and northern boundary connecting the villages of Coddington with Winthorpe to the north-west of the A46.
3. **Be accessible by public transport, or demonstrate that the provision of such services could be viably provided** – The approved Tritax development includes a Travel Plan commitment to provide a shuttle bus service to connect the development with local travel hubs.
4. **Be the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address sustainability issues** – As above the site is accessible and well related to the existing urban area of Newark and adjacent employment developments. Development of the site would make good use of the existing strategic highway infrastructure and avoid adding congestion to the local highway network.
5. **Appropriately address the historic environment, heritage assets and their setting in line with national policy and guidance and the findings of any Historic Impact Assessment for the site** – Whilst the site adjoins the Coddington Conservation Area, the impact of any proposed development on the character of this conservation area can be managed through the inclusion of a significant buffer zone on the southern part of the site as demonstrated in the Site Supporting Statement submitted with our representations to the Regulation 19 Submission Plan.
6. **Appropriately address the findings of the Landscape Character Assessment and the conservation and enhancement actions of the particular landscape policy zone/zones affected** – The site borders the urban area of Newark and whilst currently in agricultural use it does not connect well to the wider rural landscape of the area and therefore makes

a limited contribution to the rural character of the landscape. It contains an existing framework of vegetation along its site boundaries and opportunities exist through the proposed scheme to strengthen this to enhance the wooded structure of the landscape.

7. **Not impact on sites that are designated nationally or locally for their biodiversity and give preference to sites of lesser environmental value, avoid impact on biodiversity and provide net gains in biodiversity wherever possible** – The site is not covered by any nationally or locally designated nature conservation sites. Account can be taken of features of nature conservation value through the scheme layout and design with opportunities created to protect and enhance the biodiversity of the site. Tritax is committed to providing 10% biodiversity net gain on site as part of the proposals.
 8. **Not lead to the loss of locally important open space or, in the case of housing and employment, other locally important community facilities (unless adequately replaced)** – The site is currently in agricultural use and will therefore not lead to the loss of open space or locally important community facilities.
 9. **Be assessed by reference to a sequential risk based approach in order to be located in areas at the lowest risk of flooding and not increase flood risk on neighbouring sites** – The site is in area at low risk of flooding.
- 2.13. Further detail on the site is provided in the Site Supporting Statement submitted with our representations to the Regulation 19 Submission Plan.
- 2.14. For the Inspector's information we would like to highlight that Tritax is currently in pre-application discussions with Newark & Sherwood District Council with regard to this site. The design and technical work is now well advanced and Tritax is aiming to submit an outline planning application to the Council later this year.

Q6.6 Is the provision of employment land sufficient for 'big box' schemes?

- 2.15. No, the plan provides inadequate provision for 'big box' logistics.
- 2.16. Paragraph 1.2 of the AADM DPD states that the intention of the Plan Review is to ensure that the DPD continues to allocate sufficient land to meet the District's needs to 2033. Paragraph 1.28 notes that the AADM DPD sets out the detail for how employment land will be provided across the District in line with Spatial Policy 2 of the Amended Core Strategy which identified a requirement of 83.1 ha for the period 2013 to 2033. Paragraph 1.28 then suggests that the District has a supply of 185.56ha of employment land (of which 133.08ha is stated to be in Newark) and as such no additional employment allocations are included within the Plan, which is confirmed at Paragraph 1.32.

2.17. The above position is not sound for the following reasons:

- The evidence base has moved on considerably since the Amended Core Strategy was prepared (2015-2018) and finally adopted (2019). There is now a clearly evidenced significant need and demand for additional strategic logistics sites in Nottinghamshire as identified in the 2022 Logistics Study and that evidence base encourages additional provision in Newark which it notes is well placed to meet some of the requirement for new strategic sites. The DPD is therefore not justified nor effective in meeting these needs and is not consistent with national policy.
- The Amended Core Strategy requirement figure is clearly stated as a minimum. The Strategy specifically provides for new allocations to be identified through Spatial Policy 9, where justified. The AADM DPD is the main opportunity to do just that with regard to meeting the needs for strategic logistics but the Council has failed to respond to this, contrary to national policy.
- A further Core Strategy Review has not commenced, and it could therefore be some years before a new strategic policy is in place. In the meantime, Newark will fail to meet and capitalise on the identified need and demand for strategic logistics in this area. As a result, the DPD is not positively prepared, is not justified nor effective, and will not comply with the NPPF.

Strategic Logistics Needs

2.18. The employment land target of a minimum of 83.1ha in the Amended Core Strategy is based on evidence that dates as far back as 2015 and does not recognise the specific needs of the logistics sector. The economic landscape, particularly in respect of logistics, has changed significantly since the evidence that informed the Core Strategy was prepared and it no longer provides a robust basis to guide economic development and the use of land in the district.

2.19. As set out in our response to Q6.1, the latest evidence on the need for strategic logistics is provided by the Nottinghamshire Core & Outer HMA Logistics Study published in August 2022. This study shows that there is significant need for strategic logistics development in Nottinghamshire and a clearly evidenced lack of suitable supply. The study concludes that there is a need for 1,486,000 sq.m. of strategic logistics floorspace across the study area and that taking current supply (885,000 sq.m.) into account, there is a residual need of at least 600,000 sq.m. of additional logistics floorspace.

2.20. The existing supply includes three strategic sites within Newark District including Land south of Newark (50 ha), Land west of Stephenson Way (6.9 ha) and Land of Brunel Drive (also referred to as Land off Beacon Hill Road, G Park) (15.6 ha) contributing circa 195,000 sq.m. to the overall Nottinghamshire supply (885,000 sq.m). These three strategic logistics sites are already accounted for in the supply and are not considered sufficient to meet market needs for Newark. The Study

specifically encourages additional provision in Newark which it notes is well placed to meet some of the requirement for new strategic sites.

- 2.21. Despite the findings of the Logistics Study, which should form part of the Council's evidence base to the AADM DPD, no new allocations are proposed. The AADM DPD continues to rely on existing sites. As acknowledged by the Logistics Study, Newark already lacks a suitable scale and range of sites to meet strategic logistics needs and the AADM DPD's approach will therefore perpetuate this issue.
- 2.22. Tritax commissioned JLL to prepare a Logistics Need and Market Demand Statement (referred to hereon as the JLL Report) to review the latest evidence on employment land needs, and specifically the requirement for additional allocations for strategic logistics in Newark. The JLL Report was submitted with Tritax's representations to the Regulation 19 Submission Plan.
- 2.23. A review of the supply position across Nottinghamshire has recently been undertaken by JLL to establish whether the supply has improved since the Logistics Study was published and whether there remains an unmet need for logistics sites within the District. This has revealed that the approved Tritax development at Newlink Business Park is the only proposal for strategic logistics (i.e. units above 9,000 sq.m.) within the study area granted planning permission since the publication of the Logistics Study in 2022. JLL concluded that the shortfall in supply identified in the Logistics Study has only reduced marginally and currently stands at circa 564,000 sq.m. There is therefore a continued requirement to allocate additional sites to meet strategic logistics needs.
- 2.24. Newark is specifically identified as one of five Areas of Opportunity in the Logistics Study where new strategic logistics sites should be located. The shortfall has not significantly reduced and as one of the Areas of Opportunity it remains imperative to identify additional sites in Newark to tackle the lack of supply.
- 2.25. The approved Tritax development on land east of Newlink Business Park will contribute circa 37,000 sq.m. to the Nottinghamshire supply. The remainder of the site can accommodate a further 95,000 sq.m. of floorspace. By providing approximately 132,000 sq.m. of floorspace, the site would make an important contribution to reducing the current shortfall identified in the Logistics Study (by circa 20%). This is a significant reduction, although further sites across the other Nottinghamshire Areas of Opportunity would have to be identified.
- 2.26. The other Areas of Opportunity identified in the Logistics Study are all located along the M1 corridor which is covered by Green Belt policy which restricts development. As noted in the Logistics Study, Newark is some distance from the M1 but it still serves as a successful logistics location and the A1 route is now a popular artery serving the strategic logistics market. Development in the Newark Area of Opportunity is also not constrained by Green Belt. It is therefore considered that Newark can play a key role in reducing the Nottinghamshire

logistics shortfall and that the scale of development proposed at Newlink Business Park would be appropriate and proportionate to Newark's role in the market.

2.27. The Logistics Study provides criteria for the identification and selection of suitable sites. These criteria include scale (a minimum of 25ha), direct access to the motorway and strategic road network, accessibility to labour, and a location away from incompatible land uses. It also prioritises extensions to existing industrial/distribution sites.

2.28. The land east of Newlink Business Park meets all these criteria as follows:

- Scale – the site exceeds the Logistics Study size threshold of 25ha and is of a sufficient size to accommodate a range of strategic logistics buildings;
- Access – the development can be accessed directly off the A17, close to the junction of the A1, A17 and A46 utilising the new roundabout access currently under construction to serve the approved Tritax development. Both the A1 and A46 form part of the Country's strategic road network providing excellent north-south and east-west connectivity to the wider network. The planned A46 improvement works will further improve the locality in the future;
- Labour – the site is located at the edge of Newark and lies within easy reach of a large potential workforce drawn both from Newark and the wider District;
- Amenity – a landscape buffer can be incorporated as part of the proposals with logistics building(s) located at some distance from the nearest residential dwelling ensuring that the development is unlikely to give rise to amenity issues;
- Location – the site immediately adjoins Newlink Business Park and the approved Tritax scheme and would provide a further extension to this established and growing logistics location.

2.29. The site is highly suitable for the proposed uses given its location, site characteristics and the existing infrastructure. The suitability of the site was recognised in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA, December 2023) which concluded that *"The site is adjacent the urban boundary of Newark and may be considered suitable for development."*

Additional allocations

2.30. Spatial Policy 2 of the Amended Core Strategy (adopted in 2019) sets an employment land requirement of 83.1ha and specially states that this is a minimum. The word 'minimum' was introduced late in the preparation of the document as a Main Modification following the examination of the Amended Core Strategy.

- 2.31. The Core Strategy Inspector did not take issue with the suggested employment land target at the time as it was considered justified by the evidence and in particular the 2015 Employment Land Forecasting Study for Nottingham Core & Outer Housing Market Areas. However, he considered it essential to express the employment land target as a minimum, noting that setting a limit would be contrary to national policy as it would not have provided a sufficiently flexible policy to enable investment and economic growth over the plan period.
- 2.32. Whilst the employment land policies were found sound through the Amended Core Strategy, we do not agree that this provides sufficient justification to discount allocating any new sites for employment development in the AADM DPD. The employment land target in the Amended Core Strategy is set as a minimum in order to provide flexibility to enable the Council to respond to changing circumstances. It is also important to note that Amended Core Strategy Spatial Policy 9 acknowledges that from time to time the Council will need to allocate additional sites to meet the development needs of the District and identifies criteria to guide the allocation of such additional sites.
- 2.33. However, the Council has failed to take the opportunity to review employment provision and the site allocations in light of the now very clear updated evidence base that demonstrates there is a significant need and demand for additional strategic logistics sites within the District which far outstrips the current supply including the allocated sites.
- 2.34. It appears that the review of the AADM DPD was started on the basis that no new allocations are needed and despite the emergence of new evidence to the contrary, the Council has stuck to that position throughout the preparation of the DPD. As stated at Para 1.3 of the AADM DPD: *“The previous A&DM DPD was written in accordance with the Core Strategy that was adopted in March 2011 and its approach to settlement growth in identifying specific sites where new homes and employment sites should be built. Having adopted an Amended Core Strategy with updated development targets it was necessary to ensure that these continue to be met by the allocations and policies within the DPD. As the targets in the Amended Core Strategy are lower (albeit for a different time period) and overall, we had made enough allocations to meet the higher target the starting point for the review was that we should have sufficient sites to meet development needs without making further allocations”*. Whether or not that was a sound ‘starting point’, by maintaining that position, despite the existence of clear evidence supporting the need for strategic logistics provision, the AADM DPD is clearly contrary to national policy which requires the preparation and review of policies to be underpinned by relevant and up-to-date evidence which should take relevant market signals into account.
- 2.35. Whilst at Paragraph 1.32 of the AADM DPD the Council states it is likely to commence a full review of the Local Plan in 2024, to the best of our knowledge such a review has not yet commenced and in any event, it will take some years to prepare.

- 2.36. In light of the strong evidence for additional strategic logistics sites, we consider that the Council should not await the preparation of a new Local Plan, but act now to ensure that Newark can satisfy and capitalise on the opportunities presented by the strong logistics market and Newark's status as a key area of opportunity for strategic logistics development. There is a real risk that unless positive steps are taken now by the Nottinghamshire authorities including Newark & Sherwood District to address the significant shortfall in logistics supply, significant levels of investment and jobs will simply move to nearby areas that are willing to accommodate the logistics industry.

Non-compliance with national policy

- 2.37. The NPPF² at Paragraph 8 sets out three objectives to achieving sustainable development including an economic objective to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 2.38. Section 6 of the NPPF sets out the policies for 'Building a strong, competitive economy' and notes at Para 81 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It further requires that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 83 further states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, and that this includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 2.39. The Government's recent consultation on an amended NPPF further strengthens the requirement on local authorities to address the needs of the logistics market and reflects the evident and increasing need for such provision to support economic growth.
- 2.40. The AADM DPD fails to recognise and address the strategic logistics needs identified through the Nottinghamshire Logistics Study and as currently drafted therefore does not comply with the NPPF.

Allocation of Land East of Newlink Business Park

- 2.41. In order to meet the evidenced needs and respond to the above issues, Land East of Newlink Business Park should be allocated for logistics development. It satisfies all the site selection criteria of Core Strategy Spatial Policy 9 (as set out

² The AADM DPD reached the pre-submission consultation stage prior to 19 March 2024 and in accordance with Annex 1 of the latest version of the NPPF (December 2024), the AADM DPD will therefore be examined under the relevant previous version of the Framework, which in this case is the September 2023 NPPF. All Paragraph references are therefore to the September 2023 NPPF.

in our response to Q6.4 above) and meets the locational and site selection criteria in Nottinghamshire Logistics Study.

- 2.42. A Site Supporting Statement has been prepared and was submitted with the Regulation 19 representations. It demonstrates the development potential of this site noting that there are no known technical or land ownership constraints. It is important to note that the first phase of development amounting to 16.6ha (circa 37,000 sq.m.) has already received full planning approval and is currently under construction. The principle and suitability of logistics use in this location has therefore already been established.
- 2.43. As explained in the JLL Report submitted with Tritax's representations to the Regulation 19 Submission Plan, Newark has missed out previously on the growth of the logistics sector as it had no suitable and deliverable logistics sites to offer to the market. The allocation of this suitable, available and deliverable site for employment will increase the supply of sites of a sufficient size to accommodate strategic logistics occupiers in the District, satisfying both immediate demands (through the delivery of the Phase 1 proposal) and supplementing the longer-term supply of sites.

3. Conclusions

- 3.1. In order to make the employment land policies of the DPD sound (justified, positively prepared, effective and compliant with national policy), additional land should be identified to provide for the big box logistics market and reflect the 2022 Logistics Study.
- 3.2. Land to the east of Newlink Business Park provides the best opportunity to provide such additional employment land. It is an established distribution location with excellent access to the strategic road network, which is highly attractive to the market. The site has no known technical or land ownership constraints and could therefore be brought forward in the early stages of the plan period.
- 3.3. Allocating the site for development in the AADM DPD would help to tackle the current lack of supply for strategic logistics across Nottinghamshire. The site can accommodate up to 132,000 sq.m. of development and thereby reduce the current shortfall in supply, which the Logistics Study puts at 600,000 sq.m., by approximately 20%. Through the AADM DPD Newark can, and should, take advantage of the opportunities presented by the strong logistics market and Newark's status as a key area of opportunity for strategic logistics development.