

Respondant: Bob Woollard
Capita Symonds
Icon Business Centre
Sherwood Park
Nottingham
NG15 0DT

On behalf of: NSK Europe Ltd

e-mail bob.woollard@capita.co.uk
Tel 01623729310

Newark and Sherwood Submission Allocations & Development Management Development Plan Document (DPD) – Final Modifications

Comment on Final Modifications

FPM59 and FPM60

We fully endorse the modifications which clarify the type of retail proposed for the site consistent with the NPPF.

The adopted Core Strategy identifies district-wide retail floorspace requirements of 6,707 sq.m for convenience goods and 18,459 sq. m for comparison goods over the development plan period to 2026. While it is noted that the Council now considers that the floorspace requirements have reduced due to changes in shopping patterns, it must be recognised that the requirements are all best estimates, based on assumptions about growth and retailing habits. These are subject to change and are difficult to predict. For example, one of the biggest growth sectors in retailing is ‘click and collect’, in which items ordered online are then collected from store. Some commentators note¹ that as volumes increase, more and more storage space will be needed to hold product. This is space that would otherwise be sales area. The collection point could be a shared facility that is also a show room and a brand marketing tool. For instance, there was a 114 per cent increase in click and collect usage during the first half of 2012 at John Lewis, while Waitrose saw 34% of its total sales come from those who ordered online and then chose to collect later². As such, while internet shopping continues to grow, so do the floorspace requirements of high street operators who are able to significantly increase their product lines through a ‘click and collect’ service.

Recognising that patterns and habits of shopping vary over time and in response to purchasing and logistical technology improvements, it is essential that the plan is flexible enough to meet potential needs. This flexibility is soundly provided through the combination of the NUA/MU/3 allocation and Policy DM11

¹ <http://www.logistics.co.uk/information-technology/item/1211-click-and-collect-helping-fuel-the-growth>

² <http://www.shopsafe.co.uk/news/online-shopping-aids-john-lewis-with-profitability/10665>

We note that planning permission has been granted on appeal for 2950 sq m net (65% 4,539 gross) of bulky good retail at a site on Northgate. In accordance with the comparison retail requirements agreed by the Council at the appeal inquiry and provided to the inspector the residual requirement would be around 8,000 sq m.

I would note that modified Policy NUA/MU/3 carries an inherent safeguard against harm to the town centre by requiring an assessment of the impact of the development on the town centre. As such, even if the allocation is considered to marginally over-provide over the entire plan period, the policy will ensure that the town centre remains protected from harm. The policy and allocation as amended is therefore self-mitigating. In reality, any modest overprovision will simply impart a degree of flexibility into the plan

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, it not answered by the appeal decision – the inspector leaves it to the market to decide. The appellant advocate's 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 modified, will 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.

A further distinction 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. As such, the quantum of development included in the policy is directly and specifically justified in the context of the wider benefits to the town's regeneration. As such a modest over provision of retail floorspace over the whole of the plan period is more than compensated for by the regeneration of a deprived part of town and the opportunity to secure significant long term investment by a major multinational engineering company. As set out above the need for impact assessment within the policy will ensure the town centre is safeguarded.

I would also note that the Inspector's appeal decision remains susceptible to legal challenge and further advice is being sought on this matter.

Overall, we fully endorse the modifications and consider that the policy and plan as modified is entirely sound against all the paragraph 182 tests. It is vital that there are no further modifications or delays to the process and that the Council can progress to adopting its positively prepared plan as soon as possible. It is only then that local businesses and people can have the confidence to make large scale investment decisions which will have potentially significant benefits for the wider growth and regeneration of the town.

FPM61

We fully endorse the modifications as consistent with the advice of the NPPF and recognising the industrial heritage of the site and its association with the growth of Newark.

FPM62

We fully endorse the modifications as consistent with the advice of the NPPF and providing clarity on what is to be provided