

Inspector's Report or the NNJCS, however, encourages major retail development at an out of centre or out of town location at Rushden (or anywhere else). The fact that Mr Rhodes sought to justify the application in relation to the development plan on the basis of such a tenuous argument simply highlights the fact that the proposal is fundamentally at odds with the spatial strategy of the development plan and its retail policy.

- 4.13 The policies of Chapter 3 – the Spatial Strategy – distribute development in accordance with Policy 1 and Table 1, particularly housing and employment. Under Policy 10, a mere 9.8% of the housing requirement goes to the Smaller Towns, one of which is Rushden. The Growth Towns take the lion's share. Policy 11 adopts a similar approach to employment, though the figures are Borough/District rather than town based.
- 4.14 It is immediately apparent that the application is wholly out of accord with the spatial strategy, particularly Policies 1 and 12. At 25,818m² (net) A Class uses, the proposal significantly exceeds the amount of planned growth for any of the Growth Towns²⁴² in Policy 12. Leaving aside questions of impact and sequential testing, such a large off centre comparison retail development cannot possibly be said to meet the Rushden policy on two bases:

- (1) that its scale is not appropriate to Rushden's supporting role as set out in Policy 1, Table 1 and paragraph 3.12 (Policy 12 second and fourth sections); and
- (2) that it would not "*enhance the retail offer of Rushden town centre*" – all parties are agreed that it will divert trade, ranging from £5m to £8.7m (9% to 15.6% impacts).²⁴³

In terms of the development plan, the proposals constitute the wrong type of development in the wrong place. Whilst there would not be conflict with policies for green infrastructure and some aspects of general sustainable development principles, compliance with these general policies does not detract from the fact that this application offends the spatial strategy of the development plan both generally and in relation specifically to the principal land uses proposed, which are main town centre uses.

- 4.15 The LPA recognised this conflict; they advertised the application as a departure; the report to Committee advised that the proposals were contrary

²⁴² Note the policy is not rigid or prescriptive about all 3 towns having to accommodate the same amounts of comparison floorspace, so there is inbuilt flexibility, e.g. in the event that one town centre cannot deliver as much space as originally indicated. It is still sequentially preferable for it to go to one of the other centres rather than out of centre.

²⁴³ APP41 (Note on CIL Compliance) recognises that there would be adverse impact on Rushden Town Centre and suggests that a financial payment is justified to mitigate it, the implication being that without such a payment permission should be withheld. There has, however, been no evidence to explain how, if at all, the financial sum could mitigate the impact and/or the extent to which there would be residual impact and why that would be acceptable whereas unmitigated it would not be.

to development plan policy, "*principally*" because the scale and format of the development do not accord with Policy 12; having reviewed development plan and national policy, Mr Wilson and his team²⁴⁴ concluded:

"the main thrust of policy advice across the different hierarchy of plans is on much the same basis and in the case of this development is principally about encouraging retail development in central town locations and supporting the vitality and viability of town centres..."

The LPA supported the application in spite of this conflict on the basis of other material considerations, which will be considered later, but their recognition of the basic conflict is accurate and significant, as well as being in stark contrast to the position of the Applicant.

- 4.16 NNJCS Policy 13: General Sustainable Development Principles provides a checklist²⁴⁵ of key issues, stating that proposals should meet needs in sustainable ways, in particular:

"(c) Maintain and improve the provision of accessible local services and community services, whilst focusing uses that attract a lot of visitors within the town centres; ...

(e) Be designed to take full account of the transport user hierarchy of pedestrian-cyclist-public transport-private vehicle, and incorporate measures to contribute to an overall target of 20% modal shift in developments of over 200 dwellings and elsewhere 5% over the plan period."

- 4.17 ENC's Committee Report does not deal in terms with either of these paragraphs of the Policy. The final advice of the Highways Authority was reported in an update.²⁴⁶ It is now clear that the Authority does not accept that the proposal would reduce leakage and lead to reduction in vehicle mileage. It makes clear that the proposals would lead to an actual increase in vehicle miles travelled and expresses doubts about the effectiveness of pedestrian infrastructure.²⁴⁷ The Consortium endorses and relies upon the Legal & General's case on transport sustainability and submits on the basis of it and the Highway Authority's Transport Note that the proposals are not in accord with the Sustainable Development Principles of the NNJCS either.

- 4.18 Policy 13 sits within Chapter 4 of the NNJCS, entitled "*Building Sustainable Communities*". The introductory paragraphs²⁴⁸ explain how the pursuit of

²⁴⁴ Though for some unexplained reason, the Policy team was not formally consulted and was asked not to make a written response.

²⁴⁵ CD A7.3, paragraph 4.10

²⁴⁶ CD B15, Item 11

²⁴⁷ APP50

²⁴⁸ CD A7.3 paragraphs 4.1-4.9; see also paragraph. 1.9

sustainable development will meet needs, raise standards and protect assets. Whilst not expressed in terms of a presumption in favour of sustainable development, this section – and the whole Plan for growth in North Northamptonshire – sits comfortably with current policy contained in the NPPF.

- 4.19 The NNJCS was prepared and independently examined under the Planning and Compulsory Purchase Act 2004 (“PCPA”). It was subjected to Sustainability Appraisal and Strategic Environmental Assessment. Both the NNJPU and the Inspector were bound by the duty under s.39 PCPA to exercise their functions with the objective of achieving sustainable development. Its comprehensive and balanced approach to growth epitomises the principles of sustainable developments now summarised in the NPPF as comprising economic, social and environmental roles. As a JCS, it also embodies principles contained in the Localism Act’s duty to co-operate in the planning of sustainable development.²⁴⁹
- 4.20 While these features of the NNJCS do not, in themselves, answer the Inspector’s question about the sustainability of the application, the fact that it is so misaligned with the strategy of the Plan is a strong pointer to the proposal’s unsustainability. The Government had the opportunity, when promoting the Localism Act 2011, to move away from a plan-led system to a simple presumption in favour of sustainable development as tested in the draft version of paragraph 14 of the NPPF.²⁵⁰ It chose not to do so, retained s.38 (6) PCPA and amended the NPPF to make clear that the statutory status of the development plan remains unchanged.²⁵¹ With such a clear answer emerging from the development plan in this case; it is for the Applicant to demonstrate that other material considerations undoubtedly outweigh the fundamental conflict of this major scheme with the NNJCS. Therefore paragraph 12 of the NPPF applies.
- 4.21 The Applicant argues that the NNJCS is out of date because:
- (1) Its policies are inconsistent in some respects with the NPPF.
 - (2) It has failed to meet retail needs in full.
 - (3) The NNJCS is being reviewed.
- 4.22 They therefore rely on the second section of paragraph 14 of the NPPF effectively to reverse the presumption under s.38 (6) and paragraph 12.

²⁴⁹ See Annex

²⁵⁰ CD A1A and see Mr Rhodes XX (Ellis)

²⁵¹ CD A1 paragraphs 2, 11, 12

Inconsistency with the NPPF

- 4.23 The NPPF provides that relevant policies in development plans should now be given *"due weight"* according to their degree of consistency with the policies of the Framework.²⁵²
- 4.24 Section 2 of the NPPF, *"Ensuring the vitality of town centres"* requires plans to promote competitive town centres and sets out ten hallmarks which policies should bear. Particularly relevant in this case are:
- (1) *"recognise town centres as the hearts of their communities and pursue policies to support their viability and vitality"*;
 - (2) *"define a network and hierarchy of centres that is resilient to anticipated future economic changes"*;
 - (4) *"promote competitive town centres ..."*;
 - (6) *"allocate a range of suitable sites to meet the scale and type of ... retail, tourism development needed in town centres. It is important that needs for retail and other main town centre uses are met in full and not compromised by limited site availability; LPAs should therefore undertake an assessment of need to expand town centres to ensure a sufficient supply of suitable sites"*;
 - (7) *"allocate appropriate edge of centre sites for main town centre uses ... where suitable town centre sites are not available. If sufficient edge of centre sites cannot be identified set policies for meeting the identified needs in other accessible locations that are well connected to the town centre"*;
 - (10) *"where town centres are in decline, LPAs should plan positively for their future to encourage economic activity."*
- 4.25 The following important principles emerge from these hallmarks:
- (1) Ensuring the vitality and viability of town centres remains the unifying policy objective; town centres are a *"Good Thing"*, to be positively supported and promoted by the planning system.
 - (2) As the *"hearts of their communities"*, they are required to serve and be vital and viable for the whole community.
 - (3) In order to fulfil their function as *"hearts"*, they need the oxygen of money from sources across the retail and commercial sectors, including the most commercially attractive and successful elements. On occasions, they

²⁵² CD A.1 paragraph 215

also need and receive public sector investment but such funding should not displace the roles of private investment and visitor expenditure.

(4) Out of centre development which attracts expenditure which would – or could – potentially otherwise go to town centres is not supported in principle by national policy and therefore should not be supported in principle by development plan policy, because it diverts investment and expenditure away from the “*hearts*” of communities to peripheral areas; the latter are likely to be less well served by public transport or less able to maximise public and private investment in public transport (contrary to the objectives of widening access and reducing carbon emissions).

(5) Development plans are seen as necessary and important for retail planning.

(6) The definition of a network and hierarchy of centres remains part of national policy.

(7) Defining such networks and hierarchies is a strategic activity and the need for resilience means that it is one where a medium to long term view is to be taken.

(8) The pursuit of vitality and viability is to be structured and complementary; the new statutory duty to co-operate²⁵³ is also relevant.

(9) The concept of a hierarchy inevitably involves the consideration of scale and how a proposal fits into the hierarchy in terms of scale.

(10) In the retail context, NPPF policy about meeting needs in full is set in the context of allocating sites in town centres and “*expanding town centres*”, subject to sequential testing of potential edge and out of centre allocations and setting policies for meeting needs in “*other accessible locations that are well connected to the town centre*”.

(11) When town centres are in decline, the response should be positive planning.

(12) Where LPAs have followed this planned approach to town centres and growth through development plans, it is not in accordance with national policy to depart from the Plans without good reason.

4.26 Mr Burnett agreed with these propositions²⁵⁴ - unsurprisingly, since they are all based on the NPPF. It is all the more curious, therefore, that the Applicant apparently jettisons these principles when interpreting the development

²⁵³ See NPPF paragraph 178

²⁵⁴ XX (Ellis)

management paragraphs 24-27. The sequential and impact tests there set out are apparently to be applied in a vacuum, divorced from the comprehensive statement of policy objectives in paragraph 23 and divorced from the development plan; crucially, it is argued that Policy 12 is out of date because it includes considerations of scale in the location of retail proposals. Mr Wilson agreed that scale is relevant to applying both impact and sequential tests; Mr Nutter says the same in his proof, also stating that need is relevant to the exercise of defining a search area.²⁵⁵ The Applicant, on the other hand, points to the reference to needs in the third paragraph of Policy 12, citing it as a further symptom of its being out of date, as well as the inclusion of district centres among sequential preferences.

- 4.27 Taking the 12 hallmarks of NPPF-compliant development plans above, the NNJCS can be seen to be up to date in all its essentials. It is based on an expert needs assessment.²⁵⁶ As noted above, the Plan was prepared under modern procedures and was pronounced sound by the Inspector. Mr Burnett did not suggest that it had been unsound at adoption.²⁵⁷ Policy 12 plans positively for growth in town centres and includes a sequence by which to make provision for any further needs. It is founded upon an evidence-based strategic network and hierarchy of towns and seeks to guide investment in an orderly fashion in accordance with that hierarchy. While the sequential test paragraph is not worded identically to that in the NPPF, the distinction is of no significance in this case, since district and local centres are not in issue.
- 4.28 The NNJPU has recently carried out an assessment²⁵⁸ of the NNJCS including Policies 1 and 12. It concluded that it is generally consistent with the NPPF noting, particularly that it is *"a Plan which seeks high levels of growth, alongside increased infrastructure provision, which meets high design and sustainability standards. The policies within the Plan are largely consistent with the NPPF which is supportive of economic growth, and contains a presumption in favour of sustainable development"*. The detailed caveat regarding deliverability criteria relied on by Mr Rhodes²⁵⁹ related to policies which are not relevant to this case. This resolution of the NNJPU post-dated ENC's resolution to support the application and was understandably not considered in the Committee Report. What was less understandable was Mr Wilson's omission to mention it in his proof (submitted several weeks after the resolution) or even in his oral evidence in chief, although he cheerfully pointed out that it was *"well known"*. Reluctantly, he had to agree that this resolution by the NNJPU – which includes Councillors from ENC – is a new material consideration.

²⁵⁵ XX (Ellis) and Mr Nutter's proof paragraph 5.16

²⁵⁶ CD A7.1

²⁵⁷ XX (Ellis)

²⁵⁸ CD A7.22 Item 5, 13/13 Report and Planning Advisory Service Self-Assessment Checklist, page.9

²⁵⁹ Op Cit, paragraph 2.2, 2nd bullet; Mr Rhodes XX (Ellis)

- 4.29 To summarise, relevant policies of the NNJCS are consistent with the NPPF. They should, therefore, be given great weight.²⁶⁰ In particular, the requirement of Policy 12 that the scale of retail development be appropriate to the role and function of the centre where it is to be located is integral to the hierarchical spatial strategy and integral to the hierarchical/network approach espoused by the NPPF. The Applicant's contention that scale is now irrelevant to development management is not supported by Messrs Wilson and Nutter and does not bear examination. If the Applicant is right, then the implication is that there would be "*totally different results*"²⁶¹ in relation to major proposals such as this depending on whether they were pursued through the development plan or development management processes. There have been two opportunities to pursue these proposals (or something like them) through the development plan – via the adopted NNJCS and via consultation on the Review of the Plan. On neither occasion did the Applicant nor their predecessors do so. With regard to the latter, LXB responded just a few months before submitting the application, on the basis of a much smaller, mixed use proposal comprising retail/leisure/tourism and B Class uses.
- 4.30 Retail development would be of an appropriate scale having regard to Rushden's position in the shopping hierarchy and the site's strategically accessible location. The role and function of retail development on the site would be, they said, to accommodate uses that are complementary to the retail offer in the town centre and cannot be accommodated in the town centre, e.g. a large garden centre and other retail occupiers with business models that would not otherwise be able to locate in Rushden.²⁶² What changed? In July 2011, the draft NPPF was published which, as well as according the development plan a less significant role than the final version included a more relaxed sequential test²⁶³ and omitted what is now paragraph 27, to the effect that where an application, inter alia, fails the sequential test, it should be refused. As we know, retail policy in the NPPF was revisited as a result of the Portas Review, with the object, in the Prime Minister's words, of "*putting town centres first in planning decisions*".
- 4.31 The reading of national policy (and consequent rejection of the development plan) for which the Applicant contends would subvert the Prime Minister's commitment. Whilst it might remain valid for plan making, abandoning considerations of scale in development management would open the way for many more opportunistic applications for major out of centre development, rendering planned retail hierarchies unstable and irrelevant. The consequences for investor confidence to embark on the difficult job of bringing forward town centre development would be very serious. As Mr Goddard said, if the answer outside Rushden is "Yes", why should it not also

²⁶⁰ CD A.1, NPPF, paragraph 215

²⁶¹ Mr Goddard in X

²⁶² LAC 12, p.3

²⁶³ CDA 1A and A1; compare paragraph 78 of the former with 24 of the later

be "Yes" outside Daventry or Towcester, or indeed in any postcode around 30 minutes' drive from a sub-regional or regional centre? The policy tool for managing such issues in the tried and tested one of retail networks and hierarchies, reaffirmed by the NPPF and exemplified in the NNJCS.

- 4.32 These arrangements are not just the product of planners' desire for control or intellectual tidiness; rather, they are the means by which public and private investment decisions can be made on a reasonably stable, known footing. In other words, they are the means by which the flow of financial oxygen to the hearts of communities can be secured. As will be seen, the effect of the proposed development would be to siphon off a substantial amount of the "purest oxygen" – the investment in and income from higher order comparison retail activity – to a destination which would not perform the other (less lucrative but equally important) roles of a town centre. Such a result would be wholly contrary to the development plan and cannot be what was intended in the drafting of Chapter 2 of the NPPF. It is the opposite of sustainable development.

Failure to Meet Retail Needs in Full?

- 4.33 The Applicant sought to justify the proposal on the basis of a 'gap' in provision for Rushden's core 10 minute catchment area (represented by Zone 10 and parts of Zones 7, 9 and 11).²⁶⁴ It is argued that "leakage" out of the North Northamptonshire Catchment Area ("NNCA") is excessive with the result that the NNJCS objective to achieve greater self sufficiency is undermined. Because the town centre growth planned in Policy 12 has not yet happened and housing delivery has been delayed,²⁶⁵ they say that the Plan has "failed" and that Rushden Lakes is therefore required to plug the gap. Mr Rhodes dismisses the NNJPU's assessment of consistency with NPPF as superficial and not based on any up to date assessment of retail needs. He cites NPPF policy that retail needs must be met "in full" and says that the NNJCS evidence base did not set out to do this and, in particular, contained no assessment of qualitative needs. For good measure, a new argument emerged during the Inquiry to the effect that since one of the allocated sites in Wellingborough's Area Action Plan ("AAP")²⁶⁶ is no longer available and since the site is only a few miles from Wellingborough, this is a justification for the proposed retail floorspace.
- 4.34 Mr Goddard dealt with these arguments in his written and oral evidence. His company was instructed by the NNJPU in early 2012 to do two things: firstly, to review the evidence base for the current and emerging NNJCS and, secondly to review the application. They reviewed the NNJCS retail evidence base consisting of two RTP capacity analyses and testing of different growth

²⁶⁴ Set out on Mr Goddard's Plan 3

²⁶⁵ Miss Garbutt's Note APP19 sets out the up to date position

²⁶⁶ CD A12.3; Site E1, Tresham College

options. They noted that the evidence base had taken account of the growth strategies for adjoining areas including Northampton and that that town "has a key functional relationship with North Northamptonshire". In the light of these relationships, they considered that "the CSS provides the basis of a realistic and deliverable strategy for North Northamptonshire".²⁶⁷ Reviewing the updated RTP evidence base²⁶⁸ which included a new household survey (upon which all the retail evidence at this Inquiry has been based) and updated population and expenditure forecasts, GVA noted that:

- (1) the overall retention rate of expenditure in the NNCA had increased to 61.5% from 50% in 2005;
- (2) Corby's market share had increased, reflecting the opening of Willow Place²⁶⁹ whereas Kettering's had fallen due to out of centre competition; Wellingborough's share had declined too but Rushden town centre's share had increased a little between 2005 and 2010;
- (3) the Study identified less capacity for additional comparison goods floorspace than in 2005/6;
- (4) RTP's recommendation was that the Strategy should remain essentially unchanged, though they had tested capacity on static retention and increasing (64% at 2021 and 65% at 2031) retention rate scenarios.

GVA's conclusions on the Strategy were:

- (1) that the RTP 2011 capacity forecasts were, by 2012, marginally over-optimistic;
- (2) that Rushden town centre could accommodate a mere 1,949m² net additional comparison floorspace at 2016, 3,295 m² by 2021 and 4,805 m² by 2026, though allowing for existing out of centre performance at Rushden, globally the figures would be marginally greater; enhancing floorspace at Rushden would be likely to deflect significant capacity away from other town centres;
- (3) having reviewed opportunities at Kettering and Corby, that they had "significant potential for new development and the development potential of both centres should be fully exploited in order to maximise the level of trade retained in North Northamptonshire town centres";
- (4) that at Wellingborough and Rushden town centres, there were more limited opportunities, in the former case because of the complexities associated with Tresham College and in the latter because of lack of operator demand; moreover, noting the role of Northampton, they anticipated that it would "continue to meet a significant proportion of 'higher order' shopping needs of residents of those towns";
- (5) that the current "3 centres" retail strategy remained sound.

²⁶⁷ CD A7.7 "Independent Assessment of the Retail Strategy for North Northamptonshire and the Implications of the Rushden Lakes Proposals", p.9, paragraph 2.18

²⁶⁸ CD A7.6 North Northamptonshire JPU – Retail Capacity Update, February 2011

²⁶⁹ See "Before" and "After" photos in Miss Garbutt's Appendix 18

- 4.35 In his oral evidence, Mr Goddard demonstrated that, based on RTP's further (2012) update; there is "*negative capacity*" for new comparison floorspace. Notwithstanding that current situation, he noted and approved the absence of maxima in Policy 12 and said that it was still right to plan for growth in the town centres. By contrast, Mr Burnett's critique of RTP (his Appendix 2) does not, as he agreed, take account of the policy implications or realism of increasing Rushden's market share. He accepted that his client had had the opportunity to take issue with the RTP 2011 Update in their representation on the draft NNJCS Review, but had not availed themselves of it.²⁷⁰ As noted above, of course, the effect of the application is actually to divert an appreciable amount of trade from Rushden and Wellingborough town centres, rather than complement and bolster them. Mr Burnett, when asked, did not suggest that the NNJCS was unsound at adoption.²⁷¹ Before examining whether any new material considerations have rendered the Plan unsound in the meantime, two further points about the NNJCS should be noted.
- 4.36 Firstly, the document recognises the regional centre role of Northampton: at paragraph 1.16, the "*key functional relationship*" is highlighted, including its proposed "*increased retail ... offer*". It continues that "*The studies of transport and retail issues that underpin this Plan have taken account of these relationships ...*" Likewise, at paragraph 3.24, "*The Plan recognises that, whilst becoming more self-sufficient, North Northamptonshire will not meet all of the needs of local people. In particular, health and higher education facilities at Peterborough and retail and leisure services at surrounding large sub-regional centres; and employment opportunities outside the area will continue to draw people out of North Northamptonshire.*" Accordingly, in this balanced and comprehensive Strategy, Policy 2: Connecting North Northamptonshire with surrounding Areas makes provision, amongst other transport improvements, for upgrading multi-modal links to Northampton.
- 4.37 Secondly, the NNJCS does not set a timetable for delivery of the Policy 12 floorspace commitments. Mr Goddard explained that it would be unrealistic to treat retail development in that way because of the complexities and "*granular nature*" of developing in town centres. Paragraph 3.103 recognises that "*development will proceed at different rates in the three centres in response to market demands and regeneration needs as sites become available ... The retail strategy will be reviewed in the light of market conditions and monitoring of delivery*". Two separate expert companies – RTP and GVA have now reviewed the retail Strategy and recommended its continuation.
- 4.38 The NNJCS was adopted in August 2008. It was closely followed, as Mr Chase reminded the Inquiry, by the Lehmann crash and the ensuing financial crisis.

²⁷⁰ XX (Ellis)

²⁷¹ XX (Ellis)

Inevitably this would have affected delivery of all aspects of the Plan – for example, the major Sustainable Urban Extensions planned at Kettering and Corby, as well as town centre investment. The NPPF, doubtless recognising the practical differences between residential and retail development, deals differently with delays to delivery. Whilst the absence of a 5 year supply of housing land automatically renders housing policies out of date,²⁷² town centre and retail policies are not approached in the same way. There was no challenge²⁷³ to any of Miss Garbutt’s factual evidence²⁷⁴ on the progress being made in terms of town centre delivery, investment and planning at Corby and Kettering. Viewed in the light of prevailing economic circumstances over the last few years, progress is impressive. To take a couple from the many examples, in Kettering the new Market Place Building with restaurants and residential uses on allocated site RQ2 was completed in summer 2011 with £2.5m of Growth Area funding and a public realm scheme was undertaken in 2009 in the market place at a cost of £4m.

Review of the NNJCS

- 4.39 The examining Inspector advised an “*early review*” of the NNJCS despite his finding of soundness because of concerns about infrastructure funding and the implications for housing and employment,²⁷⁵ rather than specifically in connection with town centres or retail provision. Nevertheless, as noted above, a review was commenced, supported by fresh retail capacity analysis.
- 4.40 All witnesses agreed that the NNJCS Review is at too early a stage to attract more than limited weight. Yet the Applicant and ENC repeatedly sought to rely on the “*emerging Growth Town status of Rushden*”. The NNJPU resolved, in January 2013, that Rushden should be “*included as a named Growth Town*”²⁷⁶ but this step is of little, if any, assistance to the Applicant and ENC. This is, firstly, because work on the Review has now stopped, stymied by the impasse brought about by the application.²⁷⁷ Legal advice to the NNJPU was to the effect that to take forward a JCS with Rushden Lakes as part of its retail strategy would be unsound. Given the results of the RTP 2012 update, GVA’s independent review of the same date and the contents of NPPF paragraph 23, this advice is not surprising. The NNJPU (including members from ENC and WBC) resolved to accept the recommended approach to defer further statutory steps in plan preparation until the SoS has determined the application.

²⁷² CD A.1 paragraph 49

²⁷³ Mr Rhodes XX (Ellis)

²⁷⁴ Miss Garbutt’s proof paragraphs 7.21 – 7.68

²⁷⁵ CDA7.4: Inspector’s Report paragraphs 7, 60 and 142. NB Policy 12 in the Inspector’s Report became adopted Policy 11.

²⁷⁶ CD A7.13

²⁷⁷ CD A7.14

4.41 Secondly, the draft Plan:

- (1) does not allocate the Rushden Lakes site; it records it as a strategic commitment for employment and leisure;
- (2) draft Policy 10 continues a town centre focussed approach, albeit that Rushden is elevated in the hierarchy;
- (3) the importance of Northampton continues to be recognised in draft Policy 17;
- (4) even with Rushden's new status, housing and employment growth continues to be weighted to Corby and Kettering rather than Rushden and Wellingborough though it should be noted that the NNJPU decided in January 2013 that the levels there set out are undeliverable so much remains to be worked out in connection with the reviewed strategy, as Miss Garbutt observed.²⁷⁸ The fact that ENC has achieved relatively more housing growth since adoption of the NNJCS is not a reason to overturn the retail strategy either. Kettering's contribution is to be made largely through extensive Sustainable Urban Extensions, the delivery of which will similarly have been impaired by prevailing economic circumstances. East Kettering is now coming forward and the promoter, who is committed to providing some £20m contribution to Kettering town centre, objects to the application on the basis that it would "*skew the balance away from Kettering*" with negative effects on its development which relies in part for its success on a strong and attractive town centre;
- (5) as Miss Garbutt said, the split of development between the 4 towns remains to be decided; permitting Rushden Lakes now would force the NNJPU's hand in the opposite direction to the one which they are being expertly advised to take.²⁷⁹

4.42 In short, the review cannot possibly be a reason for overturning the spatial strategy of the adopted development plan for the period 2008 – 2021. As the Irchester Inspector said:

"43. As noted earlier, although new figures were agreed by the NNJPU in March, those figures have not yet appeared in any draft plan, and have not been subject to any consultation. Before the draft CS Review can go forward for submission, it must be subject to any consultation. After that, it must be independently tested through the public examination process, and at that stage, it will be necessary for the NNJPU authorities to show that the housing provisions meet the district's full, objectively assessed needs. That must also include demonstrating compliance with the new duty under the Localism Act to co-operate with neighbouring authorities. The issues to be dealt with in the examination will inevitably be complex. I cannot speculate as to the outcome of this process, but it would not be unusual for any plan to undergo further changes before its final adoption. For all these reasons, the draft CS Review cannot yet carry significant weight.

²⁷⁸ Rebuttal paragraphs 7, 8 and 10 and Appendix 1

²⁷⁹ Miss Garbutt XX (Katkowski) and RX

44 *The adopted CSS, in contrast, remains in force as part of the statutory development plan, and as such it must be the starting point for my decision, as a matter of law. The adopted plan was examined and found sound only five years ago, which is not a long time in the context of the timescales needed for plan making. I accept that some of the relevant circumstances have now changed, but that does not mean that the adopted plan should be disregarded altogether....."*

Issue (b): The extent to which the proposed development accords with the NPPF, in particular section 2 which relates to ensuring the vitality of town centres.

4.43 Section 2 of the NPPF has been considered in some detail under the Inspector's first question. It has already been concluded:

- (1) that the application does not accord with the development plan;
- (2) that the development plan is consistent with the NPPF;
- (3) that the application does not accord with the objectives of Section 2 of the NPPF; and
- (4) that, in retail and spatial planning terms, the application does not amount to sustainable development.

These four conclusions overlap with and feed into the question of accordance with Section 2 of the NPPF. Nevertheless, the specific issues of compliance with paragraph 24 (sequential test) and 26 (impact) must now be addressed.

The sequential test - "The only Show out of Town?"²⁸⁰

4.44 The starting point in applying the sequential test is the proposed development. As Lord Hope stated in *Tesco Stores Ltd v Dundee City Council* [2012] 2 P.&C.R. 9, "*It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre*" [38]. Accordingly, the Consortium in applying the sequential test focuses closely on the nature of the Applicant's proposals. It is a hybrid application, with only outline permission sought for the hotel, leisure centre and crèche. No Grampian conditions or phasing requirements in the s.106 agreement are offered to ensure that the various elements of the proposals come forward. Condition 7 with its reference to a phasing plan is only to enable the LPA to understand the construction stages and does not require the whole development to be built out. Furthermore, no viability evidence has been adduced to show that the development can only come forward as a whole.²⁸¹

²⁸⁰ See exchange between Katkowski and Goddard in xx

²⁸¹ Whilst Mr Goddard rightly accepted in xx (Katkowski) that the NPPF does not require applicants to demonstrate that all the elements of their proposals are needed in viability terms, the absence of such evidence in this case of an

The Applicant states that the scale of the proposals is required to provide sufficient critical mass “so that occupiers can experience mutual benefits of co-location and a successful development can be delivered in Rushden”.²⁸²

- 4.45 Bizarrely, Mr Nutter in his advice to the LPA, drew speculative and inexpert conclusions about viability, purporting to explain on this basis the presence of the restaurants and hotel (with its reference to catering for 3 million visitors a year in a facility apparently required to meet the shopping needs predominantly of the 10 minute catchment); that is not, in fact, how the case was made by the Applicant and by the stage of writing his proof, Mr Nutter accepted that “little evidence has been provided by the Applicant which demonstrates that the scale of floorspace proposed is essential to ensure that the development as a whole is viable”.²⁸³ In fact, there was none and the retail SoCG recognises that viability was not one of the Applicant’s arguments.²⁸⁴ Nevertheless, Mr Nutter’s early recognition of the need to find a rationale for the collection of uses in the scheme is telling, as is the fact that his purported justification was misguided. Mr Nutter’s firm evidenced the GVA 2012 study in a letter to Ellandi LLP.
- 4.46 LXB’s letter to Mr Rhodes dated 23 May 2013 does not claim that the scale or mix of development is necessary to achieve viability, describing “4 (sic) distinct categories” of mixed leisure, garden centre and associated terrace and open A1 retail terraces.²⁸⁵ It is said that the large anchor stores (Marks & Spencer and potentially Debenhams) cannot be split off from the smaller stores, yet the presence of smaller stores in town centres could of course fulfil this supportive role.²⁸⁶ In any event this rationale does not extend to the garden centre, hotel, crèche or leisure centre. Mr Burnett agreed that there is “no guarantee” as to whether or when the outline elements of the proposal might be implemented.²⁸⁷
- 4.47 Interestingly, LXB’s marketing agent describes the proposal (in an email to Kettering town centre retailer Clarks Shoes) in terms of phases, with Terraces B and C comprising the first phase, together with 1,300 car parking spaces, restaurants and a drive through coffee shop; the garden centre, Terrace A and the hotel/crèche/leisure club are allocated to a “further phase.”²⁸⁸ Furthermore, no retailer-specific requirements are put forward to suggest

amalgam of different elements in a hybrid planning application is indicative of the degree of flexibility which could have been applied by the Applicants, but was not

²⁸² Mr Burnett proof paragraph 4.4

²⁸³ Mr Nutter proof paragraph 5.48. He and Mr Wilson had simply not grappled with the possibility of the totality of the proposal failing to materialise; neither was able to explain in xx (Ellis) the absence of phasing conditions

²⁸⁴ Mr Goddard Appendix 8, paragraph 8.1

²⁸⁵ Mr Rhodes’ proof Appendix 4 and XX Harris

²⁸⁶ As identified by Cushman & Wakefield in their report on the Wadcroft site in Kettering town centre: Miss Garbutt’s proof, Appendix 10, paragraph 6.1.2

²⁸⁷ Mr Burnett xx Ellis

²⁸⁸ PRK2: Robinson (Ellandi) Submission Appendix 5

that only the Rushden Lakes site is suitable: the proposal is essentially speculative at present, with no retailers signed up apart from Marks & Spencer. No operators suggest any physical or commercial constraints associated with other sites which mean that only Rushden Lakes can fulfil their requirements.

- 4.48 In short, the proposals are a loose collection of distinct elements. They are not interdependent and the commercial elements are not dependent upon any particular features of the site. They are unlikely to come forward together and a number may not come forward at all. These facts have implications in terms of both the physical characteristics of sequentially preferable sites and their timing which will be considered below.
- 4.49 The sequential test in paragraph 24 of the NPPF requires consideration of whether there are other “suitable” sites. The correct interpretation of suitable was given by Mr Goddard: “suitable” means suitable to do the job, which here is the provision of higher order comparison goods floorspace. That is the “primary driver of the proposal”.²⁸⁹ The only site specific elements are those for outdoor leisure and management measures in mitigation of increased public access, in respect of which there is no sequential test since these elements are not ‘main town centre uses’.²⁹⁰ In light of this, as well as the absence of any ties that bind all the elements of the proposal together or to the site, the sequential test should extend to investigating whether there are preferable sites which can accommodate the main town centre uses either individually or as a whole.
- 4.50 This is made clear by the NPPF’s express requirement that Applicants and LPAs should demonstrate flexibility when applying the sequential test (paragraph 24). The extent of flexibility adopted by the Applicant in the present case amounts only to the installation of mezzanines and not filling the site with even more retail floorspace.²⁹¹ This does not amount to any meaningful flexibility. There has been no consideration given to bringing forward elements of the proposal on different sites and no justification as to why the various elements could not come forward individually in this way.²⁹²
- 4.51 The Applicant and ENC attempt to circumvent the sequential test by arguing that the NPPF no longer requires developers to consider disaggregating elements of a proposal to other sites. This approach rests upon a misreading of the policy. The NPPF requires Applicants and LPAs to “*demonstrate flexibility on issues such as format and scale*”. The list is not exhaustive and it is to be expected that whereas PPS4 gave several examples of flexibility

²⁸⁹ Mr Goddard XX by Katkowski day 7

²⁹⁰ NPPF Glossary. CD A.1 page 53

²⁹¹ Mr Burnett XX by Ellis day 3

²⁹² Mr Burnett appendices 6 and 7 reject all sites on the basis that they are too small and/or otherwise unsuitable to host the entire proposal

(EC15.1: format; scale; car parking provision; disaggregation), the new slimmed down national policy will list fewer examples. The overarching requirement of flexibility remains and for it to have any force it must include exploring the disaggregation of composite proposals such as these. The alternative is to drive a coach and horses through the sequential test by enabling developers to bolt on further uses until the list of potential sites has narrowed to one: the developer's preferred, out of town site.

- 4.52 This submission is supported by the saving of the PPS4 PG which advises that as part of the requirement for flexibility, disaggregation should be considered (paragraphs 6.27 – 6.35). It is correct that if any aspect of the PG conflicts with the NPPF then the PG must give way. As recently held in Telford and Wrekin Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 1638,²⁹³ a decision maker should “*use the Practice Guidance conscious of the fact that, in some parts of its detail, it is directed towards a differently formulated policy test*” [17]. At the same time the saving of the PG from the bonfire is a positive endorsement of its continuing relevance. Here there is no conflict between the PG and the NPPF; the advice as to disaggregation adds flesh to the bones of the NPPF's requirement of flexibility.
- 4.53 Regardless of the advice in the PG, however, the matter is put beyond doubt by the decision of the Supreme Court in Tesco Stores Ltd v Dundee City Council [2012] 2 P.&C.R. 9.²⁹⁴ The Court emphasised that an inflexible approach – including one which refused to give any consideration to subdividing large proposals – can undermine the sequential test. Lord Reed referred to an “*inbuilt difficulty*” in the sequential approach, that “*On the one hand, the policy could be defeated by developers and retailers taking an inflexible approach to their requirements*” while on the other hand authorities should not be taking “*an entirely inappropriate business decision on behalf of the developer*” [28]. The answer consists in a flexible approach, and significantly the Court noted that this approach included “*where appropriate adjusting or sub-dividing large proposals*” [28]. The Court was here referring to the then extant Scottish planning policy on the matter, but this context explains what the Court meant when stating that flexibility is required. Lord Hope in his brief supporting judgment referred to the need for a ‘real world’ approach to the sequential test at [38] and in light of this earlier discussion in Lord Reed's leading judgment, the real world is one which includes consideration of disaggregation. It also includes the Development Plan: Lord Reed expressly placed the search for sequential sites in the context of the Development Plan, as the Consortium do in the present case by having regard to the network and hierarchy of settlements when considering the appropriate location for higher order retail uses.²⁹⁵

²⁹³ APP 19

²⁹⁴ CD A1C

²⁹⁵ Paragraph 27

- 4.54 In the Dundee case the development proposed was a single store (an Asda superstore, with café and petrol filling station). In the more recent case of R(on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012] EWHC 3708 (Admin),²⁹⁶ where the court affirmed the need for a 'real world' approach to the sequential test, the proposal consisted of a retail park with four retail units. It was conceded that there was non-compliance with the sequential test in respect of the three smaller units because of a failure to consider disaggregating them. The dispute was about a larger Marks & Spencer unit and whether that should be split into two separate Marks & Spencer stores. The planning committee accepted the evidence on viability to the effect that the store could not be sub-divided in this way, a decision which was upheld by the High Court as lawful [62]. The dispute in both the Dundee and Zurich cases therefore concerned single large stores. The scope for disaggregation in this context may be significantly reduced, as recognised by the PG which states that "*In the case of single retailer or leisure operators, it is not the purpose of national policy to require development to be split into separate sites where flexibility in their business model and the scope for disaggregation have been demonstrated*" (at paragraph 6.30). The scope for disaggregation will be case-specific. The present proposals however are not a single store or anything like it, but rather a loose grouping eminently capable of separate location.
- 4.55 Mr Kitchen's email gives a glimpse of what is proposed in 'the real world' – a 'pretty major and serious park' with a definite first phase consisting of the 'mainstream fashion pitch' Terraces B and C, 1,300 car parking spaces with catering facilities to match and a catchment up to 60 minutes from the site. Mr Goddard agreed: "in the real world the essence of the proposal is a sub regional retail park – sub regional scale of A1 retail park ... The job I see the application doing is that of a sub regional centre over a wide catchment. That's the primary driver of this scheme."²⁹⁷ Mr Chase agreed that the "open A1" Terraces B and C would be the first to be delivered, along with the "important" parking spaces; the achievement of Marks and Spencer as an anchor would "send a strong message to customers" and another retail anchor would be sought, such as Debenhams or Primark. He also described the proposal as a "retail park."²⁹⁸ This is not a "small proposal ... a very large part of which is a garden centre" as suggested by Mr Sawford MP.²⁹⁹ This wholly misguided impression does, to some extent, call into question the reliability of public support for the scheme. As all the expert witnesses agreed, what matters is the strength of the planning arguments rather than the "weight of the postbag" – these fundamental misconceptions on the part of a prominent supporter illustrate the wisdom of that approach.

²⁹⁶ CD A.1D

²⁹⁷ Mr Goddard in x and xx (Katkowski)

²⁹⁸ XX (Ellis)

²⁹⁹ XX (Ellis)

- 4.56 It is said by the Applicant and ENC that this development is 'location specific', that is that it can only be accommodated on the Rushden Lakes site.³⁰⁰ This is misconceived. In so far as it is said that the existence of a 'Rushden need' requires this scale of retail floorspace in this location, no such need exists for the reasons explained above. An alternative argument that the leisure, tourism and nature conservation opportunities offered by the site mean that the proposals can only be located on the site is also without merit. The Applicant has made clear that no 'enabling development' case is being made - it is not said that the development plan non-compliance is justified in order to bring forward the leisure, tourism and nature conservation aspects of the proposal. Nor is viability evidence provided to show that these aspects are essential to the scheme coming forward as a whole.
- 4.57 In the absence of such a link, flexibility requires consideration of whether the retail elements can be provided in sequentially preferable locations. Mr Chase's comment that he "*cannot see how a Lakeside Visitor Centre and Boat House facility can possibly be seen as uses which can be promoted in a town and city centre unless it has a boat club or lakes*" misses the point of the sequential test,³⁰¹ as does Mr Burnett's pro-forma response to each sequentially preferable site put forward by the Consortium that they are "*not suitable to provide leisure/ecology benefits at the Lakes that [the] proposed development will provide*".³⁰² When tested, Mr Burnett confirmed that when he said in his 'PPS4 Assessment'³⁰³ that the lakes and leisure elements of the scheme were not necessary for viability, he had done so "on instructions". Suitability does not concern the scope to provide boating lakes and nature conservation benefits, but to accommodate main town centre uses.
- 4.58 The Consortium's search shows that there are a large number of sequentially preferable sites where elements of the proposals could be located either individually or collectively. All parties appear to agree that the area of search should be defined by the catchment area that the proposals are likely to serve, although they disagree about the catchment.³⁰⁴ Mr Goddard considers that this consists of a primary catchment of Zones N7, N9, N10 and 11, a secondary catchment comprising zones to the north and west of the primary catchment and a further 10% from beyond this area. Within this catchment and supported as the focus for retail development in the network of settlements in the Development Plan are the three Growth Towns of Corby, Kettering and Wellingborough. This and the very significant scale of the proposals, exceeding the net comparison goods floorspace of each of three

³⁰⁰ E.g. Mr Wilson proof paragraph 6

³⁰¹ Mr Chase proof paragraph 9.3

³⁰² Mr Burnett appendix 6

³⁰³ CD B5 page .35; XX (Ellis)

³⁰⁴ Mr Burnett xx (Ellis); Mr Goddard in x (unchallenged on this point). Mr Nutter, unlike Mr Burnett, extends his area of search to Wellingborough on the basis of his understanding of the likely primary catchment area

Growth Towns,³⁰⁵ makes sites in these towns suitable for the purposes of paragraph 24 of the NPPF. This reference to suitability, read in the context of the NPPF's emphasis on decision-taking being 'genuinely plan-led', must mean suitable having regard to the location of the site in the settlement hierarchy.

- 4.59 The three Growth Towns contain a number of sequentially preferable sites which are both suitable and available. The Wadcroft/Newlands Phase 1 site in Kettering offers a very significant opportunity for retail-led development through allocation in the Kettering TCAAP for 16,000sqm net comparison goods floorspace, with delivery envisaged in the TCAAP in 2015/16. The AAP has recently been assessed by the Council to be consistent with the NPPF. PR Kettering, who have a long leasehold interest in the Newlands Phase 1 parcel of the site, have been in discussion with the Council, who are the freeholder of this parcel and the majority owner of the other parcel of the site (Wadcroft), in relation to bringing forward redevelopment of the site.³⁰⁶
- 4.60 In Corby the Evolution Corby site has capacity for around 14,000sqm net comparison goods floorspace and although Helical (Corby) Ltd, the current owners, are not looking to progress that scheme, they have confirmed that they are seeking to invest substantial sums into the town centre in new schemes to regenerate the town.³⁰⁷
- 4.61 In Wellingborough the TCAAP was premised on the proposed relocation of the Tresham Institute from its current site, and accordingly the Tresham Institute and Market sites are together allocated for 18,000sqm net A1-A2 retail floorspace. It is now apparent that the Tresham Institute will not be relocating such that the proposed retail redevelopment will not be brought forward there. However, the site to which the Institute was to relocate has as a result become available. This is the High Street/Jackson's Lane site, which is currently allocated in Policy PS3 for a new campus for the Tresham Institute. Neither this nor any of the remaining allocated sites in Wellingborough have been considered at all by the Applicant.
- 4.62 In Rushden itself the Palmbest site is identified in the Rushden Regeneration Strategy (2010)³⁰⁸ as key to the town's regeneration plans and to provide an opportunity to deliver a retail-led mixed-use scheme. This 1.34 hectare site is suitable to accommodate a proportion of the retail floorspace proposed for Rushden Lakes and in town centre terms the site should be considered

³⁰⁵ Mr Goddard's proof paragraph 3.3: Rushden Lakes 30,719sqm; Kettering 21,256sqm; Corby 16,244sqm; Wellingborough 17,983sqm (includes the external planting area of the garden centre (4901sqm) but excludes 929sqm convenience goods floorspace)

³⁰⁶ Mr Robinson's written submission paragraph 3.18

³⁰⁷ Letter from Jones Lang LaSalle to the Planning Inspectorate on behalf of Helical (Corby) Ltd dated 21st June 2013.

³⁰⁸ CD A6.4

available given the 6-10 year timeframe suggested by the Regeneration Strategy (p.39).

- 4.63 The regional centre and county town of Northampton sits outside the Development Plan area but is recognised within the Plan as being at the top of the settlement hierarchy. For this reason and because it is within the catchment of the proposals, it is a more appropriate location for the scale of retail development proposed. The Grosvenor Centre extension site within Northampton town centre is both suitable and available. It could accommodate a very significant proportion of both the retail floorspace and other uses proposed for Rushden Lakes given its allocation in the very recently examined and adopted CAAP Policy 17 to provide an additional 24,300sqm net internal retail floorspace plus ancillary uses including restaurant and leisure floorspace. It should also be considered to be available in the short term in light of the evidence of Legal & General that the first phase could start on site by early 2017.³⁰⁹ The commitment of NBC and Legal & General to bring the development forward and the significant public sector investment make the timescale realistic and achievable.
- 4.64 "Available" is not defined in the NPPF, but it must be interpreted so as to give effect to the unifying policy aim of Section 2 of NPPF to 'Ensure the vitality of town centres'. Mr Burnett accepted that the purpose behind the sequential test is to ensure that the town centre first approach is not prejudiced, recognising that the Government had specifically restored it as a development management test in response to the Portas Report; that the planning application had been made under the auspices of the draft NPPF which predated Portas and did not include a paragraph 27 test; and that the Government in its Response and the Prime Minister in his Foreword to it had made clear their uncompromising town centre first policy in the context of development management as well as plan making. It would be totally counterproductive to have national policy which seeks a "genuinely plan led approach" and includes strongly town centre focused policy for plan preparation (paragraph 23) only then to consider applications for out of centre retail proposals in a wholly opportunistic fashion, divorced from the town centre first proposals of the development plan.
- 4.65 Yet this is what the Applicant asks the Inspector and SoS to do. Despite the well known fact that large and complex town centre schemes can take 10 – 15 years to deliver as Mr Goddard said, the Applicant apparently argues that all sequential sites must be available at the point of application for planning permission (or possibly determination, or both). Mr Katkowski sought to draw a rigid distinction in cross examination of Mr Goddard between paragraph 23 and paragraphs 24 to 27 of the NPPF (despite Mr Burnett's acceptance, noted above, of the obvious point that Section 2 is built upon the unifying policy

³⁰⁹ Mr Jones proof paragraph 7.43

objective of ensuring the viability of town centres). Mr Goddard firmly disagreed; the sequential test must be applied with common sense and all practitioners recognise that matters like need are relevant. Mr Rhodes apparently agreed with him about that because, answering Mr Harris in cross examination whilst maintaining a similar interpretative disconnect to Mr Katkowski in relation to the issues of scale and hierarchies, he nevertheless said that the term 'suitable' in paragraph 24 "also embraces the need which the proposal is intended to serve." If Messrs Goddard and Rhodes are right, then it is clear that 'availability' must be an application-sensitive test.

- 4.66 Messrs Burnett and Rhodes suggest that there is a quantitative and/or qualitative 'gap' in comparison floorspace provision and that they seek to serve a Rushden (or possibly Wellingborough) based need in order to claw back trade which is leaking out of North Northamptonshire. The statutory and policy starting point for determining the application is the development plan (which Lord Reed specifically recognised as being significant for sequential testing). The plan in this case makes provision in centre for meeting the needs which the Applicant claims to be aiming to meet. The plan period runs until 2021 and a realistic approach must be adopted, having regard to the practicalities of town centre development.
- 4.67 It would undermine the sequential test only to consider such sites if they are available immediately, whenever an Applicant chooses to make an application (for example, because he perceives an opportunity in terms of draft national policy). Contrary to the suggestion of the Applicant, therefore, the present tense of "are ... available" in paragraph 24 cannot sensibly only be taken to refer to sites available today.³¹⁰ Such an approach would also fail to recognise the long term impact which large scale out of town development such as the present scheme is capable of having on town centres; the potential for long term impacts requires a long term approach to identifying available sites. Whilst the impact test in paragraph 26 is a free standing one, as a matter of principle policy ought to be interpreted where possible so as to be internally consistent and logical.
- 4.68 Northampton contains a number of other sequentially preferable sites in addition to the Grosvenor Centre extension. Abington Street East is allocated for 6,000sqm net comparison goods floorspace and could therefore accommodate the entirety of Terrace A of the Rushden Lakes proposal, with space to spare. As to availability, the CAAP Delivery Strategy envisages the site being brought forward for development around 2021 but this is principally because it is considered that the Grosvenor Centre redevelopment will absorb capacity in the nearer term, and in fact the site could be available within five years. Drapery and land on College Street adjacent to the Market Square is allocated for up to 11,300sqm net of comparison goods floorspace

³¹⁰ Katkowski XX of Mr Goddard, day 7

and although in multiple ownership, the Council has stated its willingness to use its compulsory purchase powers as appropriate to meet local development needs.

- 4.69 Both the Grosvenor Centre and the other Northampton sites should be considered to be deliverable. They have the benefit of allocation in the very recently adopted CAAP where the Inspector specifically considered deliverability and found that the Grosvenor Centre, Abington Street East and the Drapery “are justified and would ensure effective delivery of the proposed comparison retail development to meet the needs of the Central Area over the plan period”.³¹¹ They sit within a plan for which “the resources and partnership arrangements are in place to implement the key schemes”.³¹² The deliverability of the Grosvenor Centre extension was specifically challenged at the Examination, but the Inspector concluded that the proposed extension was “a realistic and effective proposal”.³¹³ The fundamental physical obstacle to the Grosvenor Centre extension has been removed with the relocation of the existing bus station and development of a new bus interchange to be opened by March 2014, for which the Grosvenor Centre extension was the overriding justification, regardless of whatever other consequential benefits it may have. The scale of financial investment in the relocation from both central and local government is indicative of the confidence they have in the deliverability of the scheme: £8,000,000 from West Northamptonshire Development Corporation and £3,000,000 from NBC.³¹⁴
- 4.70 The existence of the DA between the Council and Legal & General engenders further confidence and although understandably and unsurprisingly the detail has not been disclosed the summary which has been made available shows that a number of milestones have been passed and was relied on by the CAAP Inspector. The progress that has been made in passing these milestones is all the more significant given the economic climate in which the parties have been operating. That Inspector concluded that “*there is little evidence to point to the likelihood of the scheme being a white elephant as some representations suggest*”; the Applicant in this Inquiry simply seeks to re-run these arguments that have very recently been considered thoroughly and holistically, and rejected.³¹⁵
- 4.71 These are the larger sequentially preferable sites, although reference should be made to the full list set out at Appendix 4 of Mr Goddard’s proof. Further, the list makes clear that it is not just the comparison uses that the alternative sites could accommodate: the hotel, restaurants, leisure club, crèche and

³¹¹ CDA9.2, paragraph 25

³¹² Paragraph 82

³¹³ Paragraph 80

³¹⁴ Mr Lewin’s proof paragraph 6.8

³¹⁵ CD A9.2, paragraph 79

convenience goods floorspace could all be accommodated elsewhere on town centre sites.

- 4.72 The suggestion that these sites can accommodate significant retail led redevelopment was not seriously challenged by the Applicant or ENC. The dispute comes down to the points about, firstly, timescale of availability and, secondly, scope to accommodate every element of the Rushden Lakes proposal, transplanted whole, which for the reasons outlined above are without merit. Significant comment was made on the approach taken by members of the Consortium to applications for other out of town retail development. The allegation of double-standards turned out to be unfounded: Mr Lewin explained, for example, that the retail parks around Northampton largely pre-dated the introduction of more rigorous modern retail policy.³¹⁶ The Applicant's list out of town retail applications in Northampton produced in response to Mr Lewin's oral evidence in fact proves the point.³¹⁷ It does not show a series of open A1 permissions but rather consents for bulky and convenience goods floorspace and various certificates of lawful development. There are a number of consents for mezzanine floorspace but what the document does not disclose is that these have largely been restricted by condition to bulky goods sales only. Contrary to the Applicant's suggestion of Northampton continuing to grant unrestricted out of town comparison floorspace, the Northampton retail parks were in fact permitted in the 1990s or earlier.
- 4.73 The Next application³¹⁸ at Riverside Retail Park has not yet been determined so it would be inappropriate for NBC to say anything about its merits at this stage but it is a very particular proposal which is put on the basis that there has been substantial engagement with the sequential process in order to meet a specific current operational need. KBC's grant of permission to remove a bulky goods condition from a single unit at Belgrave Retail Park and the Council's conclusion that there were no sequentially preferable sites was justified on the basis that the town centre sites could not be brought forward without further associated development.³¹⁹ These permissions are therefore examples of case-specific and common sense applications of the sequential test. In any event, regardless of the merits of the Applicant's criticisms, these were distractions from the real question of the performance of the present proposals against the sequential and impact tests and the Development Plan.

Impact – NPPF Paragraphs 26 and 27

- 4.74 The NPPF impact test is designed firstly to protect three categories of investment – existing, committed or planned – which may be public or

³¹⁶ Mr Lewin XX by Katkowski, Day 6

³¹⁷ APP40

³¹⁸ APP23

³¹⁹ Mr Rhodes rebuttal Appendix 6

private or both. That investment must be in a centre or centres in the catchment area of the proposal. Secondly, there is "old fashioned" impact upon town centre vitality and viability. Paragraph 27 sets the evidential bar – *likelihood* (not certainty) of significant adverse impact.

4.75 Mr Goddard summarised his concerns and the differences of approach between experts in his oral evidence in chief. The town centres in respect of which he fears the second ("old fashioned") type of impact to a significant degree are Wellingborough and to a lesser extent Kettering and Northampton. Significant impact on Wellingborough is not disputed: Mr Nutter accepts such an impact in his proof and the initial WYG review and Mr Rhodes accepted that in practical terms if Rushden Lakes happens the aspirations for development in Wellingborough contained in the AAP are significantly curtailed. In relation to the other centres, although Mr Goddard has some concerns about loss of retailers from Northampton (where the AAP Inspector recorded fears that anchor stores may be "at a turning point"), the real issue is investor confidence. To this extent, debate about the wording of Policy 12³²⁰ in this regard is largely academic because this is primarily a case about the effects upon investment. The effects in this area are unusually manifest: the Inspector in this case can conclude with certainty that the largest and most significant town centre retail investment in Northamptonshire – the Grosvenor Centre extension – will be prejudiced as a result of the proposed development.

4.76 The main areas of dispute concern:

- (1) the likely characteristics and turnover of the proposed development;
- (2) the likely trade draw pattern, both in terms of geographical source and the centres and out of centre locations from which trade will be drawn.

4.77 With regard to both matters, there is a paradox at the heart of the proponents' cases. The Applicant's arguments are predicated on a "Rushden need" which is reflected in Mr Burnett's judgment that 69% of diverted trade will come from postal zone 10 (an area which is of no policy significance whatsoever). They also say that the development has to be of sufficient scale to achieve the claimed "clawback" of trade from outside the NNCA (which is an area of policy significance because of the NNJCS's objective of achieving greater self sufficiency). It therefore needs to be attractive enough to tease people back from the competing attractions of (principally) Northampton; but it should not be taking trade predominantly from Northampton town centre, rather from the retail parks around the town, nor should it be seen to impinge upon the trade of the NNCA town centres. To try and navigate round all these potential rocks, the Applicant paints a curious picture of a high quality, unique retail/leisure destination anchored by

³²⁰ Miss Garbutt xx (Katkowski): she deferred to Mr Goddard on the point and he applied the test of significant impact on the vitality and viability of centres

Marks and Spencer and another store of similar calibre, perhaps Debenhams but then suggest that a considerable degree of overlap will occur with Northampton's retail park traders.³²¹

- 4.78 There is more than a whiff of unreality about these contentions. Even the supportive Mr Nutter does not quite swallow the tale of so 'significant and ambitious and increase'³²² because he concludes that the primary catchment would focus on Zones N9, N10 and N11 (85% draw) with secondary zones (15%) extending further out towards Kettering, Thrapston and Northampton.³²³ He explained in cross examination that he did not extend the primary catchment as far as Kettering because its customer base had been shown to be very loyal in the RTP household survey,³²⁴ but of course RTP were not factoring in the Rushden Lakes proposal; rather, they were surveying existing patterns of shopping behaviour.
- 4.79 Mr Goddard considers that 62% will come from zones N7, N9, N10 and N11, the remainder coming predominantly from zones W3, W6, W7 and W10 around Northampton.³²⁵ Given the site's highly accessible position on the A45, attractive committed/potential anchors and likely supporting tenant line-up,³²⁶ together with in excess of 1,300 plus free, surface level car parking spaces he concludes that it would be a major retail park which would exert a wide influence over the car borne market within 30 minutes.³²⁷ Whilst the Northampton ("W") zones would not form part of its primary catchment, there is considerable overlap of catchments in the area. Moreover, as noted above, the NNJCS assumes a certain amount of legitimate retail expenditure going from NNCA to the regional centre and county town of Northampton.
- 4.80 His retail planning judgment is corroborated by the market pitch of Mr Kitchen who clearly considers that the 20-30 minute catchment would be of greatest commercial significance. He describes it in the following terms: *"Two drive times are attached....The first plan shows the catchment area in terms of 10 minutes from the site, 10-20 minutes and also 20-30 minutes. The second one additionally shows the 30-60 minutes band. With the 20 to 30 minutes drive time band, you will see this takes in Market Harborough, Corby and Kettering to the north, Huntingdon to the east, Bedford to the south as well as Northampton, Wellingborough and Rushden in the more immediate catchment. This is a considerable area that is not currently well served by*

³²¹ Mr Goddard XX (Katkowski)

³²² Mr Nutter proof paragraph 4.41

³²³ Appendix KN01 and Proof Tab 6.1

³²⁴ XX (Ellis)

³²⁵ Mr Goddard Plan 3 and Appendix 13, Tab 13

³²⁶ Mr Goddard Appendix 9; Rhodes Appendix 4; Robinson (Ellandi) Appendix 5

³²⁷ Mr Goddard Plan 2 for overlapping 30 minute drive time isochrones

retail schemes.” Almost as an afterthought, he adds: “In addition there is an immediate catchment of 100,000 within 10 minutes of the site.”³²⁸

- 4.81 Interestingly, there is no mention in that communication about looking to compete directly with Northampton’s and Kettering’s retail parks. Later parts of the document, explain why – it is because the emphasis is all on high end retailers – Arcadia, H&M, New Look, Monsoon, Gap and so forth, rather than the bulkier end of the market which is catered for on the parks, despite some historic open A1 permissions/established uses. As Mr Goddard said, the old adage that *“like takes from like”* means that there is no incentive for the highly successful retail park operators around Northampton, Wellingborough and Kettering to undertake capital investment to capture largely the same market which they are currently tapping.
- 4.82 Corby, Kettering and Northampton town centres all have developers involved who have relied on development plans which rightly focus growth there and who are keen to invest but who would be unable to do so if they have to bid for tenants against cheaper, more flexible and attractive out of town space with extensive free car parking. Mr Whiteley explained the difficulties faced by town centre developers nationally as a result of cost differentials between in and out of centre space. He also explained that Northampton town centre has been unable to meet some tenant requirements because of the constrained, dated and in some cases unattractive nature of the offer.
- 4.83 All witnesses were agreed on the need for investment in town centres. In this case, Legal & General, one of the biggest players in the market, has stated in evidence that it would not proceed with proposals for the development of the Grosvenor Centre extension in Northampton town centre. This allocation is the ‘most critical’ element of the entire recently approved and adopted CAAP. Contrary to the suggestion made to Mr Goddard in cross examination, RTP in the evidence upon which the Inspector relied assumed 10% inflow to Northampton town centre from the NNCA.³²⁹ The extension proposal is intimately linked with the bus interchange development which has been described above. There is therefore both committed and planned investment. As Mr Lewin said, if the Grosvenor Centre extension does not come forward, then the benefit of that public investment will not be fully exploited.
- 4.84 Whilst he took the view, effectively, that ‘The Plan must go on’ in the event of Legal & General’s departure from the scheme, Mr Goddard explained on the basis of his very considerable experience of such schemes elsewhere how very difficult that would be in practice given the physical layout and the prospect of a new development partner trying to work round a sitting tenant.

³²⁸ PRK 2, Appendix 5

³²⁹ See CD 8.3 RTP 2012 Update p.3 paragraph 2.1, page A1 map and page 17 Summary of Comparison Capacity; CD 8.2 2011 Update, page 19 paragraph 4.1, page 20, map, page 27, paragraph 5.1 and page 57, Table 6, quantitative need, Rows F and G (E and F on table) = 10% inflow

Whilst it is for Legal & General to press its own case, the Consortium submit that such evidence from such a source more than satisfies the threshold of likelihood in paragraph 27 of the NPPF. For the Applicant to ask for letters from individual retailers is simply to affect a forensic naivety and to inflate the evidential burden artificially beyond that which policy prescribes.

- 4.85 Corby, where the benefits of town centre investment are palpable at the junction between new and old, also benefits from an experienced new owner, Helical Bar, who wish to continue the good work and match the public money which has been invested with private funds; but they can only do so if they can rely on being able to find suitable tenants for their proposals. While the town is not in the primary catchment, it is not far away by good roads from Rushden, as Mr Kitchen on behalf of LXB recognises.
- 4.86 At Kettering, Ellandi are investing in the existing town centre scheme and looking to expand in line with the NNJCS and AAP on which they have, reasonably, relied. Debenhams have been mentioned as a potential anchor along with hopes for an expanded Marks and Spencer. Mr Goddard's opinion that it was not credible to suppose that there could be three new Debenhams and M&S – at Northampton, Kettering and Rushden Lakes, was not challenged. He also confirmed that there are no retail parks in Northamptonshire which currently boast M&S and Debenhams stores, of whatever precise size and configuration. Coupled with the unusually large comparison and convenience offer across the A45 at Skew Bridge, the Rushden Lakes scheme would be uniquely powerful in the market.
- 4.87 Wellingborough and Rushden would both suffer due to geographical proximity and Mr Goddard shared the concern of WBC's Head of Planning who recommended objecting because, said Mr Wilson (who had formerly occupied the same position) he was probably "*concerned about the town centre.*"³³⁰ Mr Burnett accepted that Rushden town centre would lose market share. S106 obligations to contribute financially to town centre management in Rushden and Higham Ferrers are inadequately justified and puzzling. The implication is that impact upon these two centres would, in the opinion of the Applicant and ENC, have justified refusal of planning permission but for the contributions.
- 4.88 There is, however, no analysis anywhere of what would actually be required to mitigate the impacts or whether, in fact, they are capable of remedy. ENC's Committee report simply states that a contribution of £150,000 would "*help maximise the complementary benefits of the scheme and....minimise any potential adverse impacts as far as is feasible.*" This bland statement does not address the statutory tests any more than the recent 'Statement of Compliance'.³³¹ Meanwhile, Wellingborough, which suffers a greater

³³⁰ XX (Ellis)

³³¹ APP 41

percentage impact than Rushden on Mr Burnett's figures,³³² gets nothing, despite its vulnerability with the main Swansgate Centre up for sale. There has been no explanation for this apparent mystery.

- 4.89 In conclusion, Mr Goddard's trade draw pattern and assessment of the impacts upon tenant interest most accurately reflect the likely outcome if Rushden Lakes is approved. His evidence is to be preferred to that of the other two experts, although it must be noted that in several respects, Mr Nutter's opinions supported Mr Goddard's more closely than Mr Burnett's.
- 4.90 Differences on turnover were largely determined by assumptions about tenant mix for this almost wholly speculative scheme. Messrs Nutter and Goddard essentially agreed about the approach to floorspace efficiency. Given the efficiency of the new floorspace proposed, it is reasonable to assume an allowance because the average data figures apply to all operators' space including much that is vastly inferior. Moreover, if tenants are able to operate to a high level of efficiency from commencement, it is reasonable to build in a factor for that from the start. Mr Goddard pointed to a number of 'sense checks' for his turnover assumptions. Firstly, Riverside Retail Park is turning over at more than £10,500 per sq metre and it is not open A1, has less parking than the proposed scheme, is not anchored by Debenhams and does not have the leisure 'destination' attractions of Rushden Lakes.
- 4.91 That is more than twice Mr Goddard's assumed turnover per sq metre. Mr Burnett, on the other hand, assumes that the new floorspace will turn over at a lower rate than the average level in Rushden town centre; this is simply not credible as there would be no comparison in terms of modernity, attraction and sheer weight of the offers, as partially recognised by the Applicant's ill explained financial contribution to Rushden town centre. Mr Goddard has also produced evidence of turnovers at broadly comparable establishments and they show that he is not wide of the mark.
- 4.92 On learning of the proposed conditions limiting the extent of fashion floorspace, Mr Goddard undertook a sensitivity check. He subsequently accepted that in relation to the Argos model a lower net sales area should have been used, although this does illustrate the difficulties in relying on theoretical tenant lines ups - fully substantiated benchmarks as relied on by Mr Goddard are preferable. It is not accepted that Argos is an unrealistic potential occupier, on the basis of the Applicant's own evidence.³³³
- 4.93 There were also mathematical quirks thrown up by the computer modelling in relation to a few cells but Mr Goddard's judgment that the conditions could potentially affect the pattern of trade draw (rather than turnover as such) is sensible. It is a simple outworking of the "like draws from like" principle. Mr

³³² Mr Burnett Appendix 1 Table BPD 9

³³³ Mr Goddard Rx – Mr Rhodes Appendix 4 and Mr Chase proof of evidence

Goddard's careful attempt to assess the effect of the conditions here is also in stark contrast to the absence of rigour or transparency in the Applicant's approach of offering substantive new conditions at the 11th hour, and the LPA's complete failure to engage with the need for such conditions, implicitly accepting that they are needed to mitigate impact but then making no attempt to assess what if any effect they have on impact.

Issue (c): The extent to which the proposed development is consistent with Government advice in promoting more sustainable transport (section 4 of the NPPF); promoting accessibility to jobs, leisure facilities and services by public transport, walking and cycling; and reducing the need to travel, especially by car.

4.94 The Consortium relies on the evidence of Legal & General in respect of this issue and agrees with the conclusion that the proposals represent a particularly unsustainable form of development in transport terms.

Issue (d): The extent to which the proposed development is consistent with Government advice, particularly in relation to giving appropriate weight to protected species and to biodiversity interests within the wider environment (Section 11 of the NPPF).

4.95 Significant weight has been placed by the Applicant on the benefits of the proposal in terms of nature conservation, leisure and tourism. The Consortium recognise that the proposals bring benefits in these areas, while noting that they have largely been overstated, both in relation to what the proposal would deliver and what is likely to come forward in any event on the site and in the surrounding area.

4.96 A robust assessment of the nature conservation and ecology benefits of the proposal must focus on the ES. This document is clear that the effects of the proposal in these areas would be either neutral or at best minor beneficial. Of the 21 ecological receptors identified in the ES, 18 would be subject either to a neutral or minor adverse impact, and only 3 would see a minor beneficial impact.³³⁴ Many of the ecological measures proposed by the Applicant, in the Access and Habitat Management Plan in particular, are by way of mitigation to prevent this sensitive site suffering from significant adverse impacts and offer very limited net benefits in nature conservation terms. The SoCG refers to "*significant benefits of the development*" in terms of conserving and enhancing the natural environment,³³⁵ which appears to contradict the conclusions of the ES, but the detailed assessment in the ES must of course take precedence and indeed the Applicant, ENC, and Natural England confirm in the SoCG that "*The scope, methodology and conclusions of the*

³³⁴ Environmental Statement, Table 4.15: Summary of the construction and post-construction residual impacts of the development on ecological receptors

³³⁵ INQ3 paragraph 14.1.2

Environmental Statement are agreed".³³⁶ The reference in the letters of the RSPB dated 21 June 2013 and the Wildlife Trust dated 23 April 2013 to "*significant nature conservation ... benefits*" should similarly be read subject to the more thorough analysis in the ES which makes clear that these benefits are not in fact significant.

- 4.97 The proposals would enable leisure use of the site, help to open up this part of the Nene Valley to leisure and tourism, and in so doing further the objective in the NPPF to enhance green infrastructure (section 11, paragraph 114). At the same time it should be noted that the leisure and tourism potential of the Nene Valley is being enhanced in any event through the Nene Valley Strategic Plan and the application proposals would represent an additional benefit to this as opposed to a being a key part of the strategy: neither Rushden nor the site is identified as either a primary or secondary gateway to the Nene Valley in the Nene Valley Strategic Plan and access is already provided nearby at Higham Ferrers (with two existing footbridges over the A45) which is identified as a secondary gateway and is on the Nene Way footpath.³³⁷
- 4.98 Further, this scale of out of town retail floorspace is not the only way to achieve these benefits, as accepted by both Mr Rhodes and Mr Wilson.³³⁸ There is no suggestion that the extant business park permission (EN/10/00688/RWL) is not viable, as indicated by the fact that it was renewed as recently as October 2012, and this consent includes a footbridge over the A45, significant pedestrian and cycle links within the site as well as water-based recreation uses.³³⁹ The LXB submission on the NNJCS review conceived of a much smaller scale of development – evident by the fact that it claimed to deliver only 350 jobs as opposed to the claimed 1,350 from the current proposal – and one that remained complementary to Rushden town centre, yet was also able to deliver the benefits in terms of leisure uses and public access to the natural environment.³⁴⁰
- 4.99 The Consortium adopts and commends to the Inspector Legal & General's conclusions on the extent of the economic and employment benefits of the proposal. In relation to the latter issue, even such economic and employment benefits as can properly be identified are not ones which the NPPF supports: the NPPF records the Government's commitment "*to ensuring that the planning system does everything it can to support sustainable economic growth*" (paragraph 19) whereas the fact that the proposals fail both the sequential and impact tests means that the proposals cannot represent

³³⁶ INQ3 paragraph 5.2.2

³³⁷ CD A4, Appendix E (Strategic Plan)

³³⁸ Mr Rhodes XX by Ellis, Day 5; Mr Wilson XX by Mr Taylor, Day 4

³³⁹ INQ3, Appendix 2 (Detailed Site History), paragraphs 22-28 and attached plans

³⁴⁰ LAC12

sustainable economic growth, coming as they do at the expense of economic prosperity elsewhere.

- 4.100 Weighing all the above benefits in the planning balance, it is evident that they do not, properly understood, outweigh the non-compliance with both the Development Plan and the retail policies of the NPPF.

Issue (e): Whether any permission should be subject to any conditions and, if so, the form those should take.

- 4.101 The relevance of the conditions offered by the Applicant to the Consortium's case has been addressed in the relevant sections above. The proposed conditions do not make the development acceptable in planning terms.

Issue (f): Whether any planning permission granted should be accompanied by any planning obligation under Section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable.

- 4.102 As with the issue of conditions, the Section 106 Agreement and recently offered unilateral undertaking have been dealt with above so far as they concern the Consortium's case. They do not make the development acceptable in planning terms either.

Conclusion

- 4.103 The application scheme is in conflict with the Development Plan and the town centre first approach to which the Government committed itself in its response to the Portas Review and the final version of the NPPF. The scheme seeks to overturn the settlement hierarchy by reference to an artificial concept of need which bears no relation to the scale of development proposed or the size of Rushden. In doing so, it would divert trade and investment away from the town centres of Corby, Kettering, Wellingborough and Northampton where the Development Plan and national policy seek to concentrate it and where investor confidence depends on it coming forward. The proposals are the antithesis of the town centre first approach and planned system, they do not represent sustainable development and they should be refused.

THE CASE FOR LEGAL AND GENERAL PROPERTY

Introduction

- 5.1 The proposal before the Inquiry would result in the single largest agglomeration of out of centre retail floorspace in the entire County of Northamptonshire. It would dwarf the centres of Rushden and Higham Ferrers from which it is distant and equidistant.

- 5.2 The suggestion that there is an objectively based locationally specific needs case for such a scale of floorspace in this area is fundamentally flawed. There is not a need for such a scale of development when the proper role of this part of the catchment in the retail network and hierarchy is understood.
- 5.3 Once this, the essence of the case on behalf of the developer, is set aside, the entire case for a new out of centre car-based retail park of this scale must fall away.
- 5.4 Further, once it is established that there is no need for the development to be of this scale or to contain all of its component town centre uses at this location, it will be seen that the sequential analysis which has been undertaken is inadequate to the point of invisibility. No attempt at all has been made to consider whether, with flexibility, part of the developer's proposals can be located in the relevant higher order centre. The reason why no attempt to undertake this exercise was essayed is because the developer knows it would not be possible for him to pass that test.
- 5.5 The proposal would result in the largest single retail park in Northamptonshire directly sharing a higher order catchment with Northampton the designated and planned higher order centre for the area. The Applicant and the LPA's trade draw assumptions are ludicrous and result in the impact on Northampton being wildly underestimated.
- 5.6 Northampton Centre is now fragile. It has not kept pace with Milton Keynes. It critically needs a new retail attractor. Its anchors are at a turning point.
- 5.7 With this vulnerability in mind, the opening 14 miles away along a good trunk road of a high-end, high order offer of this scale will have a powerful significant and negative impact on the already "at risk" town centre of Northampton.
- 5.8 Further it will kill for ever the planned investment in the most critical town centre redevelopment, the Grosvenor Centre extension.
- 5.9 Finally and critically, the proposal would not result in a net reduction in the need to travel by car at all, the underlying essence of the developer's case. It will result in the opposite.
- 5.10 The developer has deliberately and wilfully closed its eyes to the real world travel implications of siting a development of this scale at this location on the highway network, away from anything that might be called a fully functioning town centre. It has relied on a wholly unlikely supposition that nearly $\frac{3}{4}$ of all trips to the centre will be from Zone 10 and that none of these trips will need to go to the higher order centres at all and in any event for other purposes.

- 5.11 The Highway Authority at last has made what we always understood to be their stance on this crystal clear. The suggestion that this is sustainable development which would reduce mileage overall is simply not true.
- 5.12 In all of these circumstances, simply applying the NPPF on its face the proposal should be refused.
- 5.13 The alleged benefits of the proposal do not come close to suggesting otherwise. There is no evidence at all to support the contention that they can only arise through this scale of development.
- 5.14 These submissions are structured as requested by the Inspector by reference to the main issues set out at the back of the PIM note.
- 5.15 We have changed the order of the issues to avoid repetition and for ease of presentation.
- 5.16 Before we embark on the task of engaging with the issues two preliminary matters arise.

The Inquiry Process and Fairness

- 5.17 The purpose of the Inquiry process is to ensure that the SoS is properly and fully advised as to matters relevant to the exercise of his statutory functions.
- 5.18 The Public Inquiry system also is meant to allow those objecting to proposals to understand the case being made for the proposal and to present their own case fairly in front of an independent Inspector.
- 5.19 The Inquiry procedure rules require the full case being advanced by a developer to be set out in its Rule 6 statement and for the evidence in support of that case to be submitted to the Inquiry 4 weeks before the Inquiry begins. This is to allow key elements of the parties' cases to be understood, for instruction to be taken and for proper cross examination to take place to assist the SoS on the matter of weight.
- 5.20 In this case, the SoS has particularly asked to be advised about the compliance of the proposals with the transportation sections of the NPPF. He has done so because he apprehends that the proposal might not comply with this policy.
- 5.21 Throughout the Inquiry, the transportation credentials of the proposal and in particular the delivery of these proposals were considered at length. The proposals were tested and were found to be severely wanting both as to the nature of the transport offer and their delivery.

- 5.22 On the penultimate day of evidence, and only after the Rule 6 party's evidence on transport had concluded, a wholly new and different transport case was advanced on behalf of the Applicant. Further elements of that case were presented on the last day of evidence just before closing.
- 5.23 As a matter of procedural fairness, the objector ought to have been allowed to call evidence in relation to these new issues and to test by cross examination the bare assertions as to deliverability which are contained in simple e mails which were tendered right at the end of the penultimate day of evidence.
- 5.24 This is not a simple issue of proposals evolving; it is a deliberate and wilful avoiding of public scrutiny of the real world deliverability of a new transport case which is now proposed at the death knell of the Inquiry.
- 5.25 If any substantial weight is given to this wholly untested evidence, the Rule 6 Party will have been significantly and harmfully prejudiced by its inability to engage with the evidence in an appropriate way.
- 5.26 This is particularly the case when the evidence that the newly unveiled Sunday service will continue beyond the three years only for which it is secured is even on the Applicant's case hopelessly non committal - "credibly likely".³⁴¹
- 5.27 The position becomes much worse when it is now known that an exercise in ridership and fare collection for the Sunday service *has* in fact been undertaken by Stagecoach but has not been placed before the Inquiry for testing because it illustrates that even in year three, there is a significant deficit on the Sunday service and little prospect of continuing viability.
- 5.28 There is no room for a finding that "I see no reason to doubt the evidence of deliverability of the new bus service". There is no such evidence of deliverability; that which exists has simply not been tested and in any event suggests that the Sunday service in particular will simply not exist beyond 3 years.
- 5.29 We identified our wish to test this new transport evidence and the weight it should be given but have not been allowed to. That is unfair. The Rule 6 party reserves its position in relation to this procedural unfairness in the event that the decision-maker places weight on these wholly untested assertions relating to the new transport case.

³⁴¹ See Stagecoach e mail to David Bird

The Nature and Scale of the Proposal

- 5.30 The proposed development however “demystified” is massive. It is so large it would rank as the 8th largest retail park in the country.³⁴² It would provide on a single out of town location more than the entire comparison goods floorspace requirement for the entire district to 2021 as set out in the NNJCS. In essence it is a proposal for the creation of a new sub-regional shopping destination which is not identified in any development plan document.
- 5.31 Further it is designed not to meet the day to day needs of the catchment but to have a high order offer. It is deliberately aimed at “high end operators normally found in higher order centres such as Northampton.”³⁴³
- 5.32 Indeed, Mr Chase confirmed in cross examination that the proposed development would be targeting the same retailers that the proposed Grosvenor Centre redevelopment would be targeting for the most important retail scheme for the centre of the much higher order regional centre of Northampton.
- 5.33 The list of retailers set out in Mr Rhodes’ Appendix 4 that the Applicant explains it is targeting when compared to the list of retailers that would be targeted for occupation of the Grosvenor Centre extension in Mr Goddard’s evidence and Mr Denness’s evidence are effectively the same.
- 5.34 The Applicant’s agent has in the real world described the scheme as “a pretty major and serious park” with an M&S anchor. He also emphasises that it would have a wide catchment explains that Terraces B and C “will very much provide the mainstream fashion pitch and we see these units appealing to the likes of Arcadia, H&M, New Look, JD/Bank, River Island, Monsoon and Gap.”
- 5.35 Mr Chase confirmed this in his evidence to the Inquiry and that the list of potential tenants for the proposed development was similar to the potential tenants for Legal & General’s Grosvenor Centre redevelopment. This was also confirmed by Mr Denness.³⁴⁴ Indeed, the Applicant has produced a letter to this Inquiry revealing that it has secured M&S. Mr Chase explained in cross examination that it would also be targeting Debenhams and other high fashion retailers. There is no other out of town centre in Northamptonshire that has both M&S and Debenhams and high street fashion retailers of the high order and scale sought by LXB on the same retail park.³⁴⁵
- 5.36 The anchor stores proposed are of sufficient size to be able to offer “full range” department stores for both M&S and Debenhams. Debenhams

³⁴² Mr Denness EiC

³⁴³ See PRK2 Appendix 5

³⁴⁴ Mr Denness EiC

³⁴⁵ XX and RX of Goddard

confirmed in writing that it can operate a full range store in the scale of anchor unit provided.³⁴⁶ Mr Denness confirmed in his evidence to the Inquiry that even within the Garden Centre and Retail Terrace A there would be high street branded retailers as has become common through concessions at garden centres. He explained that the garden centre itself would act as an anchor just as the garden centre at Bicester does. The suggestion then that the Garden Centre and Terrace A would not compete with high streets in other centres is thus nonsense.

- 5.37 Both Mr Goddard and Mr Denness explained to the Inquiry that there is no other retail park in Northamptonshire that would have a remotely similar scale and high fashion offer.³⁴⁷ As Mr. Goddard explained the Rushden Lakes proposal would not compete with existing out of centre parks with a lower order offer. It would compete directly with the higher order offer of Northampton town centre.³⁴⁸ The simple fact is that the proposed sub-regional retail development is specifically designed to attract the high quality high fashion retailers that the Grosvenor Centre redevelopment would be seeking to attract. It is designed to provide a high order and scale of offer that is not replicated anywhere else outside Northampton in the County.

Issue (b): The extent to which the proposed development accords with the NPPF, in particular Section 2 which relates to ensuring the vitality and viability of town centres.

Introduction

- 5.38 The Applicant argues, and is driven to argue, that the NPPF constitutes a “fundamental shift” a “sea change” in the essence of retail policy - requiring of decision-makers a different approach to the determination of planning applications.³⁴⁹
- 5.39 It is no such thing. It was not intended that the NPPF should effect such a shift, there is nothing in the Ministerial Statements surrounding the launch of the document or contained within it which supports such an assertion and the most recent emanation from Government, the response to the Portas Report, makes it perfectly clear that the document is not meant to signal anything other than a continuation of the previous town centre first policy.
- 5.40 This absence of support for the “fundamental shift” argument is also echoed in the post NPPF Inspector’s decision letters, almost all of which indicate that the basic underlying policy nexus remains as it was. The Consortium of opposing Councils has set out in detail the position as to why the NPPF does

³⁴⁶ Mr Denness EiC and Miss Garbutt Appendix 10

³⁴⁷ RX Mr Goddard

³⁴⁸ Mr Goddard in XX Dove and RX Mr Goddard

³⁴⁹ Mr Rhodes in XX Ellis

not constitute a fundamental shift in policy. What is instructive for the Rule 6 party is the fact that the Applicant needs to make this submission at all.

- 5.41 The reason that this submission needs to be made is because it is recognised by the Applicant that without such an alleged shift in policy, this application would fail abjectly. Legal & General will now explore the three aspects of the case relating to the NPPF which are critical to its legitimate interests at the Inquiry. These are the issues of need, sequential approach and impact.

NPPF and Need

Introduction

- 5.42 There is no requirement on a developer to show need for a proposal. But, as the Applicant accepts in terms in its proofs of evidence, in the particular circumstances of the present case, the issue of the scale of the development and the appropriateness of the sequential site search is indivisibly linked with the issue of need. The case advanced is that: there is a need to claw back trade to encourage less travel, that that need drives the scale of the proposal and that that scale of development conditions the nature of the sequential analysis which is appropriate.
- 5.43 It is critically important therefore that the nature of the need case is properly analysed. If the Applicant fails to apply the need elements of the NPPF accurately, that is fatal to the case overall. For those in any doubt as to the fundamental importance of this need element of the case to the Applicant this can be seen in section 5 of Mr Rhodes' proof.

Need and hierarchy

- 5.44 Critical to an understanding of the issue of retail need is an understanding of network and hierarchy of centres. Need for retail floorspace does not simply exist as a platonic concept shorn of any context. Every catchment cannot necessarily provide all the floorspace required to meet all of the expenditure which potentially arises from its inhabitants. Thus, a small market town will simply not have the expenditure power by itself to support the range of comparison facilities to which over a year its residents will need to resort. Higher order comparison expenditure is not a daily or weekly purchase; it requires a larger catchment area to support it.
- 5.45 Further, to be effective in market terms it needs an agglomeration of offer of competition to be effective for the customer. It is for this reason that such an offer *is needed* in the higher order centres. It is there that the greatest sustainability benefits are to be found, where the highest penetration of public transport is seen and where the other important travel related uses such as leisure, culture, work and education are to be found. This approach is reflected in the NPPF. This was accepted by Mr Rhodes. The NPPF is crystal clear that local plans should identify and defend the network and hierarchy of

centres for an area. The reason behind this is that spatially this arrangement is seen to be the most sustainable means of meeting retail need.

- 5.46 NPPF [23] also makes it clear that it is plan making which should seek to meet the need for town centre uses *in full* and that the absence of appropriate sites should not stand in the way of the meeting of that need. It is this paragraph which seeks to put into effect the injunction in [17] that objectively identified needs should be met in full. The NPPF does not say that that any or each identified small part of an area has to have its own needs met "in full". It says that the needs of a Local Planning Authority's area should be met in full.
- 5.47 That requirement must be read in the context of the rest of the paragraph which indicates that decision makers should in identifying need have regard to the network and hierarchy of centres. Mr Rhodes agreed. The needs of a catchment in this regard can only be understood and derived from an understanding of the place of the relevant catchment in the hierarchy. In the present case the question to be asked is, is there a need for a proposal of this scale having regard to the place of the application site and its catchment in the hierarchy? If there is not such a need, this fundamentally colours the issues of the consideration of scale of the development, the sequential approach applicable and the issue of the benefits claimed for the proposal on the basis that it is meeting need. The answer to this question falls to be considered under two headings.

Need at the application site

- 5.48 There is clearly no need for this scale of out of centre proposal generated by the site itself. Neither can there be an argument that there should be this scale of town centre development in order simply to support the claimed other benefits which flow from the development

Need in Rushden and catchment

- 5.49 Rushden is a medium sized market town. It, with Higham Ferrers, has a population in the tens of thousands only - the whole of zone 10 is only about 60,000. It serves a largely rural village and hamlet community. It serves the needs of its catchment in a perfectly appropriate way given its place in the hierarchy. There is not a need for a massive high order fashion based department store/variety store anchored out of centre development. The very speaking of the words emphasises their ludicrous nature.
- 5.50 The retention rate for the Rushden Lakes' "home-zone" is not unusual or untypical, given its role and function. As Mr. Goddard explained Daventry is situated a similar distance from Northampton it has a population in its home

zone of 29,356 in its home zone and a comparison and a market retention of 23.9%.³⁵⁰ On the Applicant's approach Daventry too should have a sub-regional high order development similar to the Rushden Lakes scheme to claw back the expenditure lost to Northampton. And Towcester. And so on.

- 5.51 This is not what NPPF has in mind. An application for a proposal of this scale, nature and offer in Rushden Town Centre is clearly not needed for Rushden to continue to play its appropriate role in the network and hierarchy of centres. Please ask yourself this question, is there a land-use planning need for Rushden Town Centre to accommodate a development of 40,000sq m of new floorspace with a new Debenhams full range department store, a new Marks and Spencer and an additional massive heft of high order fashion retailers. Clearly the answer is no, there is not. Further such "all at once" development in the town centre would clearly be inconsistent with the place of Rushden Town Centre in the hierarchy. It would at a stroke be increasing the existing floorspace within the centre by more than twice.
- 5.52 So the question to be asked is whether if such a proposition is not needed in this context in Rushden Centre, why can it be said to be needed on a greater scale including a Garden Centre at an out of centre location serving the same catchment with its place in the hierarchy. The answer is that it is not. The suggestion that there is a requirement to increase retention rates for this catchment might have some limited merit but the question of whether this constitutes a need for this scale of retail is a completely different question.
- 5.53 The issue of whether any level of trade retention constitutes a freestanding need within the catchment simply cannot be divorced from the scale and nature of retail floorspace which would arise as a result of the increased retail share promoted to achieve that. This is a fundamental premise that the case advanced by the Applicant has sought to cloak. If, contrary to our submissions, there is need for Rushden or North Northampton to enhance its overall market share consistent with its role, a much smaller, less sub-regional offer than that which is proposed is what would be needed consistent with the network and hierarchy of centres, the key context for identifying and meeting need. Such a smaller offer would of course need to be the subject of a very different sequential analysis.

Mr Burnett's Balanced Hierarchy

- 5.54 The suggestion advanced by Mr Burnett that there must be a *need* for a proposal of this scale because post development you would be left with a balanced hierarchy of centres based on overall in and out of centre floorspace is incorrect as a matter of fact and wrong as a matter of policy application.

³⁵⁰ Mr Goddard Rebuttal p5 paragraph 27-28.

- 5.55 First, what the network and hierarchy of centres seeks to achieve is a spatial balance of town centres. It is how town centres interact and mesh as a linked and balanced network which is the relevant consideration. It is wholly inappropriate to say there is a great deal of out of centre development across the borough and that this should set the balancing criteria for the network of centres. That would simply allow a replication of existing unsustainable relationships across the borough. This proposal even if it were in the town centre would fundamentally alter the balance of retail provision across the region.
- 5.56 Secondly, the Burnett balancing argument ignores the fact that this proposal would not in fact form or operate in any way as part of Rushden Centre (or Higham Ferrers): no party asserts that it would; a careful and correct decision has been taken not to advance this case. This is not a form of Rushden catching up, which would be contrary to the development plan, with the designated Growth centres. Rather it is the creation of a brand new self contained destination centre, all in one fell swoop at a new out of centre, out of town location. This is a new free-standing retail centre which dwarfs Rushden and is functionally and physically unconnected from the hierarchical town centre.
- 5.57 It would not have the multi-uses of a hierarchy town centre. It would be largely uni-functional and poorly served by buses. The location of Rushden (or equidistant Higham Ferrers) is purely co-incidental. Rushden has been chosen as the “badge” for the development because it is the higher order of the two nearest settlements. In retail terms this relationship is no more than accidental. This is not Rushden balancing the hierarchy which itself would be contrary to the development plan it is Rushden Lakes acting as a new sub-regional high order centre all by itself. That is a fundamental and irreversible alteration to the retail hierarchy of the area. Any other conclusion would be perverse given the cases advanced by the parties. Three Growth Centres and supporting centre would become three growth centres, a supporting centre and a freestanding out of town new centre larger than all of the others promoted outside of the plan-led system and on a misapplication of the understanding of need.

NPPF and need conclusions

- 5.58 The underlying *raison d'être* for this proposal is that it would produce more sustainable retail patterns by meeting a local need. But there simply is no local need for a proposal of this scale and function having regard to the network and hierarchy of centres in this area. It is impossible to construct a rational argument that a market town of this scale with its rural catchment needs an all at once regional scale high order offer. This proposal would create a new freestanding centre larger than any other in the NNJPU area which is not needed by the town with which it has been associated or the

catchment in which it sits. This means it would draw from wider afield than suggested which in turn would have an impact on the alleged sustainability and journey reducing credentials of the site. This fatally undermines the whole essence of the case for the developer. This is now recognised by the Highway Authority. It also has profound implications for the balance of the case advanced by the Applicant.

NPPF - Sequential Approach

Relationship to Need

5.59 The inextricable link between the need identified and the sequential approach is accepted in the evidence of the Applicant.³⁵¹ If there is not the "Rushden" based locational need for this scale and function of development, then there is an acceptance that the "Rushden" based sequential analysis which has been undertaken is fundamentally flawed. This is because, even the very limited Rushden sequential approach which was undertaken (and belatedly extended to Wellingborough) was undertaken on the basis that it was only sites which met the alleged Rushden need and which reflected the scale and function of the proposal which were considered. As Mr Rhodes put it, if we are right there's no need to do more.³⁵² If however they are wrong on the locational nature of the need, there is no Plan B for the Applicant.

5.60 Thus the failure properly or accurately to identify need is fatal to the sequential exercise undertaken. This by itself would be sufficient to mean that the proposal had failed to meet the sequential approach. This is the case whoever is right about the legal meaning of the words in NPPF paragraph 26. As a result paragraph 27 makes it clear: the proposal should be refused.

Legal Meaning of paragraph 24 NPPF - the Legal submissions

5.61 The Applicant and the LPA have failed as a matter of law properly to interpret the meaning of the sequential approach as drafted. The interpretation argued for would be wholly inconsistent with the context and tenor of the NPPF. This matter of law needs very careful consideration. You will receive four careful submissions as the legal meaning of the words in the NPPF from four Leading Counsel. The Inspector is not a lawyer. He cannot reach a definitive view on the meaning of the words. That will ultimately be a matter for the SoS aided by the Treasury Solicitor.

5.62 This will be the first call-in case following the year long transition period where the issue of the legal meaning of the NPPF on this issue has been considered. It is of critical importance that the matter is determined accurately. It is important therefore either that you report your conclusions in

³⁵¹ See paragraph 5.40 et seq Mr Rhodes proof

³⁵² See paragraph 5.40 of Mr Rhodes' proof

the alternative to the SoS or that PINS seeks the assistance of the Treasury Solicitor on these issues before conclusions based on one interpretation or another are drawn. This issue is so fundamental to the structure and correctness of the decision-making process that to do otherwise would be inappropriate and unfair all round.

The rival arguments

- 5.63 The case advanced by the Applicant in short is that when examining the term “suitable” in NPPF [24], it should be read as meaning “suitable to meet the needs of the application proposed by the developer only”. It follows that if a town centre site is not suitable to meet these needs as identified in the application, it is not a suitable site in sequential terms. This would mean that in order to evade the town centre first principle, a developer could simply adopt a scale of development in an out of town location which was significantly bigger than any town centre available site and claim that no suitable town centre site was available. It would be strange if a town centre first policy document advocated that approach.
- 5.64 The basis for this submission is said to derive from *Tesco Stores v Dundee City Council* [2012] UKSC 13. In that case two issues were considered. The issue of suitability and the issue of flexibility. Both matters are of central importance in the circumstances of this case.

The Issue of Suitability

- 5.65 At paragraph 21 of the Judgment, Lord Reed said:

“A provision in the development plan which requires an assessment of whether a site is “suitable” for a particular purpose calls for judgment in its application. But the question whether such a provision is concerned with suitability for one purpose or another is not a question of planning judgment: it is a question of textual interpretation which can only be answered by construing the language used in its context.”

- 5.66 That identification of the need for textual analysis in context is critical. The context for the Scottish case was essentially and primarily Policy 45 of the Dundee Local Plan. Unlike NPPF [26], Policy 45 was a multi-criterion based policy for development outwith the relevant centres. The criteria dealing with suitable alternative site was one criterion, there were other criteria relating to need, consistency with other Local Plan policies (including those dealing with hierarchy) but the word suitable was not used in relation to these other issues. The Court held inter alia that since the word suitable related to the first criteria only it would *in that context* be wrong to conflate the meaning of suitable with the other principles separately identified in the policy and that in the context of the wording of that policy suitable related to suitability for the development proposed [paragraph 26].

- 5.67 Further, the context of the Scottish case included the provisions of the Scottish NPPG 8. The Judge said *“that guidance forms part of the relevant context to which regard can be had when construing [the meaning of suitable].”* *“Paragraph 13 refers to the need to identify sites which can meet the requirements of developers and retailers, and the scope for accommodating the proposed development”....throughout the relevant section of the guidance, the focus is upon the availability of sites which might accommodate the proposed development and the requirements of the developer...).*
- 5.68 It was, and the Court was keen to stress, against *this* contextual background, that the Court determined that suitable meant suitable for the development proposed. The context of the NPPF could not be more different. The Supreme Court was not considering the context of the NPPF at all. Nothing it says, binds the decision maker in this case as to the legal meaning of the NPPF in its context. And when the context of the NPPF is explored in detail (an exercise the Applicant’s were noticeably shy of) the difference between that and the context in Dundee become apparent.
- 5.69 Thus, the retail policies of the NPPF all sit within Chapter 2 of the document. They are drafted to be read understood and construed as a whole. It is accepted by all parties to the Inquiry that in NPPF [23], the word suitable in relation to retail sites means suitable inter alia having regard to the role and hierarchy of town centres. Thus when allocating sites to meet the retail need in a sequential manner: suitable and viable town centre sites are to be chosen by reference to a range of factors including their impact on the network and hierarchy. Mr Rhodes accepted and was clear that this must be the case. Suitable here in this context meant suitable having regard to the other factors in this part of the guidance.
- 5.70 When the same term “suitable sites” appears in the very next paragraph however, it is said that the meaning of “suitable” now has to be limited to the Dundee Local Plan Policy 45 and NPPG Scottish meaning of the word. But as most sensible commentators agree, (and this is where you would have heard that this is a Scottish case) this is to throw away the very essence of the judgment which is that contextual analysis of the wording of a policy must proceed in the correct context.
- 5.71 Thus suitable in NPPF [24] cannot simply mean in the context of the NPPF when read as a whole “suitable to meet the requirement of the development applied for”. It means the same as it does in the paragraph before, part of its essential context. If a wholly different meaning was meant to apply to this “suitable”, it would have been easy to have said so.
- 5.72 Reference to R V Zurich v North Lincolnshire has also been made. It is a first instance decision which turns (on the relevant ground) on the issue of whether disaggregation had been demonstrated in relation to the old PPS4

policy. What was said about the word “suitable” in the Scottish case was not a necessary part of the reasoning for the decision. It is not an authority which deals at all with the NPPF wording now at large. The issue of context is not reported as even having been argued. It doesn’t assist with the issues at large before the Inquiry. The consequences of the proper interpretation of “suitable” in context are clear and are set out below. Before that though it is worth dealing with the legal meaning of flexibility.

Flexibility

- 5.73 NPPF [24] requires Applicants and LPAs to “demonstrate flexibility” in relation to the sequential approach on issues *such as* format and scale. There really can be no doubt about the meaning of these words in the context in which they are found. It means that in undertaking the sequential test, you are required to demonstrate flexibility of approach in relation to relevant town centre and edge of centre sites. This includes showing flexibility as to format and scale (which are identified) and as to other matters relevant to the need to show flexibility such as the ability to fit smaller parts of the proposal in relevant town centre sites, particularly where there is no requirement at all or no need for a multi-faceted, multi limbed retail development all to be provided on the same site.
- 5.74 Of course such flexibility must be real world flexibility but it is a flexibility which must be demonstrated. On a proper reading as a matter of law, this requirement for flexibility requires the decision maker to consider all types of flexibility which are relevant to the aim and objective of the policy which is the location of development in the town centre where appropriate and possible. Format and scale are deliberately not a closed list. Other matters which are relevant to achieving the aim must also be considered where relevant.
- 5.75 Scale clearly brings with it a consideration of the potential for smaller elements of an application proposal to be sub-divided in order that their scale might be located within a town centre. The Applicant, so keen on Dundee, mislays the fact that, interestingly the issue of the flexibility of scale was considered in the Dundee case, where the provision in the NPPG was that “the application of the sequential approach requires flexibility and realism from the developer and retailer as well as from the Local Planning Authority.” The Court noted that this flexibility required developers to have regard to “format, design and scale”. This in turn meant that developers were expected to consider the “scope for accommodating the proposed development in a different built form and where appropriate adjusting or sub-dividing large proposals, in order that their scale might fit better with development in existing town centres.”

The consequences of a proper interpretation of the sequential analysis in the context of the NPPF

- 5.76 If the meaning of the word suitable is not limited to suitable to meet and only meet the needs of the application, and if flexibility includes flexibility as to scale and the ability to subdivide the constituent parts of the proposal then on its own case, the Applicant has signally failed to meet the requirements of the sequential approach. Mr Rhodes says as much in paragraph 5.40 of his proof. For him, the word flexibility has little if any consequence.
- 5.77 This is because his sequential exercise has not considered any higher order centres at all as being suitable. Neither has there been any attempt to even essay whether component parts of the town centre uses can be located in the nearby or higher order centres. The requirement that flexibility should extend to the placing of parts of the development in relevant town centres in the catchment is particularly appropriate in the circumstances of the present case because there is no retail or viability logic which supports the need for all of the town centre uses to be provided at Rushden Lakes. The component parts are not argued to be necessary parts of an indivisible whole or of a particular retail format. In this case there is no reason why very significant flexibility ought not to be shown as part of the proper sequential analysis.
- 5.78 If the Consortium and the Rule 6 party are right about the interpretation of NPPF [24] as a matter of law, it will follow that even on the Applicant's own case there has been a complete failure to pass the sequential test. Applying NPPF [27] means the application should be refused. This would be the case even if the Grosvenor Centre were not a sequentially preferable site. But it is.

Grosvenor Centre is a sequentially preferred site

- 5.79 The Grosvenor Centre is a town centre allocated retail site. That allocation is clear, new and up-to-date. It post dates the NPPF and is consistent with it. It is a suitable site in the terms of the sequential test properly understood. It is able to accommodate at least some of the town centre uses which are otherwise proposed at Rushden Lakes. This is particularly the case in relation to that part of the nature and scale of the Rushden Lakes development which does not need to be in the Zone 10 catchment.
- 5.80 The Grosvenor Centre is particularly suited to the higher order offer, consistent with its place in the hierarchy. A development of the extension fulfilling the principles of the allocation has been found to be deliverable in principle. No evidence to the Inquiry has sought to assert that in principle a Grosvenor Centre extension is not deliverable. In all of these circumstances, the Grosvenor Centre is with appropriate flexibility clearly a suitable sequentially preferred site for the provision of higher order town centre floorspace which is being proposed at Rushden Lakes.

NPPF and impact

- 5.81 NPPF [26] requires decision-makers to assess the impact of the proposals on town centre vitality and viability. NPPF [27] requires a refusal where the impact of a proposal on vitality and viability is significant and adverse. Legal & General is the owner of the Grosvenor Centre. In the event that the Rushden Lakes development gains planning permission, it will not extend the Grosvenor Centre. This by itself will have a massive impact on the future vitality and viability of the Centre. The centrality of the Grosvenor Centre extension to the future health of the Centre was made crystal clear through the recent unchallenged CAAP process.
- 5.82 The SoS will pay careful attention to this very recent up-to-date analysis. Neither the Applicant nor the ENC chose to take part in that plan-led process which identified the weaknesses of and remedies for Northampton Town Centre. Its conclusions were clear and unambiguous. They should not be set aside now in the context of a development control application.
- 5.83 In addition to the harm associated with this significant loss of investment, there would also be a very significant trade impact upon the Town Centre as a whole. The range of impact on a major, regional centre caused by a single out of administrative area, out of town development are unprecedented. But of course, the figure of impact, remarkable though it is doesn't tell the entire story. The overlap of catchment and high order offer at Rushden Lakes is on any proper analysis of the evidence very significant. The suggestion that the reach of Rushden Lakes given its scale offer and attraction would be limited to those Zones close to Rushden and no further is risible.
- 5.84 Legal & General recognises that Rushden Lakes as a new free-standing centre would seek to serve the same market as the Regional Centre. It is convinced that the harm to an already vulnerable centre would be significant and long-lasting. Legal & General is content to adopt the numerical analysis and qualitative judgments prepared and presented by Mr Goddard on this issue. Even with a conservative trade draw assumption from Northampton, the levels of impact identified by Mr Goddard are too high to set aside. This is particularly the case bearing in mind that most of the impact would be directed at the higher order facilities such as the town's anchor stores which have been publically and formally identified as in difficulty and at a turning point. The impacts would be significant and adverse. Permission should be refused on this basis alone by reason of NPPF [27].

NPPF Impact on investment decisions

Introduction

- 5.85 The NPPF contains a careful and precise test as to how potential impact on investment decisions, existing, committed and planned are to be considered.

This advice is supplemented by guidance in the PPS4 PG note which all parties agree is up-to-date and relevant. And yet rarely at an Inquiry could the application of the guidance contained in the NPPF and advice in the PG have been so traduced and altered. The test is: is there likely to be a significant adverse impact on existing committed and planned public and private investment in a centre – paragraphs 26 and 27. That test falls to be applied.

Has there been existing investment in the Grosvenor Centre extension?

- 5.86 The answer to this question is clearly yes. £11M of public money has been spent specifically to deliver the relocation of the bus station as an integral part of the Grosvenor Centre extension. It is in a very significant way a commencement of the Grosvenor Centre extension project. As part of the process of funding to the tune of £8M, the Development Corporation had to satisfy itself that the expenditure of public money was cost effective and did so by reference to the wider Grosvenor Centre extension project. There is no prospect of this public money having being raised or spent in the absence of it being part of the overall project. As part of the investment decision, the public bodies were satisfied with the in principle deliverability of a Grosvenor Centre extension consistent with the development plan allocation.

Is there planned investment in the Centre?

- 5.87 The answer to this question is yes. Public and private investment is clearly planned for the Grosvenor Centre extension. The NPPF introduced a new regime for development plan processes. It now requires development plan process not only to consider the suitability of investment in land use planning terms but also its deliverability in principle. NPPF [173 and 182] were simply not mentioned by the Applicant at all. They seek to ensure that plans are deliverable and that key allocation sites are not allocated unless there is evidence that they are in principle deliverable. It is a legal requirement of soundness that a plan should be deliverable. The Inspector considering the Grosvenor Centre extension allocation was clear not only that there was the appropriate level of justification for the allocation in terms of the tests of soundness but that most of the more difficult hurdles to delivery were already passed.
- 5.88 He clearly well understood that the scheme which had previously been considered a potential scheme was being reconsidered by reason of viability issues but notwithstanding this was still sufficiently confident that in principle viable development could take place. This is consistent of course with the investment decisions of the public bodies in relation to the bus relocation. There is no requirement in the NPPF that there be paraded a specific identified scheme in order to engage this impact test. If that were the test, the NPPF could have said so. It is not. The test is, is there planned investment which is likely to be significantly impacted by the proposal.

Planned investment does not require the demonstration of an actual specific scheme. In this case the combination of the removal of the bus station, the main hurdle to delivery, its financing as part of the overall project, the very recent allocation of the site as part of a deliverable and sound plan and the positions of the developer and Local Authority, the parties to a binding DA, are more than enough to identify planned investment in the town centre.

Is that planned investment of importance for Northampton Town Centre?

- 5.89 The answer to this question is yes. The purpose underlying this question posed by the PPS4 PG is to ensure that the more important the planned investment in a centre, the less risk should be taken to disrupt or to harm that investment. The planned investment in the Grosvenor Centre extension is the critical part of the town centre strategy for Northampton. There is no investment decision more important. The SoS who is obliged to sanction the expenditure of the Development Corporation will be only too well aware of the importance of this investment. Without this investment Northampton can only further wither.

Will the Rushden Lakes Proposal significantly harm the planned investment?

- 5.90 The answer to this question is yes. The location of Rushden Lakes is just 14 miles away from the Grosvenor Centre. It would clearly share the same market when the actual evidence is explored in detail. It is set up in terms to compete with the Northampton offer and the likely Grosvenor Centre extension offer. It is nonsense to say that a new high order retail park of this nature will simply not be competing for the same retailers. It will. In terms of anchor tenants, both developments will be and are seeking Debenhams as one of their main components. It is public knowledge and agreed that Debenhams is very unhappy with its ability to trade effectively in the Town Centre. In tough economic times, there is in Mr Denness's view, little prospect at all of Debenhams taking an anchor unit at Rushden Lakes and also a new unit in the Grosvenor Centre extension. Debenhams at Rushden Lakes removes them as a potential anchor at the Grosvenor Centre extension.
- 5.91 But it doesn't stop there. The potential operator line up for the Grosvenor Centre extension and Rushden Lakes is almost one and the same. For the reasons set out above, there is simply not the need for that high order, sub regional type offer at Rushden, there is certainly in market terms no need for it at both Rushden and Northampton. Retailers would be able to achieve significantly lower rents, enhanced turnovers and higher profits at the less constrained Rushden Lakes site. They would gain significant benefit from the free and unfettered car parking at the site and the remarkable penetration into the catchment that the trunk road network allows.

- 5.92 If there is a choice between Rushden Lakes and the Grosvenor Centre extension, that choice is likely to be exercised in favour of Rushden Lakes. Mr Chase who was only instructed in the days leading up to the Inquiry says: "Don't Worry!" the evidence establishes that fascias would locate in out of centre and in centre locations both. He relied on evidence from Chester and Leicester to this effect. This was the only evidence of this nature upon which he relied. Unfortunately, we were unable to cross examine him on this element of his evidence. But Mr Denness gave unchallenged evidence of the complete difference between the circumstances in these towns and catchments and those that prevail in Northampton.
- 5.93 First, chronology. Fosse Park and Chester Park schemes, and the strategies of businesses to the town centre, were conceived in a very different economic climate. Now retailers are looking to consolidate their landholdings in fewer and fewer locations. This very fact was recognised and accepted by the Inspector in the CAAP Inquiry. Secondly, and more importantly, Leicester and Chester are catchments which dwarf that of Northampton being many times larger. There was (and remains) significant scope for dual representation in out and in centre locations there. The PPS4 PG in terms tells the decision-maker to place weight on the concerns of investors in relation to these issues. The concerns of Legal & General and its position are set out very clearly in the letter to this Inquiry. This is not said lightly. Legal & General does not come to this Inquiry lightly or without thought. Legal & General's very presence here indicates the nature of the concern.
- 5.94 Legal & General comes to the Inquiry with the full backing and consistent support of NBC, the responsible and democratically elected planning authority and development partner with a development plan position that could not be more up-to date or relevant. Confidence is critical in town centre investment. Confidence is a brittle commodity. Because of recent unfounded allegations made and then withdrawn by the Applicant at this Inquiry, the case being advanced by Legal & General is properly advanced. Legal & General has confirmed by letter that if Rushden Lakes goes ahead, for the reasons set out in the letter in Mr Jones's Appendices, the plans for the Grosvenor Centre extension recently cemented through the development plan process would not.

Issue (a): The extent to which the proposed development is consistent with the development plan for the area and would deliver a sustainable form of development.

- 5.95 In the submissions for this issue the Rule 6 party adopts those of the LPA. It is clear beyond per-adventure that the proposal does not accord with the relevant provisions of the development plan. It is scarcely arguable that it is not. The real issue is whether the development plan or relevant parts of the development plan remain up-to-date.

- 5.96 In North Northamptonshire the hierarchy and network of centres is defined by the NNJCS which defines Wellingborough, Corby and Kettering as the three growth centres and Rushden in a secondary tier. Policy 12 is particularly relevant when it says that *"The scale of retail development should be appropriate to the role and function of the centre where it is to be located"*. The NNJCS makes it in clear in Policy 1 and Policy 12 that Rushden is a second tier settlement. The spatial strategy within Policy 1 envisages Rushden as providing a secondary focal point for development within its urban core.³⁵³
- 5.97 Policy 12 envisages the three growth towns as being the focus for meeting the planned increase in comparison shopping to 2021.³⁵⁴ It does not provide any particular timescale for the provision of the minimum amounts of additional comparison goods floorspace set out in the Policy. It envisages a *"balanced network of centres"* as set out in Figure 14 of the NNJCS.³⁵⁵ That figure states for Rushden under the heading *"enhancement of existing offer"* *"no specific growth strategy but town centre development encouraged"*. Policy 12 itself states that *"development of an appropriate scale that enhances the retail offer of Rushden town centre will be supported"*.
- 5.98 This part of the development plan is wholly consistent with the NPPF which, as explained, requires regard to be had to need, scale and the defined network and hierarchy when determining the present application. The Applicant in terms accepted that that the network and hierarchy as set out in Policy 12 of the NNJCS is up to date.³⁵⁶ It is doubted that that acceptance will be repeated in submissions. The Applicant proposes development of a sub-regional scale that is not remotely envisaged by the NNJCS spatial strategy or the defined retail hierarchy, in a location not envisaged by the defined retail hierarchy and of a high order function not envisaged by the defined retail hierarchy.
- 5.99 Further, rather than enhancing the retail offer of Rushden town centre it would have significant adverse impacts upon it as it would function to draw trips away from that centre. There is no realistic likelihood of linked trips being made between Rushden Lakes and Rushden town centre; people would drive to Rushden Lakes and then drive home. The only reasonable conclusion here is that the proposed development conflicts with this up to date part of the development plan. The Applicant argues however that the NNJCS seeks to increase the retention of retail expenditure within North Northamptonshire and points to the last sentence of Policy 12 within the NNJCS as support for this contention. This contention is flawed.

³⁵³ CD A7.3 page 25

³⁵⁴ CD A7.3 p 57 paragraph 101

³⁵⁵ CD A7.3 paragraph 3.100 last sentence

³⁵⁶ Mr Burnett XX by Ellis and XX by Harris

- 5.100 Whilst the NNJCS does seek to increase trade retention within North Northamptonshire it does so within the context of the retail network and hierarchy that it defines and through the scale of comparison goods expenditure it envisages to come forward over the period to 2021 within the town centres of the growth towns. It does not envisage any significant retention of retail spend through the provision of a sub-regional out of town development which is physically and functionally divorced and remote from any town centre and which is only proximate to a second tier centre identified to be merely a "secondary focal point". In other words, it envisaged the transfer of expenditure from one town centre to another.³⁵⁷
- 5.101 Further, in relation to the NNJCS, the Inspector asked a number of witnesses to comment upon whether the evidence base of the NNJCS was "up to date" in relation to housing and other matters in the light of the revocation of the RSS. In relation to the retail hierarchy, however, RTP has updated its earlier work. It is now based upon population forecasts that are not dependent upon the RSS.³⁵⁸
- 5.102 However those forecasts do not reveal any significant comparative change between the population in Zone 10 and those in Zones 3 (Corby), 6 (Kettering) and 9 (Wellingborough). Between 2010 and 2016 the level of growth within the growth towns is forecast materially to outstrip in zone 10³⁵⁹ on the RTP 2012 update projections. The same pattern is reflected in their projections to 2031.³⁶⁰
- 5.103 A similar pattern can be seen from the forecasts of total comparison expenditure³⁶¹ for these zones. Neither what has happened since the adoption of the NNJCS nor what is forecast to occur provides a basis for suggesting that circumstances have changed sufficient to justify any change in the adopted NNJCS approach to the retail hierarchy.
- 5.104 There has been no substantial change in the relationship between Rushden and Higham Ferrers to the towns of Kettering, Wellingborough and Corby nor is one forecast. There is then no evidential basis for concluding that Zone 10 should be given greater status in the retail hierarchy because the RSS has been revoked or that that revocation means that the adopted plan's retail hierarchy is out of date.

³⁵⁷ Miss Garbutt XX by Katkowski

³⁵⁸ See CD7.8 page 8 paragraph 3.3

³⁵⁹ 10% in Zone 3 Corby, 4% in Zone 6 Kettering, 2% Zone 10 Rushden and Higham Ferrers, 1% in Zone 9 (Wellingborough) see CD A7.8 Appendix 2 Table 1 – growth 2010 to 2016

³⁶⁰ 18% in Zone 3, 23% in Zone 6, 14% in Zone 9 and 17% in Zone 10

³⁶¹ See CDA7.8 Table 3a

Issue (c): The extent to which the proposed development is consistent with Government advice in promoting more sustainable transport; promoting accessibility to jobs leisure facilities by public transport, walking and cycling; and reducing the need to travel especially by car.

Relevant Policy

5.105 The NPPF [30] explains that it is an objective of the planning system to support a pattern of development which facilitates the use of sustainable modes of transport. NPPF [34] states that developments that generate significant movement are to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.³⁶² Mr Rhodes accepted in cross examination³⁶³ that this paragraph created the applicable tests which the proposed development had to pass.

5.106 As such it is necessary to consider:

- (a) whether the proposed development is located where the need to travel will be minimised; and
- (b) whether the use of sustainable transport modes will be maximised.

5.107 In addition, it is submitted that development that does not have access to high quality public transport facilities will be contrary to national planning policy objectives.³⁶⁴ Further, the NPPF's approach to sustainable transport issues is supported by the NNJCS which developed its spatial strategy with regard to the relevant local transport plans and strategies.³⁶⁵ Indeed, the NNJCS has a modal shift away from the private car as an objective.³⁶⁶ It suggests that parking supply should be managed to level the playing field between the car and other travel options.³⁶⁷

5.108 The NNJCS adopts a transport user hierarchy so that development is designed to put users of sustainable transport modes first and users of the car last.³⁶⁸ For Rushden the NNJCS envisages a new centrally located bus interchange.³⁶⁹ Thus, the NNJCS must be viewed as consistent with the NPPF in relation to sustainable transport issues and up to date. Its policies should be given full weight. It follows that if the proposed development fails the tests set out above it would be contrary to the NPPF and contrary to the

³⁶² NPPF paragraph 34

³⁶³ Mr Rhodes XX by Harris

³⁶⁴ NPPS paragraph 35 second bullet point

³⁶⁵ CD A7.3 page 8 paragraph 1.14, page 9 paragraph 1.16.

³⁶⁶ CD A7.3 paragraph 2.9 and objective 5 page 20, page 27 Para 3.17 – 5% reduction in car use for existing areas

³⁶⁷ CDA7.3 paragraph 3.18

³⁶⁸ CDA7.3 Policy 13

³⁶⁹ CDA7.3 Policy 3 p31

development plan. The first issue to be considered is location and minimising the need to travel.

Location alleged to minimise the need to travel.

- 5.109 This is the very cornerstone of the Applicant's case. From the beginning to the end, it has been alleged that the main purpose of this high order out of centre new retail destination has been to promote a sustainable form of development.³⁷⁰ Without this, there is no sustainable case for the proposal at all. The logic behind the analysis is that the provision of this facility, this new centre, would create sustainable patterns of behaviour, allowing local people access to facilities locally. The flaw in this argument is that in order to derive these benefits, one has to close one's eyes to the inevitable consequences of creating such a park of scale and function, namely that its catchment would not be limited to local people.
- 5.110 In addition, one has to adopt such a low trip generation figure for the proposal as to be implausible. Now this is not a highway capacity issue - no issue on highway capacity or junction capacity is raised, it is a sustainability and vehicle mileage saving issue. This matter is of critical importance now that the position of the Highway Authority on this matter is crystal clear. This submission is not the place to rehearse the arguments set out in Mr Hunter-Yeats' Appendix 1. But his analysis of the flaws in Mr Bird's regression analysis has to be grappled with because they go to the heart of the claims for vehicle mileage reduction. The sustainable pattern of trips argument is premised on the retail work undertaken by Mr Burnett. For the reasons set out in the evidence of Mr Goddard, the underlying argument that this is and would remain a local facility is simply unsustainable.
- 5.111 The evidence produced by Mr Hunter-Yeats and its corresponding table in particular establish how implausible it is that 70% of the turnover of the store would be limited to Zone 10 given the location of nearby population and the speedy access to the site by car that they would have. And yet it is on this basis that the argument based on less travel as a result of the proposal is based. As Legal & General pointed out in evidence, this would lead to the wholly unlikely requirement for each household, every single household, in the whole of Zone 10 to visit the new centre 1.3 times a week. That is simply preposterous. Mr Goddard's once a fortnight seems more plausible but even that seems generous to the Applicant from any rational point of view.
- 5.112 The whole edifice of the sustainable location case is built on this weak and implausible evidential basis; the paradox was identified in opening. The site is strong enough to capture 70% of Zone 10 but so weak as not to influence materially anywhere else. And the Highway Authority has always recognised

³⁷⁰ See Mr Rhodes' proof paragraph 5.54

this in truth. The Highway Authority was never a signatory to the proposition in the SoCG that the location of the site would result in sustainable patterns of travel and vehicle mileage saving. And now we know why. The Applicant sought to minimise the absence of signature by telling the Inquiry in terms that the Highway Authority simply did not have a view on the matter. How wrong. The Highway Authority has now explained that this assertion was not supported by any assessment into existing destinations and the differences in trip length as a result of the change in shopping destination. Further, the Highway Authority supports the view that Rushden Lakes would “no doubt encourage shoppers from...Northampton” to travel to Rushden Lakes leading overall to “an actual increase in vehicle miles travelled”.

- 5.113 This indicates that the Highway Authority supports the view of the witnesses for Legal & General and the Consortium that the catchment for the proposed development would be much wider than assumed by the Applicant. Further, it supports the view of Mr Hunter-Yeats who explained in his evidence that the likelihood is that the proposed development would give rise to greater vehicle mileage travelled given that Rushden Lakes would attract people from Northampton who might otherwise have shopped by bus and given that Rushden Lakes provides no opportunity for linked trips with other town centre uses. On this basis the only reasonable conclusion is that the proposed development fails against the test of being located where the need to travel would be minimised. This removes the cornerstone, the very essence of the case for this huge out of centre proposal.

Maximising the Use of Sustainable Transport Modes

- 5.114 We now turn to the ability to get to the site by sustainable transport modes. The site does not function as part of Rushden or Higham Ferrers. It is separated by a physical and psychological barrier of the A45, a significant dual carriageway trunk road. The pedestrian bridge would improve this but it would not make the trip a pleasant one, one which would be preferable to take than the car. The existing situation is that there are very poor links for pedestrians and cyclists. There is no rail service in close proximity and no bus services that serve the application site.
- 5.115 It is well connected to the road network and highly accessible by private car. Indeed, it is difficult to envisage a site that is less well connected in terms of sustainable transport modes or better connected in terms of access by the private car. The site is not located where the need to travel would be minimised.
- 5.116 So far as whether the proposal would maximise the use of sustainable transport modes, the Applicant’s own evidence demonstrates that it would not. Mr Bird forecasts that only 74 out of 1,000 visitors would walk, 16 out of

1,000 visitors would cycle and only 11 out of 1,000 would use a bus.³⁷¹ On the other hand 900 out of 1,000 would arrive by car. All that to a destination half the size of Northampton town centre.

- 5.117 The proposed development provides more than enough car parking – all of which is free. Contrary to the NNJCS, there has been no attempt to manage car parking supply here so as to produce a level playing field between sustainable transport options and the use of car.
- 5.118 The only proposals before this Inquiry to encourage walking from nearby settlements to the Rushden Lakes scheme are the proposed pedestrian bridge over the A45 and then an at grade crossing of the A5001 Northampton Road to a footway on its southern side adjacent to the Waitrose car park.
- 5.119 Whilst this assists in making the site accessible for those unlikely enough to walk all the way there from Rushden or Higham Ferrers, it does not and cannot take away from the simple fact that the application site is simply too far away from residential populations for anyone to be likely to walk, particularly when they can use a car and be there in a fraction of the time. This has now been identified by the Highway Authority as a real issue for the proposals.
- 5.120 Mr Hunter-Yeats explained that the walk-in catchment was very low indeed because there is very little housing within 800m and only a small amount of housing within 800m to 1,200m.³⁷² Of the housing within the 800m to 1,200m (a 10 to 15 minute walk) more than half is within Higham Ferrers and the walking route to the proposed development would be along the B645 on a narrow footway less than 1m wide without natural surveillance.³⁷³ The reality is that is not a walk that many would undertake at all. In any event, it would take far less time for those living in the 800m to 1,200m catchment to get in a car and drive to the proposed development than to walk or catch a bus and that is what they would do.
- 5.121 As the Highway Authority has put it: how likely is it that residents would walk carrying large or heavy shopping?³⁷⁴ The answer is obvious they would not when they can hop in a car and be there in a fraction of the time, with plenty of free parking to accommodate them. There is nothing in the proposed development that maximises the use of walking as an alternative to the car.

³⁷¹ Mr Hunter-Yeats proof page 5 paragraph 2.2.8 referring to data in the TA Addendum Appendix b – 7.4% pedestrian mode share, 1.6% cyclists and 1.1% bus. 90% mode share private car

³⁷² Mr Hunter-Yeats EiC and Appendices Figure DHY-4

³⁷³ Mr Hunter- Yeats proof page 15 paragraph 3.2.5 and Photo P1.

³⁷⁴ APP50

- 5.122 Turning to cycling, it is the case that it is less likely that people would cycle to a retail destination than to an employment or education destination.³⁷⁵ If one is seeking to encourage those who currently do not use cycling for shopping trips to do so, it is necessary to ensure that they feel safe in using the proposed route. Externally to the application site no specific cycling facilities are proposed to encourage residents to cycle to the development; no bike lanes and no bike specific crossings are offered. For residents of Higham Ferrers to cycle the route is along the B645, sharing the carriageway with motor vehicles and without natural surveillance.
- 5.123 For those coming from Rushden via the Greenway, Mr Hunter-Yeats described the nature of the route again without natural surveillance. Once one gets to the south side of the A45 there is then a bridge to negotiate. These are not attractive cycling routes. Those who have a car are far more likely to choose to use it to access the proposed development than to use a bicycle. There is nothing in the proposed development that maximises the use of walking as an alternative to the car.

Bus Provision

- 5.124 The position in relation to buses has changed during the latter part of the Inquiry only after the only transport witness to give evidence against the proposals had left the witness box. The suggestion now is that there is to be a daily, half hourly service. This is said to consist of the "procuring" of the existing Waitrose bus (bus 49) being diverted into the site and the bespoke bus originally relied upon as part of Mr Bird's evidence. There is also identified the "procuring" not providing of a Sunday hourly bus service. Mr Hunter-Yeats was not given the opportunity to comment on these services or how they were to be secured. But he was clear that for shopping trips including on a Sunday; the second busiest day, it was appropriate and realistic to provide 15-20 minute services to a new bespoke retail centre in order properly to effect a modal shift towards public transport in line with national and local policy.
- 5.125 No explanation has been given as to why this appropriate level of provision is not achievable at this brand new allegedly sustainable location. No viability issues are raised about such provision and it is frankly unbelievable that this scale of development cannot do better. But much more important than this is the fact that all of these services are to be secured for only 3 years. Even when the bus provision was more limited - the case advanced at the Inquiry sessions - the evidence that there was a self sustaining level of provision beyond 3 years was simply hopeless.

³⁷⁵ Mr Hunter-Yeats proof page 18 paragraph 3.3.1

- 5.126 It was based on a mere assertion that ridership might increase and or that funds might be available from WEAST. No weight could be ascribed to such assertions. It became clear from the cross examination of Mr Bird that no ridership or fare assessments had been undertaken to underwrite these assertions. Certainly none was produced. Further, no realistic mechanism for the provision of monies from WEAST was or ever has been identified. The references in the S106 to other East Northamptonshire developments clearly didn't relate to WEAST and have not been explained at all. No mechanism for money from these sources has been identified. They no longer appear to factor in the debate.
- 5.127 Mr Bird accepted in terms that in these circumstances, if the SoS believed that the provision of buses beyond 3 years was necessary: it would be necessary for that to be secured by a S106 Agreement. The level of uncertainty surrounding the provision of the bus provision beyond 3 years was such that the absence of the security of service beyond that time was fatal to the public transport credentials of the site. There was simply no credible evidence at all to support the suggestion that the services would continue and it was accepted that no bus service was deliverable reasonably on a Sunday.
- 5.128 The evidence in support of the new services is even weaker and even more bizarre. First, the additional buses are to be procured from others not provided for by the developer. There is no obligation on the developer to ensure the buses are provided, the obligation is to secure a contract that a third party would provide them. There is even in the first 3 years therefore no guarantee of their delivery. Thus, if for whatever reason, the procurement agreement fails, the developer's obligations have been met but the buses are not provided.
- 5.129 This is recognised in the S106 Agreement by the remarkable and completely unenforceable position that if the additional bus services cease during the first 3 years, the development, all of its tenants etc are to cease operation. Further, there is even less guarantee of on-going provision beyond the 3 years at all. There is again no evidence of ridership or fare structure placed before the Inquiry. In the absence of this little weight can be given to the assurances that the matter has been considered by the operator in relation to the new bus services and in the absence of testing of this evidence.
- 5.130 This is critical especially on Sunday. The evidence is that there is no confidence at all about the long term future of a bus service on Sunday. We now know that a ridership analysis has been done but tellingly has not been provided to the Inquiry. What the operator says about this is stark and clear.

"Sunday services are notoriously hard to sustain, except in areas which have an already relatively high mode share for buses. It is fair to say that East Northants has a very low bus mode share, albeit one that we are keen to

continue to increase. You will have seen Steve Bird's proposals for a degressional support profile which gives a clear sense of the expected revenue buildup, on which we would be taking a significant commercial risk. It does, however, reflect our best estimate based on our wider experience and local knowledge. You will see that in the final year a £20K subsidy is needed, and therefore it is possible the Company would need to take an interim commercial view about ongoing revenue development to maintain the service thereafter. While I or the Company would not want to warranty absolutely at this stage the long term commercial sustainability beyond the subsidy period/profile agreed, we would say, absolutely unequivocally, that this proposal from LXB to serve Rushden Lakes on Sunday represents the best opportunity that we can see, by far, or catalysing a long term sustainable quality Sunday bus service for the Four Towns area. I would suggest that this in itself might be considered a material consideration weighing in favour of the proposals."³⁷⁶

- 5.131 The Highway Authority note³⁷⁷ on Sunday buses is stonily silent about the potential for any service at all beyond 3 years on this route. There is no evidence of a realistic sustainable service on Sunday beyond 3 years. There is deliberately no provision provided for beyond that. The SoS should be clear about this.

Conclusion on Buses

- 5.132 In truth this has not been an evidentially sufficient way to deal with one of the key issues identified by the SoS. In conclusion, the bus service proposed even for the first 3 years is inadequate. Its security beyond that is simply not supported by a robust view of the evidence. There is no "I see no reason to doubt the evidence of the operator on this issue: there is no such sustainable evidence.

Issue (d): The extent to which the proposed development is consistent with Government guidance particularly in relation to giving appropriate weight to protected species and biodiversity issues.

- 5.133 The Applicant claims that there are a number of benefits arising from the scheme. It is submitted that the weight that should be given to these benefits has been significantly overplayed. In particular, the ecological benefits have been entirely overstated before this Inquiry. Indeed, the Applicant's own ES identifies that the ecological benefits are minor beneficial.³⁷⁸ In the light of that, these matters can only be given limited weight in favour of a grant of planning permission.

³⁷⁶ LG15

³⁷⁷ APP50

³⁷⁸ CD B.4 Table 4.15

- 5.134 So far as the regeneration, employment and economic benefits are concerned, the Applicant points to and relies upon gross benefits without regard to the potential employment and economic impacts that the proposed development may have elsewhere. This is a flawed approach. Indeed, the HM Treasury Green Book states that projects should be assessed in terms of their additionality. This is their net, rather than gross impact.³⁷⁹
- 5.135 As explained above, it is the case that if the proposed development proceeds then this would have significant impacts upon other centres including Northampton both in terms of reduction in trade and would prevent planning investment in Northampton from coming forward with significant consequences for that town centre. Thus, any regeneration, employment or economic benefits of the Rushden Lakes scheme would be offset by these consequences.
- 5.136 In terms of regeneration, whilst the proposed development would have regenerative benefits, it would result in the planned regeneration within Northampton, which forms the vital component of the CAAP, being lost. It is submitted that the loss of the vital component of regeneration in the regional centre that forms the centrepiece of the CAAP is of greater significance than the regenerative benefit of an unsustainable out of centre scheme which is not planned for in any development plan.
- 5.137 In the case of employment, if the proposed development comes forward the Grosvenor Centre redevelopment would not and the employment opportunities associated with that scheme and the other schemes within Northampton that depend upon it³⁸⁰ would be lost. The scale of jobs lost is approximately the same amount as would be gained at the proposed development. As a result in numerical terms, to grant planning permission results in no net gain in terms of employment. Indeed, it is the case that the amount of unemployment in Northampton is nearly three times that of Rushden.³⁸¹ It is therefore plainly more important to provide employment in Northampton than in Rushden.³⁸² As such, it is submitted that the net employment effect of the proposed development is harmful as it would result in job losses in an area where they are needed more greatly.
- 5.138 In terms of the other benefits, there is no evidence that these could not be secured through a development at Rushden Lakes that is of a smaller scale and more appropriate to the role of Rushden in the settlement hierarchy. Thus, little weight can be ascribed to the alleged benefits in the balance in favour of the grant of planning permission. Consequently, it is submitted that the alleged benefits of the proposal do not come close to outweighing the

³⁷⁹ Whiteley Proof page16 paragraph 4.4.2

³⁸⁰ See Mr Whiteley EiC

³⁸¹ Mr Jones Appendix 15

³⁸² Confirmed by Mr Wilson in XX by Taylor

harm caused by the proposal. Neither is there any evidence that the proposed scale of development is the only way in which such benefits might be brought forward. In these circumstances, the benefits should be afforded little weight insofar as they are said to outweigh harms of the proposal.

Overall Conclusion

5.139 It is submitted that the development plan is up to date in respect of its relevant policies. As such section 38(6) of the 2004 Act falls to be applied. The proposed development significantly conflicts with the development plan and the NPPF. The remaining material considerations are insufficient to outweigh the conflict with the development plan and the NPPF. As such planning permission must be refused. Alternatively, if it is considered that relevant policies within the development plan are out of date and that the second part of the presumption in favour of sustainable development applies, there is significant conflict with the policies within the NPPF. The proposed development fails the sequential test and the impact test. Each of those failures on its own requires planning permission to be refused. On this basis it cannot be said that planning permission should be granted. To grant planning permission for the proposed development would have significant implications for the future viability and vitality of local town centres and inward investment within those centres. It would stop the vital town centre regeneration within Northampton. The proposed development would be virtually entirely car dependent and would fail to maximise the use of sustainable transport modes. It is entirely unsustainable. It is the very antithesis of good planning; it is the wrong development, in the wrong place at the wrong time. We respectfully ask the SoS to refuse planning permission.

THE CASE FOR INTERESTED PERSONS WHO APPEARED AT THE INQUIRY

6.1 **Mr Peter Bone MP.**³⁸³ Mr Bone is MP for Wellingborough and Rushden. He said that since he first entered politics, few, if any issues, had generated as much popular support as the proposals for Rushden Lakes. In recent weeks the full, overwhelming scale of support for this development has become apparent and serves to underline just how important the project is to Rushden, Wellingborough and the whole of East Northamptonshire. The Yes 2 Rushden Lakes campaign, set up and run by local people, has been swamped with support and over 1,000 letters have been written in support of this proposal. The Rushden Lakes/Skew Bridge development is by far the most popular planning application that he has ever handled. From the responses to the consultation, less than 5 people objected to the development, and 2,046 supported the development. More than 2,000 people wrote to the SoS agreeing with the statement:

³⁸³ See IP1 for full statement

'I support the Listening Campaign for the Skew Bridge/Rushden Lakes development and 2,000 new jobs for the local area'

- 6.2 Mr Bone also received a petition supporting the development from 1,200 of his constituents. He said that the planning application for the Rushden Lakes Retail and Leisure Park has the support of ENC, WBC, Rushden Town Council, Higham Ferrers Town Council and the overwhelming majority of local residents. He said that this issue is of such importance that it even transcends party politics. It is a genuine sign of this scheme's significance that members of the Conservative and Labour Party, as well as some of the smaller parties are all united in their support of the proposal. He pointed out that the proposal has the support of Mr Andy Sawford (Labour) who speaks on behalf of Corby but also the rural towns and villages of East Northamptonshire. Mr Bone's view is that Rushden Lakes is a desperately needed infrastructure project within his constituency.
- 6.3 He said that this is an area that is undergoing great population growth, even more so with the 3,000 homes Stanton Cross would bring, and yet the employment rate in Rushden is about 50% of the other growth towns within the area. Wellingborough, the nearest town to Rushden Lakes after Rushden itself, is a town that is about to enter a prolonged period of growth. It recognises that far from competing with it, Rushden Lakes would present an opportunity to work alongside the town - creating jobs for its residents and giving people the opportunity to spend their money locally rather than in towns and cities over 30 miles away. The LP, which is more than 15 years out of date, has been largely replaced by the NNJCS. This strategy admits that Rushden Town Centre is unable to accommodate significant retail growth and that as a result the town suffers from significant retail leakage.
- 6.4 He claimed that by employing local people and keeping more money in the local economy the knock-on effects would be beyond doubt. At present, tens of millions of pounds a year are flowing out of the local economy, much of which is even going out of the County. Giving local people a reason to spend their money locally would create a virtuous cycle, increasing prosperity in the region. This is without even considering the extra spending power residents would have when they would not have to fill the car with petrol for a 50 mile round trip every time they want to go shopping.
- 6.5 He stated that it was not just local residents who are backing this scheme, but also local business, including retailers. High Street traders in Wellingborough and Rushden have given it their firm support, as have both towns' Chambers of Commerce. They recognise the value in keeping people's spending in the town. It is clear that both towns must rise to the challenge of presenting a different, yet complementary offer to these proposals. Wellingborough has a clear vision of being a 21st century market town while Rushden and Higham Ferrers already have a strong locally based independent-led retail offer. LXB has also agreed to fund a town centre

manager for Rushden, Higham Ferrers and the surrounding towns and villages for three years to work with these towns to ensure they maximise the opportunity Rushden Lakes would present.

- 6.6 He argued that since the decline of the shoemaking industry, investment in the area has never quite succeeded in creating new industries and jobs on the kind of scale necessary to prevent people leaving the area to work. Rushden Lakes has the potential to help reverse this unfortunate trend, and deliver the jobs at all levels this area so desperately needs. The job opportunities available, especially those for young people, are important to highlight. Young people leaving school at 16 or 18 have fewer and fewer chances to break into the world of work. Without question, Rushden Lakes would make a huge difference to the lives of many hundreds if not thousands of young people in the constituency and beyond. It is absolutely no exaggeration to state that the success of this project would mean the creation of jobs for a great number of young people, where at present there is nothing.
- 6.7 He claimed that the benefits to young people would not end at the prospect of gaining employment in the development or of finding a new place to socialise. The operators of the new boathouse and marina, a local company called Canoe 2, would be legally obliged to make their facilities available free of charge to the community. This means that the Scouts Association and Sea Cadets would be able to offer their youngsters the opportunity to try water-bound activities. There is no other facility quite like this in the constituency and it would offer a wonderful resource to two organisations who do great work with young people.
- 6.8 The Rushden Lakes site is a derelict brownfield site, in much need of rejuvenation. It is also a vital area of natural wildlife which is under threat. At the moment, the site is cut off from the surrounding area - accessible to only a few off-road vehicle users whose single interest appears to be to cause as much harm as possible. Natural England has grave concerns about the wellbeing of the SSSI neighbouring the proposed development site. Indeed, they, and the local Wildlife Trust, are supportive of this scheme because it is the only way access to the site can be controlled and this important natural resource secured. Controlled public access and bird-watching spots around the site would also serve to allow viewing of the bird-life without disturbing their roosting and nesting sites.
- 6.9 The carefully managed protection of the environment this scheme would promote goes hand in hand with the opening up of this most delightful location. There would be newly resurfaced footpaths around the lakes and even a reinstated bridge to link up the greenways to the north of the site. Regardless of whether his constituents choose to shop or eat at Rushden Lakes, the wider benefits of this scheme would be open to them all, free of charge. The spectacular bridge across the A45 would create a seamless link

between the town of Rushden and the countryside beyond for walkers and cyclists while public transport improvements would mean that, regardless of what mode of transport they use, people would be able to reach the site cheaply and easily.

- 6.10 Mr Bone said that this development would strongly conform with the tests set out in the NPPF. There is a clear need to retain local expenditure in the area and a clear need to improve the range and choice of shops available to the residents of Rushden and the surrounding area. Indeed, he argued that there are very few developments that could claim such a huge range of benefits for the community - from the opening up of the countryside, protection of a SSSI and regeneration of a brownfield site, to the tremendous community and sustainable transport benefits. It is these benefits which should outweigh outdated local planning policies. The Government is committed to Localism - to putting local people in charge of their own destinies. The support for this development is 'localism in action' and this development should proceed.
- 6.11 **Mr Derek Clark MEP.** Mr Clark is an MEP for the East Midlands. He said that the proposal is not just a collection of shops but a scheme to improve leisure facilities and shops; it was not just unusual but a unique opportunity. He stated that it was a proposal for local people. He was much encouraged when he found that local people were in favour and local businesses were not opposed. When schemes like this are successful there are a number of spin off benefits. He was aware that NBC opposed the proposal. However, the scheme was nothing to do with Northampton which is 15 miles away. If trade is taken away from Northampton then it is Northampton's own fault not the fault of Rushden Lakes. Mr Clark welcomed the proposal. As a resident of Northampton he was fully aware of the bus station development and the considerable public sector investment to bring that about.
- 6.12 **Mr Philip Hollobone MP.**³⁸⁴ Mr Hollobone is the MP for Kettering. He said that he opposed the Rushden Lakes proposal. He pointed out that Kettering lies at the centre of a spine of three large North Northamptonshire towns, the others being Corby and Wellingborough. ENC makes up the fourth authority collaborating in preparing strategic planning policy for growth through the NNJCS. Kettering is the largest of the North Northamptonshire towns, and has agreed to facilitate growth for some 13,100 homes and 16,200 new jobs by 2021, in excess of 8,000 homes at Kettering alone. Kettering also provides the largest town centre, serving the smaller neighbouring towns and rural hinterland. There are three key and interrelated ambitions for the Borough: (i) a better offer for our town centres; (ii) a better education and training offer and (iii) a better employment offer - high grade, higher density jobs.

³⁸⁴ See IP2 for full statement

- 6.13 He claimed that the mutually supportive role of these three aspirations cannot be over-stated. The town centres and the skills base will be persuasive to inward investors. Similarly, high grade employment supports vibrant town centres. Kettering aspires to continue to provide sustainable growth. To achieve this it needs to continue to develop its town centre as the strong heart to its community. Government policy provides strong support for town centres. The Government's response to Mary Portas' review into the future of our high streets endorsed many of the review's recommendations and the Government has made clear its determination that the planning system does everything it can to support the vitality and viability of our town centres. The Rushden Lakes scheme, a large scale out of town retail development, stands opposed to this objective of making high streets the heart of communities once again.
- 6.14 He argued that North Northamptonshire has embraced the growth agenda, contributing to a substantial increase in housing delivery throughout the area. It is a good proposition for growth, with 41,000 new homes planned to 2031, many of which have already gained planning permission. KBC has seen strong development in its business rates growth, punching above its weight. Improvements to the A14 are scheduled to commence later this year. This is one stream of investment, which would help in unlocking housing and employment development throughout the area. The planned electrification and key upgrades to the Midland Mainline should again make those towns and cities along its route more attractive for investment. The short-sighted and inappropriate proposals at Rushden Lakes run counter to this planned approach by seeking to take trade away from the towns and centres where it should be focused. Mr Hollobone supports the Government's strong focus on town centres and is opposed to developments such as Rushden Lakes which would undermine this approach and unacceptably threaten the high streets of Kettering and other Northamptonshire towns.
- 6.15 **Mr Andy Sawford MP.**³⁸⁵ Mr Sawford is the MP for Corby and East Northants. His constituency includes a large part of East Northamptonshire and is directly adjacent to the proposed Rushden Lakes development site. He has followed the debate closely and sought to ensure that he has a good grasp of the issues and considerations so that he could reach conclusions that are robust and in the overall interests of his constituency. He has read a range of the reports, consulted with colleagues - including those both for and against the proposal, spoken with the main organisations with a commercial interest in the outcome of the application and, most importantly, talked to local people about their views. As a result of this, his conclusion is that Rushden Lakes is in the best interests of the people in this area and the local economy and should be allowed to proceed. He fully supports the development.

³⁸⁵ See IP3 for full statement

- 6.16 Mr Sawford said that Rushden Lakes would deliver jobs. The argument that the development would generate more than 1,500 jobs is both well-founded and compelling, particularly in the current economic climate. This is an area that is still struggling to find its way after the decline of large-scale shoe manufacturing. Youth unemployment is a serious problem and he saw this scheme as helping to diversify the range of job opportunities available, adding a significant 'retail and leisure' component to the existing manufacturing, food and distribution businesses in the area.
- 6.17 He also stated that Rushden Lakes would provide amenities for local people. The people of East Northamptonshire have the right to enjoy better shopping and leisure choices. He pointed out that this is an under-developed area for retail and leisure uses. He appreciated that many local people are forced to travel quite a few miles to visit the kind of large-scale retailers at which they wish to shop. This development would help to keep local spending in the local area. The 'leisure and recreation' element of the plan would be similarly important for people in the area. The developer is in advanced negotiations with boating holiday operator Canoe 2 to occupy the lake's new boathouse which could be used by community organisations such as the Scouts Association and Sea Cadets, giving many young people their first taste of water sports in a safe and controlled environment.
- 6.18 Mr Sawford asserted that 'no change' was not an attractive option. The site has been neglected for many years. It has the potential to be a real gem in East Northamptonshire's landscape but, since the country club closed, it is one that has been hidden from public view and fallen badly into disrepair. The transformation of the site would sit alongside the Wildlife Trust's project to improve the quality of the natural environment as well as provide greater public access to the Lakes for walkers and cyclists. The enthusiasm of local people to trade an area of dereliction for one that enables them to enjoy and take pride in the 'look and feel' of the site is understandable.
- 6.19 He considered that the impact on other Northamptonshire towns including Corby would be limited. Corby is the largest urban area in his constituency and Mr Sawford was anxious, therefore, to understand the reasons for the opposition of some in the town to the scheme. Based on the evidence seen in the reports, he said that there was little overlap between the retail catchment areas of Rushden and Corby. According to the Applicant's retail study, Corby does not rely on spending from Rushden to support the vitality of its town centre, with less than 0.5% of its trade coming from Rushden. He was not convinced that the development of Rushden Lakes would seriously reduce the footfall in the existing retail area in the centre of Corby.
- 6.20 The more serious and legitimate basis for concern is the additional competition for retail investment posed by the development. There is a finite amount of funds that is available for retail investment in this area. However, regardless of Rushden Lakes, the investment case for other parts of

his constituency remains very strong, based – as it is – on anticipated population growth and considerable increases in the number of households in the north of the county. He did not accept that these people would not want to shop in Corby town centre if Rushden Lakes goes ahead. Corby is different to the other areas that are opposing this development.

- 6.21 CBC has really backed the town centre, which has been improving in recent years. In other areas there is great inconsistency in the position being taken; Northampton - Sixfields and A45, Kettering - Tesco site and the Northfield Avenue. Those authorities have created additional out of town retail space over many years and now they seek to prevent Rushden Lakes. To those worried about keeping their town centres competitive, quality, price, retail mix, parking charges, access are more significant.
- 6.22 Mr Sawford argued that the effect on the other towns in his constituency would be positive. He represented Irthlingborough, Raunds, Oundle and Thrapston. He thought that people from all of these towns would be more likely to go to Milton Keynes or Peterborough at present for shopping than to Northamptonshire towns and it would be positive for the County's economy and environment to improve the retail offer in East Northamptonshire. Irthlingborough and Raunds particularly stand to benefit as Rushden Lakes would be on their doorstep. It is pleasing that the greenways would be improved so that walking to the site would be possible, and for Irthlingborough it would be only a short walk for shoppers and people working at Rushden Lakes.
- 6.23 Mr Sawford said that his views of the Rushden Lakes proposal have been influenced by the principle of Localism which should empower local communities to have more of a say and influence over what happens within them. He has spoken with many people in the vicinity of the proposed site - residents, local traders, councillors from the nearby town and parish councils - and it is clear that there is a very high degree of support for the scheme by those in the immediate vicinity of the scheme. This is the view in a community where people were positively engaged in the planning process and who worked with the developer to help shape their plans to reflect the needs of that community. The proposal has unanimous cross party support locally and universal cross-border support from the nearest LPA (Wellingborough).
- 6.24 He recognised that others have raised important concerns about the proposal most of these are coming from towns that are at some distance from the site. However, there is very strong support from Irthlingborough Council, which is Labour led, reflecting the cross party nature of the support in East Northamptonshire. Mr Peter Bone, the MP for Wellingborough and Rushden has spoken at the Inquiry and Mr Sawford supported his arguments. These are the constituencies which are most directly affected by this development. This support from the MPs is a reflection of local views and a considered take on what is in the best interests of the areas.

- 6.25 In conclusion Mr Sawford said that he had to act on what he believed to be in the best overall interests of the people in the area. He was convinced that the employment benefits would be real and would not be offset to any appreciable extent by any job losses elsewhere. As well as giving a much-needed boost to the economy of this under-developed part of Northamptonshire, the development would provide a set of amenities that would be valued by local people. Action is required and this gateway to East Northants should not be neglected any longer. Whilst others see Rushden Lakes as a threat to their own prosperity, he did not believe this to be so and he certainly did not accept it as a reason to overlook this opportunity to bring serious investment to this part of East Northants. Ultimately, he said, this should be a truly local decision reflecting the needs and wishes of the community closest to where the development will take place. He fully supported the proposal.
- 6.26 **Councillor Glen Harwood MBE.**³⁸⁶ Cllr Harwood is Deputy Leader of ENC. He confirmed that ENC was unanimously behind the proposal. Its wholehearted support is not only total, unusually perhaps, it is also cross party. ENC's Development Control Committee studied all the planning advantages and disadvantages of the proposal before coming to its unanimous decision to grant approval. Importantly, the whole project and what it can do for this area, blends in perfectly with the ENC's Corporate Plan and Strategy for the District. The proposal has his full support.
- 6.27 He said that ENC has a vision statement - 'Working with our communities to sustain a thriving District'. He emphasized the word 'thriving'. ENC firmly believes that this proposal would go a considerable way to achieving that 'thriving' status and the Council is, right now, working alongside its communities towards that end. ENC's aim is to bring investment into the area and to reverse the decline of some of our towns, in particular, Rushden. In essence, ENC is totally committed to doing the very best it can for its residents and there is absolutely no doubt that this proposal would go some way to achieving those corporate aims.
- 6.28 In the year 2000, Rushden hosted numerous factories and workshops associated with the boot and shoe industry and its allied trades. At that time, it was by far the largest employer in the area. That same year, some 62 separate sites in Rushden were registered as being directly involved in the industry. Today, there are only 4 boot and shoe companies still operating from factories or workshops in Rushden. Regardless of the reasons for the demise of the industry; demise there has been - with the obvious and inevitable loss of employment opportunities.

³⁸⁶ See IP4 for full statement

- 6.29 Cllr Harwood noted that Corby, one of the objecting Councils, has suffered a similar demise i.e. in the steel industry. However, Corby has, over the years, received quite massive amounts of funding from both Government and Europe to assist in its regeneration and revitalization. Despite being in a similar situation, Rushden simply hasn't received anything like those levels of funding - and so it becomes even more imperative that the huge benefits and extensive opportunities this particular proposal would bring, are grasped with both hands. Since the year 2000, the working age population of Rushden has increased by over 13% but employment opportunities haven't kept pace with that. Additionally, quite recently, the NNJPU identified Rushden as the 4th 'Growth Town' in the area, alongside Corby, Kettering and Wellingborough albeit that is yet to be formally agreed and ratified. It is clear that, having an employer on the doorstep of a growing town, with potential for up to 2,000 jobs, including apprenticeships, simply cannot be ignored.
- 6.30 Over the past few years there have been a variety of initiatives aimed at regenerating and revitalising Rushden High Street and huge amounts of effort, time and resources have been put in by ENC, the Town Council, the Chamber of Commerce and other organisations. In funding terms alone, ENC has contributed over £1 million whilst a further £0.75 million has been granted from other partnership organisations. In total, just short of £2 million has been injected into the regeneration and revitalisation of Rushden High Street. The High Street still has some constraints. Deliveries to some of the retail outlets can be difficult with limited access to the rear of some of the shops. That is not an easy thing to fix or change and so providing opportunity for additional shopping choice, albeit not in the Town Centre, is very much a positive thing. It is noteworthy that the Rushden Chamber of Commerce and Rushden High Street Business Leaders are very supportive of this proposal.
- 6.31 Although this proposal is not in the development plan, the NPPF advises that: "*LPAs should identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances*". He claimed that this proposal would fall neatly into that bracket. He found it difficult to explain that Councils outside East Northants could have such a major input on whether or not a particular development in East Northants goes ahead.
- 6.32 He said that the Government is a very strong advocate of there being a "*Locally led planning system*" which empowers local people to shape their surroundings and set out a positive vision for the future of their area. Support for Rushden Lakes is massive. The application site is currently an eyesore. It is a very run-down, blighted piece of land which is subject to regular anti social behaviour and very frequently suffers environmental crimes such as fly-tipping. This proposal would utterly transform that area, bringing new life to it and introducing many new, positive features and facilities for local people.

- 6.33 He argued that the NPPF records 3 dimensions to sustainable development: economic, social and environmental and without doubt, this proposal ticks all 3 of those boxes. It would create a significant number of employment opportunities, both during construction and once fully operational. It would allow local people to spend locally - improving the local economy. It would give local people a choice that hitherto they have not enjoyed. It would reduce carbon emissions as distances to shop would be reduced. It would introduce a range of leisure activities and facilities that could be enjoyed by whole families and all age groups. The Bailey bridge across the river would be repaired and brought back into use. This would allow the public to have access to some of the most pleasant walks, following public footpaths and cycle routes around wildlife areas and lakes. In summary, there are only positives and benefits that would be generated by this development.
- 6.34 Cllr Harwood said that the proposal would transform the employment prospects of the area, improve the local economy and improve shopping choice. It would also provide a range of modern leisure and pleasure facilities, improve nearby highways, provide a much needed hotel, and open up currently underused footpaths and cycle paths. Further, it would improve the whole tourist experience and tourist economy, with educational opportunities at the visitors centre, and a managed wildlife and green environment. The benefits would be extensive, positive and very real. They clearly outweigh any perceived, possible or alleged adverse impact that this proposal might have on any other Town or Council many miles away.
- 6.35 **Councillor Thomas Pursglove**³⁸⁷ (Corby Conservative Club Ltd). Cllr Pursglove said that the people of East Northamptonshire have made their opinion clear and there is widespread support for this proposal. Local people want this proposal to deliver the jobs, the leisure facilities and the retail choice that it promises. He has lived in Northamptonshire all his life and he spoke as both a Wellingborough Councillor and as the Conservative Parliamentary Candidate for Corby and East Northamptonshire.
- 6.36 He said that the people of Wellingborough are fully behind this development. There is enormous local backing for this scheme, not least because people are tired of getting in their cars and driving for half an hour or more simply to go shopping on a Saturday afternoon. This problem would only grow, given the significant housing growth anticipated in the area in the years ahead – including at WEAST; a huge scheme with planning permission, which is very close to the site.
- 6.37 The support of Wellingborough is well-known, but what has been less well publicised is the great benefits Rushden Lakes would have for people living in rural East Northamptonshire. For many years, investment has been focused

³⁸⁷ See IP5 for full statement

on the urban centres in the north and west of the county, but it is these rural communities who are among those who have suffered most since the decline of the manufacturing industry in this county. Cllr Pursglove's grandfather was employed for many years in the shoe trade.

- 6.38 He said that it is they who have much to gain from the positive impact this scheme would have on the local economy. And, not just from the 2,000 jobs it would create, but from the wider benefit of keeping local spending local. What is unique about this scheme, and what has impressed him most, is that visitors would not have to spend a single penny in the shops or restaurants to enjoy it. People would be able to enjoy walks and bicycle rides in a scenic place that has until now been blighted and forgotten. What is more, the boathouse would be run by a successful local company in the form of Canoe 2, who would be obliged to open the facility up to young people free of charge including the Sea Cadets and the Scout Association.
- 6.39 In essence, Rushden Lakes would be the gateway to the Nene Valley, encouraging people to explore further this picturesque part of the world. It has the potential to give the tourism, leisure and hospitality industries a very welcome boost. The people of Corby do not feel threatened by Rushden Lakes; far from it. There is absolutely no widespread opposition from local people. If anything, people in Corby, like those in Northampton, Bedford and Kettering, would welcome the opportunity for new jobs within a reasonable travelling time. At a time when the Government's key priority is to deliver economic growth and jobs, it would be foolish to slam the door shut on this once-in-a-lifetime opportunity. People need jobs wherever possible.
- 6.40 He argued that neither CBC, nor the commercial interests in the town have any reason to feel threatened by Rushden Lakes. He said that commercial interests in Corby have pushed the Council to oppose this proposal and it has a disastrous record of mismanagement in attempting to deliver a series of high-profile regeneration projects over the last few years. Even in these difficult economic times, it is rare that employment and development is welcomed. The majority of local people want this investment to go ahead and to see the benefits of this vital scheme. He also referred to the words of Cllr David Mackintosh, the Leader of NBC: *"I don't think this is something that will derail the redevelopment of the Grosvenor Centre....anyone who lives in Northampton knows a development in Rushden will not have an impact on where they go shopping."*

Other oral representations

- 6.41 On Tuesday 9 July 2013 an evening session of the Inquiry was held at the Huxlow Science College, Finedon Road, Irthlingborough. This was a very well attended with some 200 people present and 28 interested persons gave their views about the proposal. It is not intended to describe in detail all aspects of the speeches made at this evening session of the Inquiry. The

following paragraphs provide the gist of the representations made and the reader should refer to the Interested Persons' Documents list in the Appendices to follow up individual representations in more detail.³⁸⁸

Councillor Sarah Peacock (Leader of Rushden Town Council)

- 6.42 The Rushden Lakes proposal has been discussed with the Town Council for over two years. LXB has developed a plan to bring this brownfield site back to life. The proposal has generated much interest because it would offer a garden centre, shops, restaurants, wildlife walks, a visitor centre, lake facilities and it would open up the countryside to the community. This proposal would promote the Council's ethos of healthy living and provide an attractive "gateway" to the town simultaneously it would enhance and protect the environment.
- 6.43 Rushden needs good quality, local jobs. Without them, the town will gradually turn into a dormitory community, with no social cohesion and with increasing social problems. The scheme has never been viewed as being in competition with our High Street retailers, but one that would complement and help the town move forward and thrive. It would provide a town centre manager who would encourage modern facilities to the Lakes and work with the existing town retailers.
- 6.44 The scheme would complement the town centre as it would allow people to walk from the town to Rushden lakes and further into the Nene Valley. The Greenway route is an East Northamptonshire project which develops a network of walking and cycle routes across the district. The Town Council has worked hard with the developers to ensure that this scheme works for the local residents.

Adrian House - Chairman Rushden & Higham Chamber of Trade

- 6.45 Having spent over 40 years of his working life in the High Street Mr House said he could speak with some authority as he has witnessed the changing shopping habits of the local population. The most striking aspect for him is the lack of investment in the town following the demise of the shoe industry. With jobs scarce, more and more people just live in the town and go out of town for everything else.
- 6.46 This area of the town has been left untouched for far too long and this development would bring a major and much needed boost to the profile of the town in so many ways and would be a catalyst for more jobs, more visitors and more investment. It would also greatly reduce the need for local people to go anywhere else. A Town Centre Manager is promised if this

³⁸⁸ See IP6-IP33

proposal goes ahead. This is a vital role which would be able to help the town centre businesses focus on working together to promote their special offers and services that the big retailers cannot match. It would also ensure a presence at Rushden Lakes to inform visitors of what is available in the town.

- 6.47 The main threat to the town centre businesses is from the internet not from the retail part of the project which would have only a minimal effect on trade. All of his customers say that Rushden Lakes would enhance the town with a superb leisure facility for local people and visitors alike for years to come and cannot understand why people in other towns are interfering in these plans.

Reverend Philip Evans - Vicar of Whitefriars Church in Rushden

- 6.48 Reverend Evans represents the Rushden and Higham Council of Churches. The Council resolved unanimously at its meeting on 7 May 2013 to ask him to attend the Inquiry on its behalf and to express its full support for the Rushden Lakes development. The Rushden and Higham Council of Churches comprise representatives from every single Christian Church in the towns - some 12 in all, from all the main denominations. Together they have some 1,500 members and many hundreds more adherents and supporters in the community. It is striking, arguably unusual for all churches to speak with such unanimity on a local issue. They want Rushden Lakes to go ahead, the area needs the development, and it is both right and just for the local economy to be helped to grow in this way.
- 6.49 He has a passion to see young people given every chance to enjoy life in all its fullness, and to be given fair and equal opportunities. He serves as the Vice Chair of Governors at the Rushden Community College, and as Vice Chair of Governors at Whitefriars Junior School – a community school in Rushden. He has been a governor at both these schools over a period of 8 years. He is therefore in touch with children and young people from the ages of 7 to 18 on a daily basis. He said the young people of this community need both the facilities and the job opportunities that Rushden Lakes would provide.
- 6.50 The most recent figures for youth unemployment on the Northamptonshire Observatory website (June 2012) show that a staggering 46.6% of 16 to 19 years olds in East Northants are unemployed - compared to just 29.4% for Northampton, and 25.1% for the County as a whole. Revd Evans lives and works in this community, meeting and serving people of all backgrounds, ages, persuasions, and beliefs - in every social category. Everywhere locally he hears of nothing but enthusiasm for Rushden Lakes – an extraordinary depth and range of local support. This town has suffered many social and economic blows in recent decades. This scheme would play a key part in restoring local pride, confidence and hope.

County Councillor Derek Lawson (Higham Ferrers Division and Leader of Higham Ferrers Town Council)

- 6.51 He said that this is a once in a lifetime opportunity to bring something really positive and exciting to the area. Indeed it is felt that this is the best hope for future growth and viability as a successful community with good expectations for young people. Over the past months the supporters of the Rushden Lakes development have talked about the creation of some 2,000 jobs which in itself is a compelling reason to grant planning permission for the project. Since the demise of the footwear industry, which used to provide jobs for 80% of our local workforce, the area has to an extent been stagnating and although sterling efforts have been made to create new jobs there is a real need to stimulate the local economy. The Rushden Lakes development would undoubtedly do this and at the same time provide an attractive leisure and shopping facility for all the family to enjoy be they young or old.
- 6.52 Local Authorities in consultation with their residents enthusiastically support this project. Neighbourhood plans being worked on at the moment reflect the need for the stimulus to the local economy that is desperately needed. The Rushden Lakes development is needed for a vibrant and successful community. At the recent County Council elections Rushden Lakes was the one issue above all others that was heard on the doorsteps. There is overwhelming support from electors for this wonderful scheme and for it to become a reality. The people have spoken and what they have said loud and clear is that they want the Rushden Lakes development to go ahead.

Kiran Williams (BNP Paribas Real Estate)

- 6.53 She spoke on behalf of her client CBRE Britannica Fund who own the Swansgate Shopping Centre, which effectively forms the core of Wellingborough town centre, accommodating around 50 retailers and about 1,000 free parking bays. Her client has previously submitted representations in objection to the Inquiry proposal. CBRE Britannica Fund reaffirmed its objections to the proposal on the grounds of the scale and amount of retail development proposed, and its impact on existing centres such as Wellingborough town centre. She argued that the proposal is sub-regional in scale and that the development proposes 38,292 sqm of gross floorspace, in an out of centre location. The development proposes 11% more floorspace than Swansgate Shopping Centre. Indeed, the total amount of retail floorspace in Wellingborough, including out of centre floorspace, is 48,473 sqm. The total amount of existing floorspace within Rushden, together with the proposed Rushden Lakes proposal would be 54,197 sqm. Clearly this is significantly more than the existing floorspace at Wellingborough, and other nearby sub regional centres.
- 6.54 The proposal would impact on Swansgate Shopping Centre. Due to its size and scale, it would severely undermine the long term future of the

Swansgate Shopping Centre to the detriment of future investment and local jobs. Policy 12 of the NNJCS (2008), outlines that retail development will primarily be directed to the town centres of Kettering, Corby and Wellingborough. The policy highlights that smaller town's such as Rushden will only provide a secondary focal point for development. With regards to Rushden the policy states that, only development of an 'appropriate scale' that is deemed to enhance the retail offer of the town centre will be supported. The proposal is contrary to Policy 12 of the NNJCS.

- 6.55 In terms of the sequential approach, the independent retail report submitted with the planning application alleges in paragraph 33 that there are no other sites available in Rushden that are suitable to accommodate the application proposal. She strongly disagreed with this statement. Policy 12 of the NNJCS, outlines that a sequential approach must be followed with preference given to edge of centre locations and then to existing retail centres. If there is a need for additional retail floorspace within Rushden then disaggregation of that provision should be made around Rushden town centre to boost its performance, rather than the creation of a standalone out of centre development, which would be contrary to national and local planning policy.

Thom Collins (Rushden Resident)

- 6.56 He said that he was a member of The Skew Bridge Country Club, where one could dine and have an enjoyable walk around the lake watching the wildlife. He referred to the A45 Skew Bridge roundabout which he said is very dangerous at present and which would be improved by LXB. When it has been completed it would allow the Northampton Road modification, which would save local traffic using the roundabout from Rushden to Higham Ferrers and Higham Ferrers to Rushden. He supported the erection of a footbridge over the busy A45 dual carriageway so that local residents could cross safely and the proposed repairs to the River Nene Bridge, which no longer has a crossing surface. He fully supports the development.
- 6.57 The Government wants Councils to promote growth in order to get the country out of recession. Rushden, with the help of ENC, is actively trying to do this and the Rushden Lakes scheme would go a long way to help with the creation of some 1,700 new jobs. This would stop young and talented individuals from moving away from Rushden and help to boost the local economy. He supports the scheme as it ticks the boxes in terms of job creation as well as encouraging people to take more exercise by providing pedestrian links to the nature reserve, leisure and shopping facilities. He has attended all of the Rushden Lakes Public Inquiry sessions, at Thrapston and has not heard any clear evidence that should prevent the project from being accepted. He is very disappointed by the reaction of other Councils within the region who have demanded a Public Inquiry. ENC has not objected to the growth of other areas, so he is saddened that other

Councils feel the need to object to growth at Rushden Lakes. This proposal is both wanted and needed.

Councillor David Jenney (ENC and Rushden Town Council, Mayor of Rushden, representing Wellingborough and Rushden Conservative Association)

- 6.58 Cllr Jenney said Rushden and its hinterland lost its boot and shoe industry gradually in the late 1980's which resulted in approximately 6,000 job losses. There was no dramatic here today, gone tomorrow decision that would attract Government support, as in Corby. Instead there was the general drip of firms transferring to cheaper labour markets out East. Following this loss, this part of Northamptonshire experienced extremely high levels of new housing. The Barrington Road, Greenacre and Meadow Sweet estates totalling some 8,000 people were all being developed as the industry fell into decline. To be clear 6,000 jobs lost and 8,000 more people. Consequently the town very swiftly moved from being one with an industrial base to being a dormitory depending upon other towns to supply jobs for its population. In North Northamptonshire the ratio of homes to jobs is broadly neutral in Corby, Kettering, Wellingborough and the Rural North of East Northamptonshire. The area particular to this Inquiry Rushden, Higham, Irthlingborough and Raunds, has 50% less jobs than homes.
- 6.59 Kettering has done well off the back of the soon to be widened A14. Corby has had massive Government support over the last 20 years. Government policy is to build more houses, which is fully supported. Rushden has recently been designated as the first Growth Town in East Northamptonshire with the possibility of a SUE of 2,000 houses being built. Add to this the increased population as a result of WEAST, due to commence on site shortly and in Irthlingborough, Raunds and Rushden there will be a further 10,000 homes built by 2031. This equates to building another town the current size of Rushden in 18 years. Rushden Lakes would be no more than 4 miles from any of these dwellings. Now that is fine, so long as the necessary employment opportunities are also created. The privately funded Rushden Lakes scheme would assist in that process as well as creating leisure and shopping opportunities for this massively enhanced population. Rushden Lakes would be a key driver for regeneration.
- 6.60 The Rushden Lakes scheme would be complementary to Rushden High Street. The sizes of the modern shops provided would contrast sharply with the small units provided by our forefathers in the early 20th Century. These shops are full of character and provide, and would continue to provide, the opportunity for both niche markets and local shopping. The shops on the High Street are owned by a myriad of landlords, many of them absentee owners, as on any High Street. In the last 20 years the only really significant retail developments have been at Crown Park (Waitrose and Wickes) and Asda all of which have been outside the Town Centre.

Consequently the Town Centre retains its original Victorian plan. Existing shops in the High Street are just not large enough to attract national companies to the area and therefore local people are forced to travel to either Milton Keynes or Peterborough to find large modern stores, not Northampton or Kettering. The advent of Rushden Lakes would ameliorate this need and therefore be a much needed sustainable development for East Northamptonshire. The people of this area desperately want this deliverable scheme to proceed and it should be recommended for approval.

Andrew Scarborough (Wellingborough Borough Council)

- 6.61 Cllr Scarborough made two key points in support of the proposal. First, he said that the proposal has the strong support of Councillors of all parties at WBC. The current plans for Rushden Lakes are of very considerable strategic importance for the future prosperity of Wellingborough. If this project is successful it would bring significant benefits in terms of job opportunities for local people both during the construction period and even more once the site is open. It would also broaden the range of jobs available in the local economy which is overly dependent on warehousing and distribution. These benefits are of particular importance at a time of austerity and public spending cuts. Wellingborough is steadily losing jobs and local people are seeing significant reductions in their standard of living. This proposal has the potential to make a real difference to the lives of many local people and it is undoubtedly worthy of support.
- 6.62 Secondly, the plans to bring Rushden Lakes back into productive use after years of dereliction would also provide a much needed stimulus to WBC's long-standing plans to develop the area of WEAST. This is a large mixed use scheme and forms a major part of the overall strategic approach to bringing new homes and jobs to the Borough. Its progress has been greatly slowed by the recession and the development of Rushden Lakes, in a location very close to and easily accessible from WEAST would radically improve its attractiveness as a place to live and work.

Andrew Langley (Chair) Destination Nene Valley Partnership

- 6.63 Mr Langley said that the partners include the Wildlife Trust, the Environment Agency, River Nene Regional Park and the Rockingham Forest Trust, as well as the County, East Northants and Wellingborough Councils. The project has widespread support and seeks to develop the brand of The Nene Valley on a national basis, to drive visitor and tourism interest, whilst protecting and enhancing the natural environment. The Rushden Lakes development is a perfect example of how one can manage growth and yet improve wildlife maintenance. The visitors that this development would attract, would provide a major boost to stakeholders, be they boat hire companies, restaurants, B & B's, country parks and farm shops.

- 6.64 About one mile away would be a new Roman heritage site, Chester Farm, which is an archaeological find of national significance, which the County Council plans to develop into a visitor and educational attraction. To have Rushden Lakes so close and accessible via cycle paths along the corridor of the Nene River would be amazing. Cycle paths and walkways are an integral part of the vision. The proposed Greenway extension would integrate into the adjacent Bovis Homes development of 3,000 houses at Stanton Cross in Wellingborough. A "Boris bike" type hire scheme, with bike racks at key sites including Rushden Lakes, fully connecting the Nene Valley and its communities, is one of our aims.
- 6.65 Mr Langley said that the vision that has been adopted is essentially the Green Infrastructure chapter of the County Council's "Arc Strategy", which recognises the importance of sustainable growth. The Rushden Lakes development with the Wildlife Trust management does this in spades, ensuring that the site becomes an environmental haven, as well as a vitally important economic hub, actually improving what is there currently. This development is so much more than a retail park. It offers connectivity to the entire Nene Valley, it offers massive spin offs for tourism and helps put the Nene Valley on the map.
- 6.66 The concerns about this proposal appear nothing more than an over exaggerated fear of competition. A terrible message would be sent to the good people of East Northants if their interests and mandates were overruled by their neighbours. To deny such an economic boost to this area, denies East Northamptonshire the ability to build and determine its own future. It would be a travesty and an unprecedented political sleight to an entire community, that would feel abandoned, isolated and without worth. The case for granting planning permission for Rushden Lakes is overwhelming. This development should be allowed to proceed unhindered and without undue interference from those that do not live in the area.

Gill Mercer (Rushden Town and East Northants Councillor)

- 6.67 She spoke as chair of two Twinning Associations: the Higham Ferrers/Raunds Twinning Association, which is twinned with Hachenburg in Germany and the Rushden Association which is twinned with Loreley in Germany. She explained the difficulties in accommodating guests from these areas due to the lack of hotel beds in Rushden, Higham Ferrers and Raunds. The Rushden Lakes proposal includes a hotel and conference centre which would be a huge advantage. Visitors could spend a whole day at Rushden Lakes, shopping, eating, exploring the lakes and watching the wildlife. The East Northants Tourism Strategy puts Rushden Lakes at the heart of its economic strategy. Key to it is increased participation in active recreation. Rushden Lakes would encourage walking, cycling, angling, bird-watching and boating. It would be a top quality wildlife and leisure destination, drawing in tourists and encouraging day visitors to stay longer, thus boosting visitor spend. A hotel would also

assist business growth. Rushden Lakes would be a tourist attraction in its own right. Visitors would stay in the hotel and spend money in the Nene Valley. The extra footfall would make a hotel viable and facilitate growth in the local economy.

Alyson Alfree (Rockingham Forest Trust/Stanwick Lakes)

- 6.68 She said that the Rockingham Forest Trust is a Northamptonshire-based environmental charity. One of its primary activities is to run a visitor attraction at Stanwick Lakes as a social enterprise which is also managed as a nature reserve. With the support of Local Authorities including ENC and NCC as well as lottery funding and many private trusts, the Trust has been connecting people and places for nearly 20 years. Rushden Lakes would be a neighbour to Stanwick Lakes which would be wholeheartedly welcomed. Stanwick Lakes has become a very popular family tourist attraction bringing in visitors from all around the region, especially in the summer months. There is a commitment from the authorities to support the growth of tourism and it is clear that this proposed development would encourage a great many people to explore the wider area.
- 6.69 Whilst Rushden Lakes itself is a very pretty site it sadly has sat empty, inaccessible and open to anti-social behaviour for far too long. Opening it up to the public would see it become a gateway to the wider region. Rushden Lakes is complementary to Stanwick Lakes, not competition. The developer has already met with the Trust and discussed using the Rushden Lakes site to promote special events hosted at Stanwick Lakes, as well as providing information about the SPA status for the important wildlife in the Nene Valley. The developer has also confirmed that outdoor or indoor adventure play equipment for children would not be included in any of the plans and therefore it would not be in direct competition with Stanwick Lakes. She fully supports the project.

Debbie Jackson (Canoe England)

- 6.70 She said that Canoe England, the National Governing Body of Canoeing, one of forty six NGBs funded by Sport England, a non-departmental public body who receive funding under the Department for Culture, Media and Sport. Rushden Lakes has the potential to be a site of national significance for Canoe England as it would greatly increase the number of people going canoeing. The strategic objectives of Canoe England include: to increase regular participation; to be internationally successful; to create more and better places to paddle and to raise its profile. All of these would be realised by the development of Rushden Lakes as a water sports venue.
- 6.71 Rushden Lakes would offer something new to this part of the country and would be a huge boost for tourism. Successful examples of this include partnership working with local businesses and The Wildlife Trust, including

bat spotting, canoe tours and dawn chorus trips that enable people to appreciate the natural surroundings whilst participating in this much loved sport. Rushden Lakes is in a similar situation now to another site. In late 2007 the Yorkshire Region of Canoe England successfully completed negotiations with developers for a lease of the former Wath Lake at Manvers, in Rotherham, plus an area of land to enable the erection of a boat house.

- 6.72 Manvers Waterfront Boat Club is now a sustainable multi-water sports centre situated on Manvers Lake, it specialises in water sports, with canoeing being at the heart of its activities. The centre works in partnership with Canoe England and local partners such as the Environment Agency, the Carbon Trust and local educational establishments to be a haven for the community. The site now offers canoeing and kayaking along with triathlon, running, open water swimming, windsurfing, sailing, fishing, model boating, sub-aqua, biking and wildlife conservation catering for community groups from Duke of Edinburgh to the Universities and therefore has shown sustainability. Rushden Lakes could follow suit. Rushden Lakes would be a key site in driving participation in this sport and Canoe England fully supports this proposal.

Richard Nelson (Canoe2)

- 6.73 He said that Canoe 2 is a Northamptonshire-based holiday company offering short breaks on the River Nene. It expects to provide upwards of 3,000 people with canoeing trips this season. Canoe2 has held discussions with the Applicant in relation to Rushden Lakes. If the project is granted permission then Canoe2 would be able to take on the running of the boat house, using it as the new operational headquarters for the company, resulting in increased exposure and giving more people the opportunity to discover the wonderful River Nene Valley. Canoe2 would be legally obliged to offer community and youth groups such as the Sea Cadets and the Scouts the opportunity to use the facilities free of charge as part of the agreement for taking on the boat house. Canoe2 is really keen to take on that responsibility and introduce a whole generation of people to the glorious waterways on our doorstep. The new boat house meets the needs of Canoe2 perfectly; it is carbon-neutral which is good for the environment and it would be a great place for the company to grow.
- 6.74 Canoe2 is supported through the Rural Development Programme for England, which is jointly funded by DEFRA and the European Union, receiving £105,000 over 3 years from a fund to boost economic activity in rural areas. Boosting tourism in this area is a real priority because of the money it brings into the region, benefitting many other businesses and not just Canoe2. Waterway-based leisure is an increasingly valuable part of the tourism and leisure economy and this development would broaden the region's offer to visitors and create better links through its Blueways with the River Nene.

- 6.75 He said that canoeing trips of between 2-5 days are crucial to the business model. Canoe2 has been able to attract hundreds of new visitors to stay overnight, with an expectation of 1,200 overnight stays this season within the Nene Valley. A hotel at Rushden Lakes would give customers the opportunity to stay over before they start their river trip. Indeed the importance of canoeing and kayaking specifically to the region was demonstrated recently when the Environment Agency spent a six-figure sum installing canoe platforms at most of the 40 locks on the River Nene to make it easier and safer for canoeists to negotiate the river. Feedback from accommodation providers and pubs along the river confirms that, by bringing tourists in, their business is increased.

Tony Knott (Scouts)

- 6.76 Mr Knott supports the proposal both personally and on behalf of Scouting in Northamptonshire. The development would provide an opportunity of extending water activities throughout the County and in Nene Valley (East Northants), Wellingborough and Glendon (Kettering and Corby) Districts in particular. Scouting exists to actively engage and support young people, aged 6 to 25, in their personal development, empowering them to make a positive contribution to society. A balanced programme is provided but most join predominantly to take part in outdoor and adventurous activities and if these opportunities are not provided and maximised young people do not stay.
- 6.77 The Rushden Lakes site is unique. It is currently inaccessible. This proposal would provide: increased opportunity for water based activities including kayaking, canoeing, sailing, rafting, bell boating; increased opportunity for conservation activities and understanding of the importance of preservation of our natural environment; use of a boat house, boat storage facilities and a meeting room free of charge. A permanent purpose built facility would enable the Scouts to arrange formal activity training courses both for young people and adults which is not easy to do when activities are arranged on an ad-hoc and logistically difficult basis. The scheme would open up an empty site on private land for young people to enjoy. Scouting develops young people both individually and as team members and gets them outdoors and engaged in physical activity. Rushden Lakes would give more young people the opportunity to take part in adventurous and exciting water activities.

John Webb (Sea Cadets)

- 6.78 He said that the Sea Cadets is a voluntary youth charity sponsored by the local community and the Royal Navy. The Sea Cadets is open to young people between the ages of 10 and 18 years regardless of their background and has a membership of about 14,000 Cadets nationally. In Northamptonshire there are currently two Sea Cadet Units, one in Northampton and one in Kettering, staffed entirely by adult volunteers. In 2005 the Northampton Unit having

grown to well over 100 Cadets expanded into East Northants and set up a Unit in Rushden which has a membership of 25 young people.

- 6.79 The Sea Cadets aim to help young people into responsible adulthood using a naval theme promoting nautical adventure and fun. Often people come from some of the most deprived areas in the local community and many struggle academically. Activities are primarily waterborne, provide self reliance, confidence and teamwork. The aim is to get young people active and experiencing new activities, whether that is paddling a canoe or participating in a Tall Ships Race in the Channel.
- 6.80 The LXB development would offer the Sea Cadets a valuable local resource to get local young people afloat and active. This facility would be used to get young people to appreciate the environment and enjoy an active lifestyle, whilst being watched by the local community. The LXB development would also offer a safe environment for activities and to store equipment. The Sea Cadets are positive supporters of the LXB scheme.

Maurice Weight (Maritime Volunteer Service) (MVS)

- 6.81 He said that the MVS is a recognised national maritime charity and training organisation, a uniformed body of volunteers with more than 400 members in more than 30 Units around the coasts and estuaries of the United Kingdom. Each unit meets weekly for training which is put into practice afloat using a range of craft including sail, canoes, powerful RIBs,³⁸⁹ launches, dories, purpose made rescue craft and even offshore training ships. The aims of the MVS are: to train people in nautical and maritime skills; to assist at maritime events throughout the country; to provide a support emergency service both afloat and ashore in times of need; to train people in nautical and maritime skills; to form volunteer flood water rescue teams to support Northants Fire and Rescue in times of stretch; to support the local community and to educate young people in the hazards of natural waterways. The Rushden Lakes project would enable MVS to provide permanent accommodation for practical and theory training in Rushden. It would also offer a maritime experience to a whole range of vulnerable groups.

Councillor Helen Howell (Raunds Town Council)

- 6.82 She supports the development at Rushden Lakes. She said that there are very few local retail and employment opportunities for the residents of Raunds. She saw the main benefits to Raunds as: (i) increased choice for local people; (ii) improved quality of life; (iii) better bus services; (iv) the retail offer would not compete with local shops; (v) the development would bring new jobs to the area (vi) increased footfall in the area would help to

³⁸⁹ Rigid inflatable boats

regenerate the local economy; and (vii) there would be environmental benefits.

Councillor John Farrar (Irthlingborough Town Council)

- 6.83 He said that Northampton, Kettering and Corby have all had their vision and developments realised. Now it is the turn of Irthlingborough and East Northamptonshire to realise their vision for the future with Rushden Lakes. It would be the biggest, most significant and vital development for the area to date. This would not be just another retail park. It would be a leisure amenity, a garden centre, a marina, a site of scientific interest and a welcome facility for walkers and cyclists not only for the present generation but for generations not yet born. He fully supports the proposal.

Councillor Richard Lewis (Rushden Town Council)

- 6.84 He spoke for the 4 towns of Rushden, Higham Ferrers, Irthlingborough and Raunds. He highlighted the *gradual* decline in the shoe industry from the 1970s with consequent job losses well in excess of 6,000. He explained that Rushden and the adjacent towns desperately need commercial development and not just houses. He contrasted the Rushden experience with Corby where some 6,000 jobs were lost overnight but there was significant Government support at Corby and new industry was brought to that town. Compared to neighbouring large towns, Rushden has received no significant support to encourage new business growth.
- 6.85 He argued that changes in Local Government since 1974 have compounded the problem with the formation of ENC and the NNJPU. The population of the 4 towns is now greater than that of Corby or Kettering and is only 25% smaller than Wellingborough, but these 3 towns have nearly double the number of jobs per head of population. The Rushden Lakes development has almost overwhelming local support and for that matter support from many residents of the neighbouring large towns. The Rushden Lakes project would be the first major development in this area with real jobs growth. Many of the new jobs would be for younger people. There is much anticipation amongst young people for the potential that Rushden Lakes offers. He said that local jobs for local people are desperately needed.

Councillor Bob Nightingale (East Northants Council)

- 6.86 He said that the proposal had cross party support and that local residents wanted this development to happen. He referred to the wider community benefits associated with the project including the bridge, the water sports facilities and opening up the countryside. He thought the proposal would particularly benefit young people with lots of apprenticeship opportunities.

Councillor Tim Maguire (Borough Council of Wellingborough)

6.87 He said that all parties are united and squarely behind this development. The WBC was too slow to get behind this project and should have been an active supporter from the start. Wellingborough is a 21st century market town whereas Rushden Lakes would provide a completely different offer and the two complement each other. He said that those living closest to the site fully supported the development. He stated that he lived a quarter of a mile from the site in Irchester Ward and residents there have made it absolutely clear that they want this development to go ahead. He said the volume of support has been unlike anything seen before. People are ready to accept change because they can see quite clearly just how positive it is going to be for the area. He also referred to plans to build a multi-million pound heritage centre at Chester Farm – the site of an Iron Age settlement and a medieval town. He fully supports the Rushden Lakes project.

Andrew Hutchinson – Member of the public

6.88 Mr Hutchinson is resident of Raunds which is a small town off the A45 some 4 miles north east of the site. He said that towns flanking the A45 between Thrapston and Earls Barton are set to see a rise in population to 170,000 by 2020. He said that LXB realises that if the proposed development is to thrive it must contain retail, recreation, social and welfare activities. Products and services offered must be of the widest possible choice so reducing leakage to other towns and thereby saving local residents time and money. He produced figures of the likely savings in time, distance travelled and cost of travel in his submitted statement. He fully supports the development.

Councillor Andy Mercer (ENC Spencer Ward Councillor) and Rushden Town Councillor

6.89 He said that Rushden suffered massive decline when the shoe industry decayed away. The jobs at Rushden Lakes will help make up for that loss. Those workers would do much of their shopping locally, thereby boosting the local shops. It would also inject significant extra revenue into the High Streets of the neighbouring towns. The trade bodies in Rushden and Wellingborough support the scheme. Another major issue is that of tourism. It is a goal of ENC to exploit the tourism potential of the Nene Valley.

6.90 However, it currently lacks critical mass. Stanwick Lakes is a superb facility, but there isn't enough there to keep a visitor sufficiently entertained to stay for a whole day. Rushden Lakes would add an extra attraction, and consequently extend the average length of a visit and hopefully the average spend per tourist. The wildlife is another significant issue. At present, the Ramsar site and the SSSI are vulnerable. They need the protection that a managed site would bring. The wildlife includes over-wintering birds, a heronry, and a fishery. Red kites are regularly seen over the site and otters

are suspected to be present. Moreover, there have been unconfirmed reports of an osprey scouting the site.

- 6.91 The scheme proposes to widen the adjacent junction on the A45 trunk road, which would significantly increase its capacity. It would also fund a new road between Higham and Rushden. This would take some traffic off the A45 completely, and thereby relieve the A45 by a further small percentage. Over the last decade, logistics has driven much of the growth in the County's economy, aided by the County's position at the centre of the country. However, any congestion at junctions within the County would diminish its attraction for logistics companies, for whom journey time is money. By reducing congestion, Rushden Lakes would feed the County's future growth.
- 6.92 Rushden Lakes was once the site of a popular social club, and the foundations are still visible. The site was a valued and well-connected part of the Town. Indeed, the nearest home is just over 250m from it. From Rushden's ASDA to Rushden Lakes, is less than a 1km, via Northampton Road and the Hayway. These roads are used by children attending the school. Moreover, these distances are walking distances. This scheme would bring many benefits to the local community and the local economy. They are significant, demonstrable and deliverable. Rushden Lakes would deliver jobs within a year. Many recent retail schemes in Northamptonshire have been opposed, and some forced elsewhere (e.g. IKEA). If Rushden Lakes is refused planning consent, it would be the final straw. It would tell the development industry that Northamptonshire is not a "safe" place to invest. Investor confidence would be severely damaged, and that would make both growth and regeneration extremely challenging. This scheme should be approved.

Lorna Wilshire (Rushden Town Centre Partnership)

- 6.93 She said the aim of the Rushden Town Partnership (RTP) is to help improve trade and invigorate businesses in Rushden. RTP want to forge and develop links between the people and businesses as well as between businesses, aiding the growth of creative ideas in the town and making it a more attractive place to visit. A big part of RTP's mission is to encourage people to stay local when shopping, by making things easier and more accessible for them. Rushden Lakes is key to meeting the demands of the growing Rushden population. This is a thoroughly enticing and modern way to extend the town and to provide efficiently for the residents by dramatically increasing the choice available to local consumers. The existing town and Rushden Lakes would complement each other.
- 6.94 She said that if the Rushden Lakes goes ahead, it would help different businesses at various stages. This development would encourage new businesses to be set up thanks to the advertisement it would provide, it would help businesses to grow thanks to the footfall and it would boost struggling businesses thanks to the increased number of visitors. As a result

not only would Rushden Lakes help the job market directly but also indirectly in the town by invigorating local businesses. Rushden Lakes would be a very large advertisement for the town; Rushden would benefit enormously from being put back on the map.

- 6.95 There is a real and immediate need to have a Town Centre Manager. There are many traders who would greatly appreciate the added support, advice and guidance of a Town Centre Manger. Communication between businesses plays a huge role in the success of Rushden functioning to the best of its capability. The Town Centre Manager would support and aid this important network. The fact that this position would come about thanks to Rushden Lakes would be another enormous help to the town. The visitor's centre would also be a formidable platform from which local traders could promote their businesses. The RTP believe that Rushden Lakes would help restore the faith of local people in this town. This project would cement the town and community together. It would make Rushden a proud place in which to live.

Alan Piggott (Wellingborough Chamber of Commerce)

- 6.96 Mr Piggott said that the Wellingborough Chamber of Commerce is fully committed to supporting Rushden Lakes. The Chamber does not think that there would be a major impact on Wellingborough town centre trade. The redevelopment of Wellingborough town centre is now unlikely to include any major retail redevelopment, in the medium or longer term, either on Church Street, (as Tresham is staying where it is) or as an expansion of the Swansgate Centre (as this is in receivership and there is currently no owner). The strategy for Wellingborough High Street should be around independent retailers, its heritage and as a service centre - which is what WBC are pursuing. This is more complementary than competing with Rushden Lakes.
- 6.97 The Chamber is very keen to encourage job creation both in the construction phase and for the longer term retail jobs that would be created by this exciting project. Wellingborough has a high unemployment rate, especially in the age range 18-24. Job creation, especially for the younger age groups is essential to the wellbeing and future of the area, so opportunities aligned to construction and access to an apprenticeship scheme, which would be developed, would be vital for young people.
- 6.98 The presence of Rushden Lakes should also help to attract home buyers and increase demand for housing and thereby stimulate delivery of some of the stalled applications, as better facilities would be on their doorstep. Wellingborough has over 6,000 consented houses which could be developed, but 2 major urban extensions have stalled due to weak market demand and viability issues. The town centre has failed to attract the interest and investment required to ensure its redevelopment as envisaged by the Council's AAP and the Chamber considers that this opportunity has now been lost. However, the Chamber is supportive of convenience/food retailing taking

place in the town centre and this may still be a possibility. More businesses would potentially be attracted to locate in the Wellingborough/Rushden area as it becomes more sustainable and better able to provide for the needs of their workforces.

- 6.99 Local residents in the past have had to look to Northampton and Milton Keynes to fulfil some of their shopping needs. Wellingborough has a strong town centre but a limited range of national and multiple stores particularly for fashion retail. Having Rushden Lakes close by would provide a greater choice and limit the distance that people would need to travel to access these facilities. Mr Piggott referred to a letter recently published in one of the local newspapers which he believed sums up the strong feelings about this project. It said 'Northampton, Kettering and Corby have had many years of growth and many years to make sure their towns are what shoppers want. So along comes Rushden Lakes and all of a sudden all three are running scared!' Northampton had the massive opportunity to have IKEA but declined it and therefore lost a golden opportunity to Bletchley/Milton Keynes. There is now a wonderful opportunity to have a major facility that would stop money being lost to towns such as Milton Keynes and Peterborough. This new shopping opportunity would improve the area and bring much needed prosperity for many years to come.

Harry Graham MBE (Rushden Pensioners' Forum)

- 6.100 Mr Graham said that there is no doubt that this important development would improve the health and well being of local residents in Rushden and the surrounding district, especially for older people. Leisure facilities in Rushden are not generous but this scheme would provide the opportunity for pleasant walks amongst wildlife trails encouraging people to be fitter and healthier. This is very important for older people and should be actively encouraged. To have this facility on the doorstep of Rushden would ensure that it is well used and easily accessible.
- 6.101 These proposals would also bring a much-improved public transport service ensuring that older people would be able to get out and about. The town currently has a very poor bus service and is only available from 1000 to 1500 hours Monday to Saturday. This often leaves people stranded and does not encourage movement due to the limited hours of operation. There is no current bus service to Northampton on Sundays. The new bus service would be a big improvement and would link the town with this new development. Rushden Lakes is not an out of town planning proposal but it would be an integral part of the renewal of leisure and shopping facilities in Rushden. The opportunity to greatly improve our environment at all levels should not be missed. Rushden Lakes is part of the vision to meet future needs.

Jack Spriggs (Rushden Town Councillor Hayden Ward/Young people in Rushden)

- 6.102 Mr Spriggs is in favour of Rushden Lakes. He is the youngest Councillor in the country. This gives him the chance to give a young person's perspective on this development which he believes is going to be crucial to his generation. The people he is speaking for are his generation, the hardworking young people of Rushden and North Northamptonshire. The current economic climate has made it difficult for anyone to secure full-time employment.
- 6.103 In Rushden this summer hundreds of people are going to be leaving school. Leaving school at 16, finishing education at 18 and coming back home after completing university. Of course people can stay at school or go on and get further training, or if can even go to university. But sooner or later each and every one is going to need to get a job and jobs in East Northamptonshire are few and far between right now. It's the choice of either sitting at home and trying to get a job somewhere in the local area or having to accept that there is nothing and looking further afield to Leicester, Birmingham or London.
- 6.104 Rushden Lakes would provide a chance to change that. It would have a massive impact on the hardworking young people in the town. The 2,000 jobs that would be created simply cannot be ignored, and a large number of those jobs would go to people in East Northants, in Wellingborough, and even in Northampton. It is not just the jobs that the scheme would directly create. Even if working in a garden centre or clothes store isn't for everyone, with that much more money and employment in the town it's bound to have a big impact on the area as a whole. Local people aren't going to have to go off anywhere else to spend their money so it has to boost the local economy that in turn is going to create all kinds of jobs in other sectors. This scheme should be approved because it is unequivocally important.

Helen Danzig (Yes 2 Rushden Lakes)

- 6.105 She said that she was a Rushden homeowner and housewife who feels very passionately about Rushden Lakes. She became involved in this campaign and started the Facebook page because she was compelled to do something as she felt so strongly about the fact it was being challenged. Since setting up the site in mid February there have been over 2,100 likes and 1,000 comments; all are encouraging Rushden Lakes to happen. People in Kettering and Northampton are also supportive. This proposal would encourage growth, jobs and hope for all of Rushden and the surrounding towns. Northampton built Riverside which has since been extended and this did not endanger their shopping centre.
- 6.106 She said that Rushden Lakes would not have any impact. If people don't want to shop in Corby they would go to Peterborough and Northampton people would go down one junction on the M1 to Milton Keynes rather than come to Rushden. She said that she wanted the best for the town and her

children and dreams that one day her 6 year old daughter may get married at the hotel that would be built. She visualizes children riding their bikes down to the Lakes and spending the day there and meeting up with families for dinner or shopping. She said that she had 2 young children and wanted a better future for them as well as all of the other children in the area.

7. WRITTEN REPRESENTATIONS FROM INTERESTED PERSONS

7.1 The written representations from interested persons submitted in the context of the Council's consideration of the application are summarised first³⁹⁰ following by those submitted as a result of the SoS's Direction to call-in the application.³⁹¹ It is not intended in this section to describe in detail all aspects of the written representations which have been submitted. The comments in the following paragraphs are intended to outline the material points of concern rather than provide precise descriptions of every issue raised. If readers wish to follow up certain written representations in more detail then they should refer to the consultation responses, the documents at C1-C21 and the blue folders which comprise document INQ2. All written representations and responses have been taken fully into account in my conclusion and recommendation.

Representations at the planning application stage

7.2 There were 30 responses from the general public with 23 being in favour of the application. The reasons expressed for supporting the proposals are summarised in the following bullet points with some comments reproduced.

- 'A great asset to our Town, Jobs, Jobs, Jobs yes please'.
- A boon for the area. Rushden has suffered from a lack of investment and this is an opportunity to right that wrong. Objections from Kettering and Northampton should be ignored.
- 'This is major investment in our stagnating area. Please, please, please make this go ahead. Jobs, things to do and what we all need more than anything - stimulation of the economy'.
- 'There has been a great deal of house building over the last ten years and local amenities have not kept up. I appreciate concerns over the impact on local high streets but I think this is a great opportunity to improve what is currently an eyesore and a dumping ground'.
- 'It is not fair that the shoppers of Rushden have to travel so far to use the large chain stores. At least this will give us Marks & Sparks. Maybe others will follow'.
- Prospect of 1,500 jobs can only be a good thing, use of the land will be good as currently derelict.

³⁹⁰ See Docs C1-C21

³⁹¹ See INQ2

- Support for development to stimulate stagnant economy, if planning approval given it would be worth considering a provision that a certain number of apprenticeships are generated by the main contractor and a certain percentage of the main contractor's supply chain is procured from within a radius that covers the East Northants area.
- Will provide much needed jobs and financial stimulus for the area, reduce CO2 emissions
- By reducing the need to travel distance for shopping, remove an eyesore from the landscape and reduce anti-social behaviour and illegal use of motorbikes on this site.
- 'Improved shopping to people living in our area' ...'The improvement to the infrastructure in the area.'
- Support for the application to kick-start regeneration but concerns about the access onto the A45.
- Rushden Historical Transport Society has no objection to the planning application in general but a corner of the suggested garden centre cuts across the route of the disused Wellingborough to Higham Ferrers branch line, we would ask that this is revised on the plan to leave it clear so that this line could be reinstated as and when future transport requirements necessitate.
- 'I am glad to see that the plans use the natural assets of the area i.e. lake, woods, etc but would ask that the foot bridge access is made mandatory in line with the emphasis on access for all.'
- The proposals will recapture back to the County significant retail leakage, be a central hub supporting the "Destination Nene" inward investment priority. Make a major contribution to the protection and understanding of the SPA, provide new net jobs to match new housing, reduce out-commuting, reduce CO2 and save on travel-to-work costs. It will in the shorter term provide construction jobs and support "construction skills". It will directly support Rushden Town Centre through contributions to a new Town Centre Manager; enhanced bus services and more footfall.
- 'I believe the development is a long overdue addition to the area. East Northants sadly lacks this kind of retail/leisure experience.'

7.3 There were 7 responses which were which were against the application. The main reasons cited for objecting are summarised below.

- Impact on small businesses in Rushden and High Ferrers – 'This development will in my opinion be the death of Rushden and Higham small businesses. The already decimated High Street is in danger of becoming a ghost town.'
- Wellingborough Traders Group objected as they felt that this would harm Wellingborough Town Centre, at a time when Government policy is supporting town centres. Concerned about loss of larger retailers from Town Centre and impact on independent retailers and displacement effect of jobs.

- The area has been re-colonised by otters, a large heronry has been established on the eastern edge of the ski lake, and the Cettis Warbler has re-established itself in the area. Increased noise, light pollution, boat traffic and visitor numbers will degrade the wildlife habitat.
- 7.4 A number of petitions were submitted to the Council in support of the proposal. Cllr P Whiting from Higham Ferrers submitted a petition on 6 June 2012 which was circulated for 2 weeks around the stores and retailers within Higham Ferrers. A total of 562 people signed the petition. Mr Roger Clarke also submitted a petition to Higham Ferrers Town Council dated 27 May 2012 and forwarded to the Council in support of the development citing that this would be both good for Higham and Rushden having facilities on the doorstep and not having to travel further afield. A total of 114 people signed this petition. Sean Lever submitted a petition with 491 signatures and comments in support of the proposal and a further petition was submitted from Cllr Hobbs on 16 August 2012 listing 79 people in support.
- 7.5 There were a number of responses from neighbouring authorities and relevant organisations. Several of these responses refer to the marina and lock elements of the scheme which are no longer a part of the proposals. The reader should refer to the Council's Committee Report dated 10 October 2012 for details of these responses.³⁹² Irchester Parish Council was generally in favour of the application but concerned about increase in traffic through the villages of Irchester and Little Irchester and effect on the wildlife of the valley.
- 7.6 The Wildlife Trust was concerned about the potential conflict between the proposed footpath networks and the access arrangements for the public and maintenance but was supportive of areas of wild flower meadow within the scheme and the commitment from the developer for the on-going maintenance of these areas. The Northamptonshire Police raised no formal objection to the application subject to a number of conditions. Natural England was broadly satisfied with the mitigation details subject to a more detailed Access and Habitat Management Plan and a Construction Management Plan.
- 7.7 WBC raised no objection to the application but made the following comments: (i) the s106 to contribute to mitigation measures for Wellingborough Town centre (ii) improved public transport from Wellingborough (iii) improved footpath and cycle access along the Nene Valley, in particular including links to Chester Farm and the proposed development at Wellingborough East (Stanton Cross) (iv) training and apprenticeships. CBC objected on the basis that: (i) the sequential test is flawed; (ii) the amount of floorspace proposed is comparable to that

³⁹² See B14 pages 9-15

- identified for the whole of North Northamptonshire; (iii) the sub-regional scale of the development does not accord with local or national policy and (iv) the retail impact information supporting the application is flawed.
- 7.8 KBC objected to the application on the grounds that the proposed development is unacceptable in principle. There is no development plan support for the proposal in an out of town location at Rushden. The application has failed the sequential and impact tests and therefore the NPPF directs the application should be refused. NBC strongly objected to the application. It was concerned that the Applicant has not undertaken a proper retail impact assessment in regard to the impact of the scheme upon Northampton Town Centre and Weston Favell District Centre or an adequate sequential assessment of alternative sites. Concern was also expressed that an out of town, unallocated, retail development of a sub-regional scale at Rushden Lakes had the potential to significantly impact upon the vitality and deliverability of well advanced plans for the redevelopment of Northampton Town Centre. These comments were submitted as a holding objection until such time as a proper retail assessment, including full sequential analysis, had been carried out. NBC considered that the application should be refused.
- 7.9 Higham Ferrers Town Council wholeheartedly welcomed and supported the application. The Council recommended approval but made comments about a number of matters including concerns about improvements to the Skew Bridge roundabout, the need for a footbridge across the A45 and the impact of the development on Chowns Mill roundabout. Bedford Borough Council objected to the proposals on the grounds that the development would be sub-regional in scale and would impact on the trade of Bedford Town Centre and could prejudice planned investment in Bedford. As the proposal was not in a town centre and was of a scale that would be detrimental to existing higher order town centres in the wider catchment the application should be rejected.
- 7.10 Rushden Town Council supported the application as it would bring employment to Rushden and boost the local economy. Also the site has SSSI status and this would encourage additional tourism and leisure pursuits which would help the local economy. The Council considered that a footbridge would be required as part of the scheme to link the site to the town, this should also link to the current 'Greenway'. A number of issues were raised about the provision of a Town Centre Manager and public transport access to the site.
- 7.11 NCC Waste Planning Authority and the Environment Agency requested additional information. NCC Highways expressed a number of concerns on matters relating to trip rates, local road assessment, the A45 Skew Bridge Roundabout, the Chowns Mill Roundabout, public transport, foot/cycle bridge and the service road. The Highways Agency issued a TR110 Holding Direction on the grounds that insufficient information had been provided in support of the application to ensure that the A45 trunk road continued to serve its purpose as part of the national system of routes for through traffic. West

Northamptonshire Development Corporation objected to the proposal on the grounds that it did not conform to the NPPF or the development plan and would potentially impact on the planned existing and committed public and private sector investment within Northampton.

- 7.12 There were objections from other commercial interests. CBRE Britannica Fund (Swansgate Shopping Centre, Wellingborough) strongly objected to the proposals on the grounds of the quantum of development and its resultant impact on Wellingborough town centre. It was argued that the proposed development (approximately 38,292 sq m of retail floorspace) was some 11% larger than the total retail capacity of the Swansgate Shopping Centre and was akin to the creation of a new town centre. Being close to Wellingborough it had the potential to severely undermine the long term future of the Swansgate Shopping Centre. It was claimed that that this was contrary to the objectives of Policy 1 and Policy 12 of the adopted NNJCS. Furthermore, it was stated that where there is an identified need for retail development the sequential test must be followed with preference given to edge of centre and then existing retail areas which are well served by public transport. If there is additional need for comparison retail floorspace it is stated that this should be delivered through disaggregated provision within Rushden town centre. The issue of potential job losses in neighbouring centres was also raised. It was requested that the Council should refuse planning permission.
- 7.13 Legal & General (Grosvenor Centre, Northampton). Drivers Jonas Deloitte on behalf of Legal & General objected to the proposals and supplied an addendum report to the original objection setting out the further points of objections. Significant concerns were expressed about the principle of the Rushden Lakes proposals being a substantial amount of retail floorspace in an out-of-town centre location. There was also a concern that it would draw considerable amounts of trade and shoppers from existing town centres in Northamptonshire undermining current and future planned investment within these centres. They requested that planning permission be refused.
- 7.14 PR Kettering Ltd (Newlands Shopping Centre, Kettering). Ellandi, on behalf of PR Kettering Ltd, referred to the NPPF and its commitment to promote competitive town centres and the need for LPAs to apply a sequential test and impact assessment for developments containing main town centre uses that are not in an existing centre. It was argued that the application was contrary to the development plan and failed to undertake a satisfactory assessment of sequential sites and also underestimated the impact of the development on existing town centres. Overall, it was stated that the proposal was of an inappropriate scale and would lead to significant cumulative impact on a number of centres, notably Wellingborough and Kettering and would prejudice planned investment in those centres. It was requested that the application be refused planning permission.

- 7.15 Helical (Corby) Ltd (Corby Town Centre). Jones Lang LaSalle, on behalf of Helical (Corby) Ltd, objected to the proposals stating that the application was flawed and should be refused on the following basis;
- The application failed the sequential approach – it was contrary to local and national policy.
 - The proposals would have a significant impact on town centres – affecting the vitality and viability of the town centres in North Northamptonshire by creating a competing out-of-town centre that would strengthen the draw away from the town centres.
- 7.16 Ropemaker Properties Ltd (Riverside Retail Park, Northampton). Turley Associates, on behalf of Ropemaker Properties Ltd, raised strong objections to the proposals particularly the scale of the retail element which it was argued would draw trade away from existing centres and impact adversely on their vitality and viability. It is claimed that there was limited need for this development and that there was sufficient capacity to accommodate additional comparison goods retailing within existing centres without developing Rushden Lakes. Therefore, the proposals fail to satisfy the sequential test. It was argued that the proposal being of such a scale would significantly impact existing trade within surrounding centres and their investment. The proposals would become a regional destination drawing trade from Northampton and its catchment adversely impacting on accessible services and facilities in the town. It was concluded that the proposals were contrary to the 'town centre first' approach of the NPPF and failed the sequential test and therefore the application should be refused.

Representations received following the call-in

- 7.17 Many of the representations made at the initial application stage were reiterated following the call-in and are summarised above. There were some 963 letters of support and some 17 letters of objection. In addition, there were several supporting petitions including one submitted by Cllr Sylvia Hobbs (80+) to demonstrate the strength of feeling of the people of Irthlingborough and one from the Rushden and Newton Bromswold Women's Institute (24). A further petition was conducted by Wellingborough MP, Mr Peter Bone through his "Listening to Wellingborough" initiative and was sent out to every household in his constituency. The petition slip asked residents if they "support the listening campaign for Skew Bridge/Rushden Lakes development and 2,000 new jobs for the local area". The responses showed overwhelming support for the scheme from the local community with only 5 people objecting. Since its launch in February 2013, to date the *Yes 2 Rushden Lakes* Facebook page organised by a cross-party community coalition has gained 1,664 followers. The *Yes 2 Rushden Lakes* Twitter account has some 183 followers. The leader of WBC submitted a letter giving full support to the project. Indeed analysis of the written representations shows overwhelming support of the scheme from the local community.

- 7.18 The opposition is primarily centred on letters from some local MPs, nearby Councils and individual owners or investors in shopping centres. Aside from this there is one letter from a Rushden-based optician and a letter from Wellingborough traders. No Chambers of Commerce objected to the proposals.
- 7.19 The most popular statement for support was jobs and boosting the local economy. Many people listed this as their main reason for supporting the scheme saying it would allow the town to prosper and would create flexible employment opportunities for young people and mothers hoping to return to work, as well as managerial positions. Another popular reason for support was the retail choice offered by the proposals. Many people were very keen to stress that they did not shop in Northampton or any of the other Boroughs listed in the objector's retail impact report. Many stated that they shopped further afield (e.g. Milton Keynes) and the Rushden Lakes scheme would allow them to save money on petrol costs and travelling time by being able to shop closer to home. A number of people also stated their dismay at the objecting Borough Councils seeking to block Rushden's growth when they have built their own developments of this sort. The objectors' primarily focused on retail impact, whether the suggested 2,000 jobs would actually exist, and the environmental impacts of the scheme.
- 7.20 Support for the proposal can be related to a number of themes:
- (i) Local Economy /Jobs
- Rushden Lakes development could be the catalyst for desperately needed and significant community renewal.
 - East Northamptonshire has become an area of warehouses, more giant warehouses, lorries and logistics. We desperately need new jobs that aren't warehouse jobs..... Most of these warehouse jobs are unsuitable for mothers who want to work. We need Rushden Lakes to bring new jobs into the area and boost the economy. We need part-time jobs in shops and the leisure industry for mums and older generations.
 - The local economy would inevitably receive a boost, something which must surely be encouraged. In the current times of austerity, the opportunity to develop Rushden Lakes with a scheme which has funding in place and is 'ready-to-go' must be given the go-ahead.
 - The Rushden Lakes development will be the most wonderful thing that could happen to the area, jobs for local people, pride and money to spend in the town and a chance to reinvent the area.
 - I am 13 years old and have lived in Rushden all my life. I love Rushden but I know that my sister, who is 16 years old has had great difficulty in finding a job. This development will bring new jobs to the area not only for Rushden people but for others in surrounding towns.
 - East Northants is a designated area for growth and many new houses are being built in the area. This needs to be supported with new infrastructure

and investment and, more importantly, jobs. I believe the new development would create work in the construction industry in the short term and jobs in the retail/leisure industry in the longer term.

(ii) Recreation/Connectivity/Leisure

- I have four children of my own who will be of an age where they will want to go out shopping or get weekend jobs around the time the Lakes development is due to be finished..... The nearest cinema is a 25 minute drive away in either direction or the nearest shopping area of any use is a similar distance away. We are stranded in Rushden with substandard facilities. Rushden Lakes would give Rushden meaning, purpose and bring life into the area.
- The Greenway is popular with dog walkers, joggers and cyclists and its expansion into Rushden Lakes will make Rushden a much nicer place to live.
- Bringing leisure facilities back here would encourage more outdoor pursuit from local people, increasing fitness and wellbeing.
- I have recently become a first time mum and think this project will help the town tremendously. To be able to walk with my son to a place like this and be able to buy him clothes and other supplies, for me and my husband to go out for a meal, and for myself and my other 'mum' friends to use the leisure facilities planned would be awesome.

(iii) Transport

- The area of the proposed development is currently unattractive, and the road is dangerous. We often go out of our way to avoid the roundabout near the site. People have died on the roundabout and it is a black spot locally for accidents. This proposal sees the road being widened and this roundabout being made safer.
- The improved bus services would also be funded by the section 106 agreement should also make transport between the Rushden Lakes and the town centre easier for many people, allowing residents without cars to get to shops/work much more easily.
- The current A45 roundabout for the site is a well-known black spot for crashes and lorries overturning and this would be a great opportunity for the developers to contribute to a better access to the site combined with making the roundabout safer at no cost to the public purse.
- As a non-car owner, I have to rely on buses to other towns when I am unable to purchase any requirements from Rushden town centre. As a mother of two, the return bus trip is very costly and therefore only taken when considered a necessity. The Rushden Lakes development would be of extreme benefit to others like myself and also local people who are struggling to make ends meet and may not be able to spend a fortune on petrol travelling to other towns.

- The roundabout which will be the entrance to Rushden Lakes gets very overloaded at peak times. I was very glad to learn that LXB are paying to have this made into a three lane roundabout. This will really help us in Rushden. We also have a problem getting from Higham Ferrers to Waitrose. Many a time I have waited at that junction and thought – wouldn't it be a good idea if they made that footpath into a road – then I wouldn't have to wait here so long and then go round the roundabout. Now I have heard that LXB would make this path into a road – what a lovely Christmas present that would be for Rushden. I also hear they are putting a bridge over this as well, so that would encourage people to walk to work/shop there. What a good idea and a snip at just over a million pounds!

(iv) Environment

- The proposed development of the whole site would provide a significant enhancement to the natural green environment of the Nene Valley. When linked to adjacent areas such as Stanwick Lakes, the proposed development would provide access to a 'green lung' for the local area. The provision of healthy recreational outdoor facilities is another local need.
- Most people, particularly those with children and grandchildren have concerns about the future of our environment. We are all aware of the need to lower our carbon footprint in various ways, including less car usage. Already in this area, much of the employment is in large distribution centres which operate 24 hours a day, thus forcing workers to use cars as there is no public transport. If the development at Rushden Lakes does not go ahead, you would effectively force people to shop in Northampton, Kettering or Bedford. So much for reducing our carbon footprint.
- The River Nene Regional Park (RNRP) is a nationally supported project to create an extended national park running from Northampton, towards Peterborough..... To make the RNRP a reality, it is essential that there be no missing links in the chain.....Skew Bridge is roughly the midpoint of the RNRP. It must be included in the RNRP if at all possible. Excluding it would be extremely detrimental to the prospect of the RNRP. It contains internationally important wetlands that are not managed and at risk.
- If it is developed along the lines of the planning application, this would open up this corridor and make it accessible to the public. It would enhance the walkways and provide a link through to Irthlingborough and to Stanwick Lakes. If Rushden Lakes is not developed, this would be detrimental to the green infrastructure.

(v) Retail Choice

- The S106 contributions would fund a town centre manager to support the town centres for Rushden and other local towns. This would help to ensure that they are regenerated (rather than jeopardised) by the Rushden Lakes development.

- When Corby built its new Willow Place, we did not complain. When Northampton announced its new development (there have been many) we did not object. When Kettering built its new restaurant quarter and expanded its out of town retail parks, we did not object. It's progress.
- Rushden town centre is in decline. Until relatively recently, there were large independent shops which attracted customers from surrounding villages and towns. There are now no similar shops to encourage people to visit Rushden.
- There is already a Waitrose, Lidl and Wickes DIY store on the other side of the A45, all of which are well established retail outlets. The proposed development would therefore be well placed near to existing local amenities but massively enhancing what we have in Rushden.
- The face of Rushden is changing, there are people now living in Rushden who have money to spend and are looking for places to shop and invest locally. I find my opportunities to do this are limited. As it stands, if I want to go shopping then I'm looking at least a 15-25 minute drive to local towns such as Northampton, Kettering, Bedford or perhaps Milton Keynes.
- As a manager of a business in the High Street of Rushden and looking to establish a new business project in the area, I have a different insight to others. Many have said it would be bad for us on the High Street as it will take trade away but I don't believe this is true. There are many of these new retail leisure parks popping up all over the country and they pull me even if I have to drive for an hour and a half. But while there we always pop in to the local town to see if there is anything different. I believe the same will happen with Rushden Lakes.
- Many elderly people are feeling trapped and let down. With no immediate facilities within Rushden and Higham Ferrers, it is difficult for them to keep active and maintain their independence. Having a local shopping complex, easily accessible, would enable them to lead a better social and active life.
- LXB has offered to provide a bus service to get to people from Rushden/Higham. LXB would also pay over £1million to provide a pedestrian and cycle footbridge over the A45 to reduce further car usage. In addition, LXB would use a lot of other energy savings on the site, so Rushden Lakes would certainly be sustainable.
- The sequential test has shown that there are no retail sites appropriate. However, in addition there are no in-town lakes in this area, not in Rushden Northampton or Kettering. The basis of Rushden Lakes is that it is a new concept of a leisure/lake complex with shops. Where else but next to a lake could this be built?
- I work for the ONS and have in June 2012 surveyed the whole of Rushden and Higham Ferrers for the Consumer Price Index. Men's clothing is particularly difficult to find with no men's footwear or formal wear currently available. Quality clothing shops are non-existent, just three cheap clothing stores. Restaurants and leisure facilities are very limited.....Whilst collecting prices, several other retailers express the worry of being able to carry on and wish that the new development would bring new customers and revitalisation to the area.

(vi) Regenerating a brownfield site

- Skew Bridge was once at the heart of Rushden. It housed a local hotel and restaurant. The site also enjoyed water sport activities. I used to work there many years ago and was always involved in the organised activities that were offered for families. Since the building was destroyed, the site has remained desolate with people using it for 'off road' biking or 'fly' tipping. What a shame to see such a beautiful piece of land go to waste.
- The truth is that this brownfield site is in a terrible state. Part of it is used by illegal motorcyclists with obvious intrusion and disturbance to wildlife. It is also subject to a lot of fly tipping. This application would open up the lakes area to the public on a managed basis, whilst protecting the heronry and other important wildlife areas. It would be a very good tourist attraction, allowing people to learn about their surroundings.

- 7.21 Objections to the proposal were submitted in relation to a various matters. Mr Michael Ellis MP and Mr Brian Binley MP submitted a joint letter in support of the call-in procedure which outlined their concerns on the matter. Mr Ellis submitted a separate letter of objection in which he argued that the proposal would have a profoundly negative impact upon existing town centres in the region, particularly Northampton. Reference was made to national policy on town centres the Local Plans for North Northamptonshire and West Northamptonshire. He pointed out that a substantial amount of public and private sector investment has been made in order to pave the way for substantial redevelopment of Northampton town centre. It is argued that all of this would be put in jeopardy if the Rushden Lakes scheme is approved. Similar impacts are anticipated in Kettering, Corby, Wellingborough and Bedford. He stated that Rushden Lakes would be located in an unsustainable location contrary to national and local policy. Similar arguments were submitted by Cllr David Mackintosh Leader of NBC.
- 7.22 Other objections at the application stage were maintained. Helical (Corby) Ltd again asked that the application be refused on the grounds that it failed the sequential test and also would have a significant adverse impact on designated town centres, as well as prejudicing significant investment in these centres.
- 7.23 Ropemaker Properties, the owners of Riverside Retail Park (RRP) in Northampton, also maintained its objection. Ropemaker Properties was granted Rule 6 status under the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 but did not appear at the Inquiry. A proof of evidence was submitted on behalf of Ropemaker Properties and this is document RM2. The proof expands upon the observations and recommendations made previously regarding the proposals. It assesses the proposals against the current planning policy context and the most up to date evidence available, including additional evidence relating to the relationship between RRP and Northampton Town Centre.

7.24 Overall Ropemaker Properties is firmly of the view that the SoS should refuse to grant planning permission for the proposals. It is argued that there is robust evidence which demonstrates that the proposals would have a significant adverse impact on Northampton Town Centre and its surrounding area and the failure of the proposals to satisfy the sequential test, would outweigh the benefits of the proposals. In summary the main points are:

- the extant outline permission allowing development at the site for a similar amount of floorspace as the proposals is not comparable to the proposals in that it is not a retail-led development and would not have similar effects or impacts in terms of Rushden's contribution within its local or sub-regional area.
- the proposals comprise circa 26,000 sq m net sales area (excluding the plants area to the garden centre which would increase this figure to over 30,000 sq m net sales). This is larger than the comparison sales area of all the town centres of the Growth Towns.
- the likely tenants of the Rushden Lakes proposal include Marks and Spencer, Debenhams, Outfit (which includes the Topshop, Dorothy Perkins, Oasis, Wallis, Burton and Miss Selfridge brands), H&M and River Island amongst others. Many of these retailers are not currently represented in the Growth Towns.
- in view of the characteristics of the proposals, it would function as a higher order centre above the Venuescores of the Growth Towns and draw trade from a large catchment given its location on the strategic road network and evidenced by RRP's draw from areas to the east.
- the existing draw of trade to RRP from the east benefits Northampton as a whole as people tend to link trips to RRP with other facilities in the town centre and in Northampton more widely. RRP therefore attracts custom (that may otherwise be attracted to Milton Keynes) allowing the potential for linked trips into Northampton town centre.
- the proposals would develop a 'step change' in retail offer in a location that is not central within the North Northamptonshire sub region and not capable of serving all of it; or consistent with other development strategies and proposals.
- there is no retail need for the scale and form of the Rushden Lakes proposals.
- limited flexibility on scale and format has been shown by the Applicant in applying the sequential approach, pursuant to paragraph 24 of the NPPF.
- RRP is a sequentially preferable site capable of being redeveloped to accommodate the proposals that would provide greater potential to generate linked trips to Northampton town centre and other facilities in Northampton.
- the impacts on Northampton town centre resulting from the proposals is so substantial that it would prejudice the delivery of the investment required to support the proposed step change in retail provision to allow Northampton to compete more effectively with Milton Keynes and provide for a more sustainable pattern of shopping.

- 7.25 It is concluded that the proposals would have a significant adverse impact on existing comparison goods shopping in the region. It is claimed that the cumulative adverse impacts of the proposals are so significantly adverse that they would outweigh any benefits of the scheme. The proposals cannot therefore be regarded as sustainable development and are therefore contrary to the NPPF and should be refused planning permission.
- 7.26 PR Kettering Limited (PRK) maintained its objection from the planning application stage. PRK was granted Rule 6 status under the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 but did not appear at the Inquiry. A proof of evidence was submitted on behalf of PRK and this is document PRK2. PRK is the owner of the Newlands Shopping Centre located in Kettering. PRK contends that the proposal should be refused planning permission on the basis that there would be negative implications for the viability of the Newlands Shopping Centre and the vitality of the Kettering Town Centre.
- 7.27 It is argued that PRK has invested heavily in the Newlands Shopping Centre and in the Kettering Town Centre. PRK is also in the process of adding significant further investment for improvements to both the Newlands Shopping Centre and Kettering as a whole. It is claimed that the delivery of this significant investment by PRK would be at risk if the proposal is allowed to proceed, as the proposal would have a significant impact on occupier demand in the Newlands Shopping Centre and the wider Kettering Town centre. The additional major benefits this inward investment would have brought to the vitality of the Kettering Town Centre would also be lost.
- 7.28 It is stated that the proposed level of new retail development comprised within the application proposal would comprise as much retail development as currently exists in the entirety of Kettering Town Centre. It would displace existing jobs and spending would be drawn away from Kettering Town Centre rather than creating any new jobs or spending. The proposal would be contrary to local planning policy and the NNJCS. Furthermore, the proposal would be contrary to policies in the NPPF. It is stated that the Applicant has not satisfied the sequential test and there has been a failure to undertake a satisfactory impact assessment in relation to the proposal.
- 7.29 Bedford Borough Council maintained its objection to the proposal. It is argued that the assessment of sequentially preferable sites has failed to consider the availability of suitable alternatives within Bedford town centre. It is contended that Bedford town centre is within the catchment area that would be served by the development and there are sequentially preferable sites within the town centre which have not been properly assessed by the Applicant or ENC. Consequently, ENC's consideration of the application has failed to follow the sequential approach set out within the NPPF.

- 7.30 It is stated that the assessment of the significance and impact of the proposed development is flawed in concluding that the proposal would purely provide a locationally specific need to serve the requirements of Rushden. It is considered that the proposal is of sub regional significance and would have significant impact on Bedford town centre, contrary to the aims of the NPPF, Bedford's adopted Core Strategy & Rural Issues Plan and Bedford Town Centre Area Action Plan. It is concluded that planning permission should not be granted for the proposal.

8. INSPECTOR'S CONCLUSIONS

[In this section the numbers in superscript refer to the preceding paragraphs.]

- 8.1 Points (a) to (f) set out at paragraph 1.2 above relate to the matters about which the SoS needs to be informed and cover the main considerations of prime significance in this case. The conclusions that follow are structured to address each of the points (a) to (d) in turn. I then proceed to examine conditions in point (e) that might be imposed should the SoS determine that planning permission should be granted and then the issue of planning obligations under S106 of the 1990 Act in point (h) before giving my overall conclusion and recommendation ^[1.2].
- 8.2 At the outset it is important for the SoS to note that planning permission on the whole of the previously developed land, was first granted in 2002 for a business park - 51,000m² of business use, 3,600m² of commercial and leisure use with some ancillary retail, a 175 bed hotel plus a 100 boat marina and lock/weir. This, and succeeding permissions, included a pedestrian and cycle bridge across the A45, and a condition requiring an Access and Management Plan for the ski lake and its immediate environs. This permission remains extant, following approval of an extension of time application in 2012 ^[1.12].
- 8.3 It is also important at the outset to be clear what the proposed scheme is and what it is not. The objectors claim that Rushden Lakes would be "half the size of Northampton" but this seriously misconstrues the position. It would be only 21% of the comparison goods floorspace of greater Northampton. Moreover, the evidence makes clear the mixed use composition of the proposal. The proposal is for a mixed retail, recreation and leisure scheme with a unique range of uses. It seeks (a) detailed approval for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boathouse, together with proposals for access; and (b) outline approval for a hotel, crèche and leisure club plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop. ^[1.13, 2.1, 5.30-5.37, 5.116].

- 8.4 I deal first with compliance with the development plan and sustainable development principles.

Issue (a) the extent to which the proposed development is consistent with the development plan for the area and would deliver a sustainable form of development.

- 8.5 The statutory development plan includes the North Northamptonshire Core Spatial Strategy 2008 (NNJCS), which largely sets strategic - rather than development management - policies for the North Northamptonshire Area. The East Northampton Local Plan (1996) (LP) is the most recent site-specific development plan document for the application site and policies were saved by a Direction made by the SoS on 21 September 2007. The Minerals and Waste Core Strategy DPD identifies the application site as a "Sand and gravel safeguarding area" (Policy CS10). However, given that the principle of development on the site is already established through earlier consents, the sites current designation as a Minerals Safeguarding Area under Policy CS10 is less relevant in this case ^[1.26-1.33].
- 8.6 With regard to emerging plans, the NNJCS has been under review since 2009. An initial "options and issues" consultation on the Emerging Draft NNJCS 2011-2031 was undertaken in Summer 2012 and responses to this initial consultation are being considered by the 4 participating LPAs. The final options have not been agreed by the LPAs and there is no date set for formal statutory consultation on the plan. The Emerging Draft NNJCS therefore has little weight. The ENC's emerging Four Towns Plan will also form a part of the development plan but at this early stage little weight can be afforded to it ^[1.34-1.35].
- 8.7 The parties agree in the SoCG that the relevant policies in the NNJCS are: Policy 1: Strengthening the Network of Settlements; Policy 5: Green Infrastructure; Policy 8: Delivering Economic Prosperity; Policy 11: Distribution of Jobs; Policy 12: Distribution of Retail Development and Policy 13: General Sustainable Development Principles ^[1.26].
- 8.8 The majority of the LP policies are now superseded and replaced by policies in the NNJCS. No relevant policies in respect of the Rushden Lakes site have been saved. However, the adopted Proposals Map identifies much of the site as existing commitments (permissions). It identifies the majority of the developable part of the site as having extant commitments for industrial and commercial uses (1.3ha, east of the former ski slope) and recreation and leisure uses (5.5 ha, west of the former ski slope), including bowling alley, sports hall, multi-screen cinema and fast food outlet. The Applicant argues that the proposals are consistent with the development plan but that those policies and in particular Policy 12, are out of date and consequently the application falls to be determined against the terms of the NPPF ^[2.7, 3.7].

- 8.9 Although both Rushden and the application site are within the “Urban Core” shown on the Key Diagram, the strategic level NNJCS, adopted in 2008, does not anticipate retail-led development of this scale at Rushden (Policy 12) and has a Three Towns settlement hierarchy based on the Growth Towns of Corby, Kettering and Wellingborough with Rushden sitting in the tier below as a Smaller Town (Policy 1). Under Policy 10 the Growth Towns take the lion’s share of the new housing requirement whereas more modest growth (9.8%) is anticipated at the Smaller Towns. Policy 11 adopts a similar approach to employment. The proposals therefore do not accord with these elements of the development plan. Plainly the application is not in accordance with the NNJCS spatial strategy, particularly Policies 1 and 12. At 25,818m² (net) A Class uses, the proposal significantly exceeds the amount of planned growth for any of the Growth Towns in Policy 12 [2.9, 3.7, 4.13-4.14].
- 8.10 However, there are other parts of the development plan and the NNJCS in particular, with which the application is wholly in accordance, including The Vision for North Northamptonshire. The proposed development would assist greatly in meeting the vision by delivering jobs for which there is a step-change requirement; delivering much needed investment in services and facilities which would assist in making North Northamptonshire a “*more self sufficient area*” and better able, in particular, to meet the needs of the growing population in the south of North Northamptonshire; regenerating Rushden, a town of the urban core and the enhancement of the valuable environmental resource that is Rushden Lakes and the Nene Valley [3.8].
- 8.11 There is no dispute that a founding principle of the NNJCS is to increase the self sufficiency of North Northamptonshire. This is clear from the NNJCS itself – its vision, objectives and key spatial themes as well as Policy 12. The NNJCS Inspector endorsed and understood the importance of these objectives but recognised in his report at paragraph 23 a risk that the preferred strategy of the plan may not achieve them – hence the addition of paragraph 3.11 to the NNJCS in order for it to be found sound. That paragraph, and Policy 12, expressly provide for other applications, such as Rushden Lakes to be considered on their merits against tests which recognise the importance of retaining expenditure in North Northamptonshire [2.9].
- 8.12 The proposals accord with most of the objectives for realising the vision notably 1, 2, 3, 5, 6, 7, 8 and 9. These objectives are translated into the policies and reflected within them. For example, Policy 5 which relates to Green Infrastructure finds its expression in the access improvements promoted in the development with their leisure and tourism benefits. The proposals are in broad compliance with other policies in the NNJCS, notably Policies 5, 8 and 13 as set out in the SoCG and in the RTC. The LAC claims that the proposals are not in accord with Policy 13 of the NNJCS and in particular criteria (c) and (e). However, the proposals would accord with the majority of the criteria in this policy in terms of meeting needs, raising

- standards and protecting assets so there is broad compliance with Policy 13 [3.9, 4.16-4.18].
- 8.13 In reaching a judgment on what the development plan indicates when considering a planning application, a decision-maker must have regard to the development plan as a whole. Despite the level of development plan support for the proposed development, it is clear that the Rushden Lakes proposal must be judged as being contrary to the development plan as a whole, mainly because Policy 12 is regarded as the principal policy relating to this retail-led development. However, the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. In assessing and determining development proposals, decision makers have to apply the presumption in favour of sustainable development. The development plan is now to be seen through the prism of the NPPF [3.10].
- 8.14 The Applicant and ENC argue that relevant policies in the development plan are out-of-date and that adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The “relevant policies” which are claimed to be out of date are in the main those policies relied on by the objectors in opposing the proposed development: (i) Policy 1 of the NNJCS – the objectors’ case is put on the basis that the adopted plan’s settlement hierarchy will be disturbed by treating Rushden as the equivalent of a Growth Town; (ii) Policy 12 of the NNJCS – the objections include that the scale of retail development is not identified in the adopted plan and (iii) the use for which the application site is identified as a commitment in the LP [2.7, 3.12].
- 8.15 These points are examined in turn. Policy 1 seeks to strengthen the network of settlements within North Northamptonshire as a whole. Development is to be principally directed towards the urban core (in which the application site is situated). While the focus is to be on the Three Growth Towns, Rushden is to be a secondary focal point. While the regeneration of town centres is emphasised, the aim is to “provide jobs and services, deliver economic prosperity and support self sufficiency of the network of centres.” This policy is plainly out of date for the following reasons [3.14, 4.5-4.14, 5.96].
- 8.16 In bringing forward the NNJCS in 2005-2008, the NNJPU considered including Rushden as a Growth Town thus having a Four Towns strategy rather than a Three Towns strategy. The Four Towns strategy was discounted, not because it would have adverse consequences, but simply because there was doubt over the deliverability of the Rushden element of such a strategy. At that time growth in Rushden of any material scale was judged to be “difficult to achieve”. That, as the current application now demonstrates, is evidently no longer the case [3.15, 4.5-4.14].
- 8.17 The members of the NNJPU recognise the contribution that Rushden is now able to make to growth in North Northamptonshire for the benefit of local

residents. The NNJPU is now promoting a review of the NNJCS in which it is agreed by the constituent LPAs that Rushden should be the fourth Growth Town. While KBC expressed some initial reservation, it now must be taken as accepting Rushden's enhanced role as a Growth Town; if KBC did not, it could not remain a member of the NNJPU in which case there would be no NNJCS review to bring forward [2.16, 3.16, 4.5-4.14].

- 8.18 Rushden is, alongside other settlements nearby, a post-industrial town still recovering from the impact of the loss of the boot and shoe trade that once underpinned the local economy. It craves investment and growth to enhance its fortunes which is the motivation for its enhanced status in the emerging plan. The only outstanding issue to resolve is the effect of increased retail development at Rushden Lakes as proposed by LXB in this planning application. Once that is established as a result of the decision on this application, the NNJCS review would proceed either with or without the proposed development at Rushden Lakes [3.16, 4.5-4.14].
- 8.19 The agreement within the NNJPU that Rushden should be a Growth Town is founded on a "robust evidence base and rationale." This is not a matter of political expediency. Two members of the LAC who appeared at the Inquiry thus have no issue in principle to growth at Rushden. The other member of the LAC, NBC, did not object in principle either. The WNJPU, of which NBC is a member, in its consultation response, positively supported the spatial strategy being promoted by its neighbours in the NNJPU and made no adverse comment in respect of draft Policy 10 which expressly confirms Growth Town status for Rushden. The LAC's concerns are not matters of principle, but rather, those of detail: if there is no objectionable adverse impact on their town centres, there can be no objection by the LAC to growth in Rushden. This concern is what was examined at this Inquiry [3.17-3.18, 4.5-4.14].
- 8.20 Rushden itself is most anxious to support the Government's growth agenda in full measure. The NNJPU found that "there are clear local aspirations for regeneration, population expansion, employment and retail offers and to attract greater investment in infrastructure." Legal & General has not to date responded to the review of the NNJCS. To the extent that it might object in the future, such objection could only be on the basis of an alleged adverse impact on the Grosvenor Centre which has been examined at this Inquiry [3.19-3.20, 5.96-5.98].
- 8.21 Although the Emerging Draft NNJCS has not yet reached a stage where its draft policies can be accorded significant weight, the principle of Rushden's position as a Growth Town is evidence-based and largely unopposed. It is therefore a material consideration to which the SoS can and should give significant weight. The quantum and location of retail development is, in this application, a matter of detail which will be considered in issue (b) below. It is noteworthy that the issue of the quantum of retail and its relationship to national planning policy has enjoyed far greater scrutiny through this Inquiry process than would be likely in a Local Plan Public Examination [2.16, 3.21, 4.5-4.14].

- 8.22 Policy 12 is also out of date because it does not reflect up-to-date policy in the NPPF. The NPPF at [23], 6th bullet provides that it is important that needs for retail development “are met in full and are not compromised by limited site availability” and the LPA, in plan-making, is required to “ensure a sufficient supply of suitable sites”. How to meet this requirement, in plan-making, is set out in the 7th bullet by allocating sites and setting policies [2.14, 3.22-3.23, 4.5-4.14, 5.96-5.98].
- 8.23 It is self-evident that because site availability and market deliverability at Rushden was doubted at the time of the evolution and adoption of the NNJCS, Rushden was not expressly identified to receive a floorspace allocation. Further, at that time national planning policy focused on meeting quantitative need not qualitative need. In addition, in so far as the need for sites for retail development in the south of North Northamptonshire were due to be met on sites to be allocated by a later DPD in Wellingborough (the closest Growth Town to Rushden to be specifically identified in Policy 12 with a requirement for additional comparison goods floorspace), those sites are no longer able or available to accommodate the scale anticipated. Indeed the Wellingborough TCAAP is out of date because the retail proposals can no longer be realised in the light of the changed intentions of Tresham College [2.37, 3.24, 4.5-4.14, 5.96-5.98].
- 8.24 Policy 12 of the NNJCS also included a decision-making element to be applied in circumstances including the determination of the instant planning application. Paragraph 3 of Policy 12 refers to “identified need” and this is inconsistent with the NPPF because the latter does not require Applicants to show a need for retail development. Moreover, paragraph 4 of Policy 12 states that “the scale of retail development should be appropriate” but there is not a scale test in the NPPF [2.14, 3.25].
- 8.25 The sequential test in the 3rd paragraph of Policy 12 is itself not in accordance with that now found in NPPF [24]. That in Policy 12 provides for a cascade of (1) defined town centres, (2) well-connected edge of centre, (3) district and local centres, and (4) existing retail areas that are well served by a choice of means of transport. The NPPF’s cascade is (1) town centres; (2) edge of centre; and (3) out of centre. At each of stages (2) and (3) where more than one site is available, a mechanism for selecting the preferred site is set out. The sequential test in Policy 12 does not acknowledge that planning permission can be granted for out of centre sites whereas the NPPF does [24], provided the sequential test is satisfied. The NPPF sequential test is a marked change from Policy 12 which must now be regarded as out of date [3.25, 4.23-4.32].
- 8.26 The impact test in NPPF [27] asks whether there are likely to be “significant” adverse impacts. Policy 12 is not consistent with the NPPF because it sets a lower threshold and merely focuses upon adverse impact per se. Policy 12 is to be given weight according to its degree of consistency with the NPPF [215] and it is clear that the NPPF should prevail in the case of conflict [2.14].

- 8.27 Policy 12 required the delivery of specified minimum net increases (above then existing commitments) in comparison goods floorspace in the three named Growth Towns. To date, 12 years into the plan period and 8 years before its end point, very little progress has been made. Indeed in Corby, the position has gone backwards as the Evolution Corby commitment is stalled. In Wellingborough, sites once relied on are not available. The NPPF requires plans to be viable and deliverable [173]; any plan policy which promotes or relies on development which can no longer be delivered cannot sensibly be regarded as being up-to-date [2.36-2.38, 3.27, 4.5-4.42].
- 8.28 The NNJCS does not contain a presumption in favour of sustainable development; the plan-making part of the presumption NPPF [14] is that *"Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change, unless"*; the 3rd core planning principle in the NPPF [17] is that: *"Every effort should be made objectively to identify and then meet thedevelopment needs of an area, and respond positively to wider opportunities for growth"* and the NPPF [23 – 6th bullet], does not allow *"limited site availability"* as an excuse for failing to meet retail needs *"in full"* [2.14].
- 8.29 All of these are wholly new statements of national policy for plan-making which simply did not exist at the time when the NNJCS was drawn up. It is true that the NNJCS was found to be *"sound"* by the Inspector who examined it but it was found to be sound on the basis of a very different set of national policy imperatives from those newly-stated in the NPPF. The NPPF calls for a different, positive approach to plan making, setting out to identify and then meet needs. Moreover, plans which have been prepared without this mind-set are not going to be consistent with the NPPF. The NNJPU has *"self-certified"* that Policy 12 and the NNJCS are up-to-date. However, in the light of these reasons, that conclusion is superficial and plainly wrong [2.14, 4.5-4.42, 5.96-5.98].
- 8.30 Additionally, the NNJCS is out of date because the strategy of Policy 12 and in wider terms the NNJCS as a whole has failed to deliver the growth necessary to enhance the self-sufficiency of the area. Mr Burnett explained that over half way through the NNJCS period (2004 to 2021) no town centre floorspace had been built in any of the three Growth Towns as against the "minimum" 51,500 sq m net increases set out in Policy 12 and paragraph 3.101 of the NNJCS to achieve a *"step-change"* (paragraph 3.101) *"in order to increase trade retention in North Northamptonshire"* (paragraph 3.102). In fact what has happened is that all additional floorspace has been out of centre especially at Kettering, and to a lesser extent, Corby. The nearest of the three Growth Towns to Rushden Lakes, Wellingborough, has had no additional floorspace whether in, edge or out of centre [2.15, 4.5-4.42, 5.96-5.98].
- 8.31 In so far as the adopted LP contains/relies on the allocation of the application site as an employment commitment it too is not up to date because it cannot and will not be delivered. The NPPF promotes the flexible use of such sites where it is clear where there is no reasonable prospect of delivery, and

reflects the fact that jobs in the retail and leisure sectors can make an important contribution to the local economy. Indeed there is a similar provision in relation to the re-use of employment sites no longer considered suitable for the purpose in the NNJCS at Policy 11 (f) [3.28, 4.5-4.42].

- 8.32 Finally, there is no room in this case for a prematurity argument. The key policies and provisions in the adopted development plan are clearly out-of-date. That being the case, the provisions of NPPF [14] “decision taking” apply: planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. It should also be noted that the NNJPU has not been able to agree a retail strategy for the emerging NNJCS and that an impasse has been reached. No one at the Inquiry has suggested that the proposed development is not deliverable [2.19].
- 8.33 There is no possibility of these strategic issues being resolved via an Examination of a plan because there is a fundamental stumbling block – the constituent authorities of the NNJPU cannot agree on the contents of a plan to submit for Examination. This means that it is unrealistic to contend that the issue of whether Rushden Lakes should proceed is one that can and should and must only be determined as part of the plan-making process. Two of the four constituent authorities (ENC and WBC) favour the idea while the other two (KBC and CBC) do not. It falls to the SoS to break the deadlock and once he has then the new NNJCS can be progressed taking on board his decision. There is no other option [2.20, 4.39-4.42].
- 8.34 In relation to issue (a) I conclude that while the proposal would accord with a number of development plan policies and objectives it would not wholly accord with the NNJCS spatial strategy, particularly Policies 1 and 12 and therefore would not be in accordance with the development plan as a whole. At 25,818m² (net) A Class uses, the proposal would significantly exceed the amount of planned growth for any of the Growth Towns in Policy 12. At first blush that is a strong pointer to the proposal’s unsustainability. However, the key policies and provisions in the adopted development plan are clearly out-of-date. The proposal would deliver “change for the better” and in a way that ensures a better life for the people of Rushden and North Northamptonshire that does not prejudice the lives of future generations. Applying paragraphs 18 to 219 of the NPPF as a whole, therefore, the proposed development, in practice, amounts to sustainable development across all three dimensions, is the correct local solution achieving very positive improvements in the quality of the built and natural environment and local people’s quality of life. It is clear beyond doubt that this too is the view of local people themselves. The proposal has to be assessed in the context of the other main issues which have been identified. Further consideration of the planning balance and the presumption in favour of sustainable development will be returned to once sections 2, 4 and 11 of the NPPF have been considered under the remaining issues identified by the SoS [3.11, 4.20, 4.29, 5.95, 6.1-7.30].

Issue (b) the extent to which the proposed development accords with the NPPF, in particular Section 2, which relates to ensuring the vitality of town centres.

- 8.35 It has already been noted that Section 2 of the NPPF requires that needs for retail uses are "met in full" and are not "compromised by limited site availability". This applies with particular force in circumstances where there is a deliberate development plan policy support for a drive to further self-sufficiency by clawing back expenditure that is currently leaking out of North Northamptonshire ^[3.32].
- 8.36 The NPPF [24, 26 and 27] sets out but two tests at the decision-making stage: a sequential test and an impact test. The whole of NPPF [23] deals explicitly and exclusively with "planning policies" and what should happen: "In drawing up Local Plans..." Although highly relevant to determining whether the NNJCS is up to date, the NPPF [23] does not purport to, and does not set, any tests for decision-taking. The paragraph stresses the "town centres first" approach to plan-making *but* when it comes to making a decision on a planning application then one has to turn to NPPF [24, 26 and 27] which deal explicitly with assessing applications. In other words, if a proposal meets these two tests then necessarily it is consistent with the town centres first approach ^[2.22].
- 8.37 It is clear that there cannot be a read across from the plan making NPPF [23] some form of additional test for decision-taking that a proposal must honour the hierarchy of town centres still less some form of test of "appropriate scale" which is not mentioned in NPPF [23]. Plainly, if the two tests are passed an application will be consistent with the NPPF ^[2.23].
- 8.38 The objectors seem bent on re-introducing additional need and scale tests; such an approach is misconceived. With regards to scale, the approach in the NPPF is clearly not to limit growth by reference to a separate test of scale. If an individual proposal is unacceptably large then it would be likely to fail the impact test and thus be harmful. If the scale of a proposal is not such as to give rise to harmful impacts, then the intention is clearly that it should not be refused simply on the grounds of scale. Scale in itself is not relevant ^[2.23-2.27, 3.33, 5.42-5.60].
- 8.39 Legal & General suggests that the sequential test should have regard to the hierarchy of settlements. However, for reasons already explained, the adopted settlement hierarchy is itself out of date certainly as it applies to Rushden. Simply placing the old policy from PPS4 alongside the up-to-date policy in the NPPF demonstrates that these contentions are misleading. The notion of a hierarchy of town centres does not feature in the sequential or impact tests ^[2.28, 3.33, 5.42-5.60].
- 8.40 In terms of need, if there is no quantitative local need or capacity for a development, such that it has the effect of drawing in significant levels of

trade from a wide catchment area, any harm that results to neighbouring centres would manifest itself under the impact test; there is no requirement for a separate free-standing test of need and none is included in the NPPF [3.34, 5.42- 5.60].

- 8.41 Despite the passing of the free-standing need and scale tests, objectors seek to maintain them by reference to the PG. Indeed Mr Jones sought to justify this approach by explaining that in his view when national policy is abandoned by the SoS, the good practice adopted by practitioners in the furtherance of the superseded policy should nevertheless survive as a material consideration in its own right. Such an approach is wholly misconceived [3.35, 5.42- 5.60].
- 8.42 It is clear that the PG is only material where the policy in the NPPF reflects that in previous policy in PPS4. The PG was only ever intended as guidance and must not be read as mandatory rules. Bearing in mind the recent Telford case it must be approached with caution. Although the PG is still extant, it too may have been revoked at the time of the SoS's decision. To continue to have regard to it in these circumstances would be wholly perverse, especially where it is being deployed to attempt to resurrect through old guidance policy which has now deceased [2.24, 3.35, 4.52].

Sequential Test

- 8.43 The sequential test relevant to decision-taking is found at NPPF [24]. From the evidence that is before me the application site is out of centre, and the test would be satisfied if "suitable [in or edge of centre] sites are not available". There are differences of approach between the Applicant, as against the objectors in relation to the concept of "suitable" sites in the sequential test – in essence, "suitable for what" is the question which arises. The answer to this question of law is suitable for the development proposed by the Applicant. The Legal & General submissions in relation to the legal construction of "suitable" were somewhat opaque. It is, of course, correct that the meaning of the term should be construed in its context. That involves consideration of the question of "flexibility" which is referred to in the last sentence of NPPF [24]. However, that the terms are to be construed (and therefore applied) in the real world of real development is beyond argument. The real world is the context [2.61, 3.35-3.36, 4.44-4.74, 5.59-5.80].
- 8.44 The Supreme Court has told us in *Dundee* what "suitable" means and it has expressly rejected the approach advocated by the LAC and Legal & General that the concept relates to need and/or identified deficiencies in retail provision in the area in question; and it has expressly rejected the notion that "suitable" means that one should alter or reduce the proposal so as to fit onto an alternative site. The policy concerning the sequential approach as set out in the NPPF, and (to the extent that it is still relevant) the non-policy PG that accompanied PPS4, **must** be applied in a manner which complies with the legally binding case law on the meaning of the sequential approach. Plainly

- the case in question (*Dundee*) is of seminal importance [2.63, 3.37, 4.44-4.74, 5.59-5.80].
- 8.45 In summary it establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. These points although related are distinct. Although much was made of the fact that the *Dundee* case was a Scottish case the Supreme Court's decision applies in England (the Supreme Court is the Supreme Court for England too) as the High Court ruled in terms in the North Lincolnshire case at [61] and [62] in which it was read across and applied to the English sequential test then found in PPS4 [2.64, 3.37, 4.44-4.74, 5.59-5.80].
- 8.46 It is important to bear in mind that the sequential test as set out in NPPF [24] require **applications** for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether *the application* i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So *Dundee* clearly applies to the NPPF [2.67, 4.44-4.74, 5.59-5.80].
- 8.47 A related submission concerns the differences between national policy as now stated in the NPPF and as previously stated in PPS4. The last sentence of NPPF [24] states that: "*Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*" This contrasts strikingly with what was said previously in PPS4 in policy EC15.1 at (d) (iv) and 15.2 which contained an explicit requirement for disaggregation. There is no longer any such requirement stated in the NPPF. It is no answer to this to refer to the words "such as" in the last sentence of NPPF [24]. These words cannot be read so as to imply that a major, and extremely controversial, part of previously stated national policy lives on by implication in the NPPF. Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24] [2.68, 4.44-4.74, 5.59-5.80].
- 8.48 In similar vein, there is nothing in the sequential test as set out in NPPF [24] that states that the concept of "suitable" sites means suitable in terms of the scale of the nearest centre to the site in question and/or its place in the "hierarchy" of centres. The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site. It is also important to be clear that NPPF [23] is entirely related to plan making and it has nothing to do with decision making [2.70, 5.65-5.72].

- 8.49 The NPPF requires developers to demonstrate flexibility on issues such as format and scale. No indication as to what degree of flexibility is required is contained in the NPPF. Such a requirement was previously contained in PPS4 and so any relevant PG advice continues to be material. PPS4 PG is of assistance: flexibility in a business model, use of multi level stores, flexible car parking requirements or arrangements, innovative servicing solutions and a willingness to depart from standard formats. No serious complaint by the LAC or by Legal & General has been made in respect of these matters ^[2.72-2.76, 3.38, 4.57, 5.73-5.75].
- 8.50 In relation to flexibility the Applicant has demonstrated flexibility on format – a large part of the retail element of the scheme, namely the two anchors and the associated unit shops – anchors B8 and C1 and terraces B and C have full cover mezzanines thus reducing very significantly indeed the footprint of the development. Mr Burnett also referred to flexibility in relation to “scale” and explained that the Applicant could readily have placed far more retail floorspace on the site than has been proposed – in this way the floorspace of the development is reduced. It is clear from the layout that this is correct. A significant part of the scheme is taken up by the hotel and leisure club and various lakeside buildings i.e. by non-retail uses. It is absolutely clear that the whole scheme could not realistically be moved to another location ^[2.72].
- 8.51 There is no requirement to disaggregate and there is also no realistic likelihood of even the M&S anchored Terrace being built in any of the town centres that have been referred to. It would also be inappropriate for a significant part of the Rushden Lakes scheme to be located in Northampton, which lies at the outer edge of the Rushden Lakes’ catchment, given the aspirations of self-containment for North Northamptonshire in terms of comparison goods choice and sustainability. Mr Goddard accepted that in the real world the scheme must be “*suitable to do the job*”. All that would happen were it feasible to imagine that Rushden Lakes, or even a significant part of it, could migrate to Northampton, is that this would simply consolidate and worsen the porous nature of North Northamptonshire. Further, it is illogical to suggest that shoppers at Rushden Lakes wanting somewhere to eat and drink should be directed to restaurants at Northampton and Kettering ^[2.73-2.74].
- 8.52 There is a dispute between LXB/ENC and the LAC/Legal & General as to the appropriate area of search for sequentially superior sites. The NPPF is silent on this issue. Mr Nutter referred to the advice given in the PG. It is clear that the development at Rushden Lakes is promoted on the basis that the scale and quality of the existing comparison goods offer in the area is deficient, with the result that residents are forced to travel further afield in order for these needs to be met. The LAC and Legal & General respond by asserting that this is simply a reflection of the hierarchy of settlements and that the residents of south North Northamptonshire should be expected to travel to higher order centres for their higher order retail requirements. They raise the spectre of a coach and horses being driven through the planning system by every settlement justifying self-sufficiency (or at least inappropriate levels of

- self-sufficiency) in terms of comparison goods shopping [2.79-2.80, 3.40, 4.58-4.63, 5.79-5.80].
- 8.53 This argument misses the point for several reasons. First, the aim of achieving greater self-sufficiency leading to claw back of expenditure has already been identified as part of the vision and objectives of the NNJCS. Nowhere does the NNJCS suggest that the needs of south North Northamptonshire should be met out of North Northamptonshire, for example in Northampton. Secondly, to suggest that a site within a centre or even town from which expenditure is to be clawed back is sequentially preferable would be self-evidently perverse. Thirdly, the south of North Northamptonshire has been identified as needing increased comparison goods floorspace in Policy 12 which is now unlikely to be delivered in Wellingborough as planned. Fourthly, Rushden is to become a Growth Town because previous delivery barriers to it doing so are no longer an obstacle. It is simply unrealistic, in the real world, to expect that significant numbers of residents of Rushden and the smaller settlements nearby would travel to the higher order centres, such as Northampton, by public transport [3.40]
- 8.54 For all these reasons I consider it is sensible to identify an area of search as encompassing zones 9 to 11 which is what Mr Nutter recommended. In addition, within that area of search, candidate sites must be able to accommodate development of sufficient critical mass to effectively claw back leaking expenditure. In the properly defined area of search the task is to identify sequentially preferable sites that are suitable and available which necessarily includes consideration of deliverability/viability [3.41, 4.58-4.63, 5.79-5.80].
- 8.55 In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are "available". It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years. NBC has previously adopted the same interpretation of "available" as LXB do. Mr Lewin accepted that in the Committee report (24 July 2012) in relation to an application to redevelop the Royal Mail site at Barrack Road for a 5,000+ sq m Tesco superstore, the Council rejected Legal & General's objection that availability should have been looked at over a longer time frame. The site was not currently available and that was what was required by the sequential test. That Committee report established that there were no sequentially preferable sites in Northampton town centre for a development of a much smaller scale than Rushden Lakes, as recently as July 2012 – and there is no credible evidence that the position has changed. Similar inconsistent approaches were cited in relation to finding a site for the 99p store in Kettering and in relation to finding a site in Northampton to accommodate the Next proposals at Riverside Retail Park [2.77- 2.84, 3.42, 4.64-4.73, 5.79-5.80, 7.23-7.30].
- 8.56 LXB's case in response to the sites put forward by the objectors is summarised in Mr Burnett's evidence at section 4 and Appendix 7 of his proof. This commentary includes sites put forward by the LAC in Corby, Kettering, Northampton and Bedford. Many of the "sites" in question are tiny

and a lot are individual vacant unit shops. Mr Whiteley accepted that the sites put forward by the LAC are critically dependent upon disaggregating the scheme. I have already indicated that given that the NPPF does not contain a disaggregation requirement, the LAC's suggested sites are not suitable in NPPF terms. In any event, none of the suggested sites withstands scrutiny for the reasons given by Mr Burnett in his Appendix 7 [2.79-2.80 7.23-7.30].

- 8.57 Mr Nutter identifies two candidate sites in the defined area of search: Palmbest, Rushden and The Swansgate Centre, Wellingborough. Both are then discounted: Palmbest because it is simply not available or big enough (i.e. suitable) and The Swansgate Centre because it is not available and viable. None of Rushden Town Council, WBC or Town Councils or the local chambers of commerce suggests that either represent sequentially superior sites. Mr Nutter also discounts additional sites suggested by objectors within zones 9 to 11: the Peter Crisp site in Rushden because the available units are not suitable and the Trensham College and Market Square sites in Wellingborough because they are no longer available because in the case of the Trensham College site plans to vacate it have been abandoned (a material change in circumstances since its allocation in the AAP), and, in the case of the Market Square site, because it is too small on its own to be suitable. Moreover, as I saw on the site visit, the High Street/Jackson's Lane site would not provide a suitable alternative location to accommodate the Rushden Lakes proposal adopting reasonable flexibility [3.42, 4.58-4.63, 5.79-5.80].
- 8.58 In all circumstances the proper conclusion for the SoS to draw on the evidence is clear: there is no suitable and available sequentially superior site [3.43].

Impact Test

- 8.59 There is broad agreement as to which town centres ought to be considered: Kettering, Corby and Wellingborough in the NNJCS area and Northampton in the WNJCS area. While there is likely to be some claw back from other centres (including for example Milton Keynes and Bedford) no one at the Inquiry has seriously suggested any such resulting impact would be significantly adverse. It is also important to remember that the impact test in the NPPF [26] applies only in respect of impact on centres. Therefore when considering the impact of claw back it is very important to ensure it is only claw back from centres that is considered and not, for example, that from out of centre retail parks. This is relevant in considering the alleged impact on Northampton. There are two impacts to consider: (i) on existing, committed and planned public and private investment and (ii) on town centre vitality and viability [3.44, 4.74-4.93, 5.81-5.94, 7.23-7.30].

(i) Existing, committed and planned public and private investment

- 8.60 NPPF [26] requires an assessment of the impact (if any) of the proposal on "existing, committed and planned public and private investment" in a centre.

That requirement is quite straightforward, only investment that has been made, has been committed or is planned warrants consideration. There appears to be general agreement that “existing” investment is to be taken as a reference to investment that has already been made and that “committed” investment is that which is contractually committed (private) or subject to resolution (public). There is a dispute as to what is meant by “planned” investment. Paragraphs 7.17 - 7.21 of the PG provides guidance on what is meant by the “effect on planned investment” [2.85, 3.45-3.46, 4.74-4.93, 5.81-5.94].

- 8.61 Wellingborough can, in the circumstances, be dealt with shortly. There is no evidence that any planned investment is being actively progressed or that any plans have reached further than embryonic stage or that any developer is committed. While there are plans identified in the AAP these are unlikely to be progressed. There is no evidence that any are viable and as set out above the AAP is as Mr Nutter concluded out of date. There is no serious expression of any investor concern. The Wellingborough Chamber of Commerce and WBC are four-square behind the Rushden Lakes project [3.47, 4.74-4.93, 5.81-5.94].
- 8.62 With regard to Northampton, Legal & General appeared to suggest that its expenditure in relation to professional fees to date somehow constitutes “existing” investment deserving of consideration under the impact test. However, NPPF [26] refers only to “*investment in a centre*”, not to investment in the services of professional advisors. As for “committed” investment, Legal & General asserted that there is a contractual commitment to invest by virtue of the 2009 Development Agreement (DA) with NBC. However, the DA has a viability pre-condition and a continuing viability condition, the net effect of which is that unless Legal & General is satisfied that it makes sense to proceed then there is no “commitment” on Legal & General’s behalf to do anything at all [2.85, 5.81-5.94].
- 8.63 It is important to realise in relation to Northampton that there is bound to be some impact if the development plan strategy to claw back leaking expenditure is to succeed. The RTP West Northamptonshire Retail Study (2011) identified that Northampton was a healthy centre: “*Northampton is currently performing its role as the highest order centre in West Northamptonshire satisfactorily.*” Whilst it notes the need for improvement, involving the extension of the Grosvenor Centre, this recent objective appraisal does not bear out the descriptions of the objectors. Indeed, Mr Denness in his proof describes the centre in glowing terms [3.48, 4.74-4.93, 5.81-5.94].
- 8.64 Considering the evidence before the Inquiry against the matters identified in the PG paragraphs 7.17 to 7.21 the following conclusions can be drawn in respect of Northampton town centre:
- (i) The Grosvenor Centre redevelopment and extension is identified in the NCAAP. However, there is not even a sketch let alone a design of what is proposed. There is no planning application nor a planning consent. The plan

produced at the Inquiry reinforced that, far from there being a few (2%) unknown land-ownerships, there are a number of known owners not within the ownership or control of Legal & General who will have to be the subject of a CPO which is yet to be a glint in the eye of NBC. The Grosvenor Centre is yet to be conceived, let alone formed into an embryo [2.86-2.88, 3.49, 4.74-4.93, 5.81-5.94].

(ii) It cannot be said that the Grosvenor Centre "scheme" has been pro-actively progressed. Rushden Lakes is not the true cause of the delay in implementation. It is a self-imposed hiatus by Legal & General. Since 2000 Legal & General has announced various plans that have all come to nothing. This has been during the economic boom years as well as the lean years. Throughout the Grosvenor Centre "scheme" has had a supportive planning policy context: this is not of recent invention. It is clear that the "scheme" has stalled for reasons wholly unconnected with Rushden Lakes. Mr Jones confirmed that the hiatus was in actual fact prompted by two factors: the economy and development that had been permitted out of centre (the "noose" around Northampton town centre) that Legal & General has been protesting about in vain for many years [2.92, 3.49, 4.74-4.93, 5.81-5.94].

(iii) There is no evidence that Legal & General is actually contractually committed to do anything. There is evidence of a 2009 DA with NBC but no evidence as to what that DA requires or commits Legal & General to do. No witness for NBC or Legal & General has had sight of the DA [3.49].

(iv) There is no evidence that can be tested that any identified or embryonic redevelopment scheme at the Grosvenor Centre is viable. Legal & General asserts that Rushden Lakes would make the Grosvenor Centre redevelopment scheme unviable and that it would therefore not proceed. However, there is no evidence of any effect of the Rushden Lakes proposal on the viability of redevelopment at the Grosvenor Centre. All witnesses for Legal & General and the LAC have not themselves been privy to any viability discussions. Mr Denness has not been involved in or examined the viability of any options. Mr Jones confirmed that he had not seen any evidence that the Grosvenor Centre extension would be deliverable without Rushden Lakes and not with it [2.91, 3.49, 4.74-4.93, 5.81-5.94].

(v) Without a viable scheme there is no "planned" investment. As Mr Denness agreed, the highest Legal & General can put the case is that there is "*intended investment*." But such inchoate aspirations do not fall within NPPF [26]. The argument that Rushden Lakes would prejudice the public sector investment in the new, relocated, bus station, which is an existing/committed investment, is not convincing either. The bus station has a whole series of worthwhile benefits in its own right and LXB is hardly responsible for huge amounts of taxpayers' money having being spent on a new bus station without NBC having secured a commitment from Legal & General to deliver their side of the bargain [2.86, 4.74-4.93, 5.81-5.94].

(vi) The LAC relies on Legal & General's evidence. The LAC argues that the Grosvenor Centre would proceed if Rushden Lakes is refused permission and the Grosvenor Centre would not proceed if Rushden Lakes is granted planning permission. In order for the LAC and Legal & General's cases to stand up to analysis one would need to be satisfied that there is a viable redevelopment/extension scheme for the Grosvenor Centre in the absence of Rushden Lakes, which would become unviable were Rushden Lakes to proceed. In short, there can be no objection under NPPF [26] to a proposal which makes an already unviable scheme even more unviable [2.88].

(vii) It is clear that Rushden Lakes did not feature in Legal & General's hearing statement to the CAAP EiP because Legal & General had assumed that Rushden Lakes would be refused by the LPA. Therefore, in August 2012, irrespective of Rushden Lakes, the Grosvenor Centre extension was not viable. Mr Jones agreed that viability had not improved since then and that he was not saying that Legal & General now had a viable scheme or even a less unviable one. He confirmed that even assuming Rushden Lakes is refused there would still not be a viable scheme. Consequently, the most that can be said is that by factoring Rushden Lakes into the equation Legal & General believes its own unviable scheme to be more unviable. That cannot be a significant adverse impact in NPPF [27] terms [2.93, 5.81-5.94].

(viii) It is no answer to argue that "*in principle*" a viable scheme could be devised. NPPF [27] does not protect mere in principle intentions, but rather safeguards actual plans to invest. Interestingly, the PG suggests that for an "impact on investment" test to be met, that investment must be "actively progressing." By definition, Legal & General's self-imposed hiatus is the opposite of active progression. Legal & General's record speaks for itself. For 13 years Legal & General has failed to bring forward a viable scheme. Mr Goddard accepted that Legal & General has owned the Grosvenor Centre throughout the biggest economic boom that is likely to be seen for many years, but it had failed to bring forward a viable scheme. It would be foolish indeed to stop investment in an undoubtedly viable scheme at Rushden Lakes in order to protect a known-to-be unviable "scheme" at the Grosvenor Centre [2.94, 5.81-5.94].

(ix) Legal & General argued that the NPPF does not require there to be a "scheme." However, that misses the point. In the absence of a scheme, there cannot be a viable scheme and consequently there cannot be "planned" or "committed" investment. At most there can be an *intention* to invest *if, as and when there ever is* a viable scheme but, that is not what the NPPF [26] is aimed at. Mr Lewin alluded to the fact that there had been some 21 previous iterations of the Grosvenor Centre scheme, but he had not seen a worked up scheme and nor had Mr Whiteley. Even at the current Inquiry no precise date could be given as to when a scheme might be forthcoming [2.98, 5.81-5.94].

(x) The evidence before the Inquiry shows that there is no competition for the same retailers or market opportunity as between the Grosvenor Centre

and Rushden Lakes. The evidence shows that: (a) retailers adopt different formats in town centres and on retail parks; (b) retailers that do trade in both town centres and retail parks do so in close proximity, certainly within the same urban or catchment area; and (c) likely or target retailers for the Grosvenor Centre from Mr Whiteley has very limited overlap with those assumed by Mr Goddard to be likely at Rushden Lakes. Mr Chase confirmed that retailers look to plug gaps in their market profile and seek opportunities for *additional* representation [2.101, 3.49, 4.74-4.93, 5.81-5.94].

(xi) Thus, there is no evidence to substantiate that M&S would not have stores at both Rushden Lakes and Northampton town centre. Many retailers such as Next have multi representation in town centres and out of centre. Several retailers have distinct town centre and out of centre formats. Sophisticated retailers operate different format stores in town centres compared to retail parks. Next is a perfect example of this; witness their presence in Northampton town centre, at Riverside Retail Park and at Sixfields and St James Retail Park. The core catchment of all of these stores must overlap very substantially and yet the retailer is represented in these 4 locations, and is looking to expand in both the town centre and Riverside Retail Park. They are also represented in Kettering and Corby [2.101, 2103, 7.23-7.30].

(xii) No evidence from key anchors at the Grosvenor Centre has been called by the objectors. Instead reliance seems to be placed on the conclusion of the NCAAP Inspector. The second-hand evidence before him was not tested by cross examination. It is clear that the evidence on behalf of Legal & General did not paint a complete picture. It seems that in August 2012 Legal & General told the NCAAP Inspector in response to his specific concern that the Grosvenor Centre extension was viable. At that time the Rushden Lakes application was already submitted and there was no mention of it in their evidence. Furthermore, even after the resolution to grant Rushden Lakes, which occurred during the currency of the NCAAP examination, Legal & General did not say anything to the Inspector to gainsay the impression he was given that the Grosvenor Centre scheme was viable, nor did the Rushden Lakes resolution deter NBC from adopting the NCAAP. This was a very different picture from that painted by Mr Jones in his evidence to this Inquiry where he is clear that there is currently an examination of viability on foot and that there is no available conclusion there is any viable scheme [3.49, 5.79-5.80].

(xiii) At its height, the evidence on the effect of planned investment at the Grosvenor Centre amounts to a bare allegation from Legal & General that it will not proceed with any as yet unspecified plans for investment should Rushden Lakes be permitted. The degree of risk is not at all great given the track record of Legal & General's pronouncements set out above. NBC, as stated in the past, has the opportunity to progress with the redevelopment with another partner [3.49, 5.79-5.80].

- (xiv) In respect of proposals identified in the NCAAP, there is no free-standing evidence of there being any adverse effect on investor confidence. The LAC's case in relation to Northampton town centre in respect of investor confidence stands or falls with Legal & General and the Grosvenor Centre [3.49, 4.74-4.93, 5.81-5.94].
- 8.65 In any event the claim that the resolution to grant planning permission at Rushden Lakes is the cause of the hiatus in the Grosvenor Centre project or the alleged crisis of confidence at Legal & General is not borne out by the evidence. ENC has set out the chronology of events from 17 May 2012 to 13 August 2012. I note that no blame for the hiatus is ascribed to the Rushden Lakes project. Other factors, such as the prevailing general economic conditions are mentioned. Mr Jones agreed that the NCAAP Inspector's report was based on less information than is now available. In addition, it is clear that the evidence he did have was not able to be tested by cross examination as it has at this Inquiry. The weight to be attached to the conclusion reached in the Examination is thus limited [3.50, 5.81-5.94].
- 8.66 The proper conclusion for the SoS to draw is that Legal & General has been involved with the Grosvenor Centre since 1999 and did not invest in it during the economic boom. Any assertion by Legal & General that the resolution to grant planning permission at Rushden Lakes played an influential part in its decision in June 2012 to cease work on a planning application for the Grosvenor Centre and to conduct a viability review is not sensible. Its assertion that a grant of planning permission at Rushden Lakes would preclude future investment at the Grosvenor Centre on the grounds of viability is also unevidenced and, again, not sensible [3.52, 5.81-5.94].
- 8.67 In Corby there is extant development plan support for a proposal known as Evolution Corby in which 15,500m² net of additional comparison goods floorspace would be delivered over the period to 2021. In 2008 a planning application was made; CBC resolved to grant permission but it was never issued. The scheme was effectively abandoned by the previous owners. The new owners, Helical (Corby) Ltd object to the Rushden Lakes application but there is no revised scheme and no evidence of any planned investment of such a scale that could deliver Evolution Corby. Furthermore, as Mr Nutter explained, Corby is simply not seeking to compete in the same market as Rushden. There is no compelling evidence of any significant adverse effect on planned investment in Corby. All of the retail impact analysis demonstrates that the measured effect on Corby is very small: even Mr Goddard has not been able to generate any significant loss of trade in his modelling [3.53, 4.74-4.93, 7.15].
- 8.68 In Kettering there is similarly some policy support for improvements, particularly at the Wadcroft/Newlands Phase I site. However, again there is no evidence of any scheme being progressed for comprehensive redevelopment as set out in the AAP. Neither Mr Goddard nor Miss Garbutt for the LAC gave any direct evidence on investment planned in Kettering. That offered by PR Kettering Ltd was not tested by cross examination at the

Inquiry. Mr Nutter was not cross examined on his evidence in relation to investment in Kettering [3.54, 4.74-4.93, 7.23-7.30].

(ii) Impact on town centre vitality and viability

- 8.69 Although some parts of the evidence have a scientific appearance, this is in the end a matter of professional judgment, in particular in so far as it relates to the assumptions as to where the trade for the new development will be drawn from. In order to assess such impact it is first necessary to establish the likely **catchment area** of the proposal and its likely turnover. The sum of money which is likely to be available to be drawn from relevant centres and elsewhere to the proposed development is then known. It is then necessary to determine which centres it is likely to be drawn from and what scope there is for claw back and from where. All experts have, in considering the question of existing catchments and patterns of trade draw, used the same shopping survey data - the RTP 2011 Household Survey. In respect of each centre, the effect on the vitality and viability of those centres can then be analysed [3.55-3.56, 4.74-4.93, 5.81-5.94].
- 8.70 Both Mr Nutter and Mr Goddard judge that the core catchment is likely to be zones 9 to 11, with Mr Goddard adding in zone 7. Mr Goddard's secondary catchment is much more extensive and also covers most of the urban area of Northampton (zones WN4 to 7). However, it is just not credible to assume that substantial numbers of people living in Northampton and beyond would be drawn to Rushden Lakes when Northampton town centre is on their door step and when they would drive very close to if not past other retail parks en route. If such persons were willing to travel for such a time, Milton Keynes would be a much more attractive proposition as a very high order comparison goods draw. I consider Mr Nutter's catchment area is robust and credible [3.57, 4.74-4.93, 5.81-5.94].
- 8.71 The existing **retention rates** for comparison goods expenditure show that Rushden ("home" zone 10) retains only 37.5% compared to Kettering's home zone which retains 76%, Corby (65%) and Wellingborough (53%). Thus, at present, there is significant leakage of comparison goods expenditure from Rushden, its home zone and all the other zones in North Northamptonshire. Rushden and the other towns in North Northamptonshire are presently failing to provide sufficient choice and quality in their comparison goods offer whether in centre or edge/out of centre and their residents travel further afield for comparison goods shopping counter to the fundamental strategic objective of the NNJCS to retain more of such expenditure within North Northamptonshire. Wellingborough's poor performance means that the southern part of North Northamptonshire is poorly served and that the strategy to enhance self containment must apply to even greater effect [2.33, 2.34, 4.74-4.93, 5.81-5.94].
- 8.72 The outflow of expenditure has numerous adverse consequences – it means that residents regularly have to spend their time driving to Northampton (16 miles) or further – this not only wastes time, money and carbon, it adds to congestion and exports local job opportunities. It also means that the local

area forgoes the opportunity to apply local expenditure to achieve a high quality of local development, such as Rushden Lakes. More importantly still, it means that the quality of local life is diminished. These themes came through very powerfully indeed in local residents' exceptionally well thought-through and moving presentations at the evening session of the Inquiry ^[2.35, 4.74-4.93, 5.81-5.94, 6.41-6.106].

- 8.73 Reference has already been made to the poor progress which has been made in terms of delivering the **NNJCS allocations**. The nearest of the three Growth Towns to Rushden Lakes is Wellingborough which was earmarked in the NNJCS for some 15,500 to 18,500 sq m net additional comparison retail floorspace but over half way through the NNJCS period nothing has been delivered. Terraces B and C would provide a total of 17,431 sq m of net comparison retail floorspace which is within the (minimum) range that was allocated to Wellingborough. The NNJCS provides for substantial retail development in Wellingborough which it is agreed is unlikely to happen. The context for considering the retail impact of Rushden Lakes is that Terraces B and C are no larger than the amount of floorspace that the NNJCS allocates to Wellingborough which is strategically acceptable, indeed advocated, via increased retention of trade within North Northamptonshire, by the NNJCS ^[2.36-2.37, 4.74-4.93, 5.81-5.94].
- 8.74 Where end operators in a retail scheme are unknown, assumptions as to **turnover** have to be made. Mr Nutter's assumptions are that the garden centre and Terrace A would trade as Mr Burnett suggests - £5.1m and £9.1m respectively. For Terraces B and C, applying an average of £4,000/m², he judges turnover at £73.4m. This gives a total turnover of £87.6m. In order to arrive at the turnover figure for the 2018 test year, Mr Nutter then assumes that turnover would increase in line with national averages. The 2018 figure is therefore £99.6m nearly £10m above the figure adopted by Mr Burnett ^[3.58, 4.74-4.93, 5.81-5.94].
- 8.75 The turnover figures for Rushden Lakes presented by Mr Burnett and Mr Nutter are very similar: £90 million per annum and £99.6 million per annum respectively by 2018 (the test year). Mr Burnett followed best practice in sense checking his turnover by constructing a series of hypothetical tenant line-ups. Besides making the obvious point that his line-ups were speculative the LAC and Legal & General did not challenge his figures or his methodology ^[2.39, 4.74-4.93, 5.81-5.94].
- 8.76 I note that the difference between them reflects the use of a floorspace efficiency factor by Mr Nutter, which he has applied to show consistency with the work of RTP. Increases in productivity are more commonly applied to existing floorspace given that there is greater scope within existing floorspace to create more modern higher density stores. However, in seeking to adopt a cautious and robust approach it can be assumed that the turnover of the proposed development would increase in line with national averages by 2018. The turnover figure of £99.6m in 2018 is thus a reasonable figure to adopt ^[3.58].
- 8.77 The equivalent figure adopted by Mr Goddard for the LAC is £139.5m which is about £40m above Mr Nutter's figure. A key difference between them was Mr

Goddard's selection of a £5,500/m² average for Terraces B and C. Mr Goddard's figure is not reliable as it is based on analysis of schemes that are not truly comparable. In particular, the Greyhound Retail Park in Chester does not trade at an average of £12,863/m², but at £3,400/m². The Northwich Retail Park trades very successfully at £4,336/m². Mr Goddard also produced a list of prospective tenants for Rushden Lakes. His figures appear to have been derived from a premature assumption that Rushden Lakes would trade at a benchmark level comparable to open A1 retail parks in more populous and strategically accessible locations, but that assumption does not withstand scrutiny. This all suggests that Mr Goddard's figure is too high and Mr Nutter's is robust and appropriate [3.59, 4.74-4.93, 5.81-5.94].

- 8.78 In an attempt to underpin his existing work, Mr Goddard undertook sensitivity testing in his rebuttal proof. However, as was exposed in cross examination, his glaring error in assuming an Argos at Rushden Lakes would turn over £22.4m, instead of a company average based sales per outlet in the £5m to £6m range, means that his turnover is inflated by about £17m. This narrows the gap between Mr Goddard (sensitivity) and Mr Nutter to £23m. Mr Nutter's robust assumption that turnover would improve in line with national trends (which accounted for £9.6m of 2018 turnover) is to be contrasted with Mr Goddard's efficiency allowance of £15.2m. If Mr Nutter is correct, then the gap narrows still further to about £17m [3.60, 4.74-4.93].
- 8.79 In summary, the inclusion of a wholly unrealistic turnover for Argos and an unjustifiable uplift for floorspace efficiency account for a very large part of the difference between Mr Goddard's turnover on the one hand and Mr Nutter/Mr Burnett on the other. The fact that Mr Goddard did not produce a realistic and robust tenant line up (by including Zara Home and WH Smith) to substantiate his predicted turnover for Rushden Lakes is a powerful sense check. His estimated turnover is simply too high to be realistic [2.49, 4.74-4.93].
- 8.80 The LAC and Legal & General both rely entirely on the evidence of Mr Goddard to show an impact on the vitality and viability of Northampton town centre. However, Mr Goddard's evidence on turnover and trade draw are not credible. LXB has shown that £57.76m or 41% of his £139.5m turnover per annum for Rushden Lakes, in his "primary" case, would be drawn from Northampton town centre. That contrasted with the mere £10.27m per annum or some 7% that he thought would be drawn to Rushden Lakes from out of centre retail parks in Northampton. On his analysis, whereas **without** Rushden Lakes 39% of expenditure from residents of zones 7, 9, 10 and 11 which "leaks" to Northampton would be spent in the town centre and 61% in the out of centre retail parks; **with** Rushden Lakes the position would change dramatically so as to reduce the amount of money spent by residents of these zones in Northampton town centre by a huge 96% and leave only 3% of the leaking money being spent in the town centre as against 97% in the out of centre retail parks. Unequivocally this demonstrates the inconsistency of his assumptions and the obviously excessive loading of impact on the town

- centre. Plainly, to the extent that Rushden Lakes would compete with stores in and around Northampton, it would compete with the out of centre retail parks – which are dominant in the area – far more than with the town centre [2.53-2.56, 4.74-4.93].
- 8.81 Moreover, Mr Goddard’s trade draw includes an assumption that £7m would flow to Rushden Lakes from outside his already unrealistic and very large catchment area and that £8m would flow from tertiary zones WN11 (Buckingham) and WH (immediately north of Milton Keynes). Mr Nutter is correct that WN11 is simply too far away to be considered as falling within the catchment of Rushden Lakes, and that WH is firmly within the considerable sphere of influence of Milton Keynes. Taking all of these adjustments into account the gap between Mr Goddard and Mr Nutter all but disappears. What Mr Goddard’s sensitivity testing shows is that Mr Nutter’s original work was robust and reliable and his was not [3.60, 4.74-4.93].
- 8.82 To assess the impact on individual centres, a judgment has to be made as to the draw from town centres and that from out of centre retail parks. Mr Goddard has made such a judgment but that judgment does not survive his sensitivity test because it is based on improbable and disproportionate differentials between town centres and out of centre retail parks. His modelling is defective for two reasons: (i) it does not reflect the current existing attractiveness demonstrated by the Household Survey of town centres and retail parks where the split is now currently generally even between the two; and (ii) it is illogical and Mr Goddard could provide no sensible explanation why the trade draw had been skewed so significantly. The problems infect his analysis on Northampton and Kettering town centres [3.61, 4.74-4.93].
- 8.83 Page 1 of ENC10 sets out the results of Mr Goddard’s trade draw assumptions from the Rushden Lakes home zones on Northampton town centre and the out of centre Riverside Park to the east (i.e. towards Rushden) both before and after Rushden Lakes is opened together with the sensitivity test position. The result is completely at odds with what Mr Goddard said he would expect applying his professional judgment. Rushden Lakes is shown as clawing back disproportionate and unexpected trade from the town centre when compared with the out of centre retail park. Whereas Mr Goddard had expected it would show significant trade redirected from Riverside Park this was not the case. Far more trade (about 10 times as much) was redirected from the town centre. The PG Annex D.27 advises that judgments should be based on existing shopping patterns. Whereas existing shopping patterns of those resident in the Rushden home zones show an approximately 50:50 split between town centre and retail park shopping, the analysis at ENC10 shows that Mr Goddard’s data does not, even on the basis of his sensitivity test [3.62, 4.74-4.93].
- 8.84 Page 2 of ENC10 shows the effect of Rushden Lakes on the shopping patterns of those living in the Northampton home zones. Mr Goddard was simply unable to explain why the diversion of expenditure by residents of zones W3 and W5 away from Northampton town centre increased in his sensitivity test.

He was in similar difficulty in respect of explaining why, in respect of zones W3, W4, W5 and W7 the impact on Riverside Park decreased in his sensitivity test. Mr Goddard told the Inquiry that he could not explain why the data showed this, that it was counter-intuitive and that he would expect the opposite so it was "probably wrong". On page 3 of ENC10, Mr Goddard was unable to explain the outputs in respect of the Northfield Avenue Retail Park. In my view, the outputs are "wrong" because they were based on inappropriate and unsupportable professional judgment. The errors were not "mathematical quirks thrown up by the computer modelling." These errors were in the key zones of Mr Goddard's primary and secondary catchment [3.63, 4.74-4.93].

- 8.85 Plainly Mr Nutter's assessment is to be preferred. It is telling that when you follow the money the amount drawn from the primary catchment identified by Mr Nutter and Mr Goddard is broadly equivalent. It is only when the exaggerated turnover used by Mr Goddard needs to be deployed that it is necessary for him to spread that implausibly high turnover he is required to contend that trade will be drawn from far and wide and in particular heavily from zones in Northampton. Thus the inaccurate turnover is coupled with the defective judgment to compile a modelling exercise which is not fit for purpose. Mr Nutter's judgments (Tables 6.2 and 6.3 of ENC3) reflect the empirical evidence available and are based on coherent and logical analysis [3.64, 4.74-4.93].
- 8.86 The solus effect on Corby town centre is -0.8% rising to -6.8% when taking account of existing commitments. The solus effect on Kettering town centre is -4.8% rising to -8.7% when taking account of existing commitments. The solus effect on Northampton town centre is -5.4% rising to -7.8% when taking account of existing commitments. However, in all cases the turnover in 2018 would be higher than in the base year of 2011. In each case that impact would not be significant. The effect on Wellingborough is more finely balanced. The solus effect on the town centre is -12.2% and is the same taking account of existing commitments. In both cases the turnover in 2018 would be similar to the base year of 2011. While the comparison goods floorspace position is not as strong as the other centres, the overall vitality and viability of Wellingborough is underpinned by convenience goods investment. WBC is fully aware of Mr Nutter's assessment and has not withheld its support for Rushden Lakes on the grounds of adverse retail impact.
- 8.87 Overall I conclude on issue (b) that consideration of section 2 of the NPPF does not indicate a refusal of planning permission [3.65, 4.74-4.93, 7.23-7.30].

Issue (c) the extent to which the proposed development is consistent with Government advice in promoting more sustainable transport (Section 4 of the NPPF); promoting accessibility to jobs, leisure facilities and services by public transport, walking and cycling; and reducing the need to travel, especially by car.

- 8.88 The key parts of section 4 of the NPPF relevant to making a decision on this application are paragraphs 32, 34 and 36. These are the decision-taking as opposed to the plan-making paragraphs. Decision-makers are required by NPPF [32] 1st bullet to “take account” of *inter alia* whether “the opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure”. Mr Hunter-Yeats agreed that NPPF [32] must be applied in a context specific manner depending upon the nature and location of the site, and that the rationale for promoting sustainable transport modes was to reduce the need for major infrastructure to serve the development. Clearly the decision must be sensible and the opportunities for sustainable travel would necessarily vary according to the particular facts of each case [2.115-2.116, 3.68, 5.105].
- 8.89 In terms of the 2nd and 3rd bullet points of NPPF [32], Legal & General agreed that the footbridge and the routes within the site would be safe and did not suggest that additional highway works were necessary. Moreover, Legal and General did not contend that there would be “severe” impacts as referred to at the end of the paragraph. The principal transport issue is therefore whether the 1st bullet point of NPPF [32] has been satisfied [2.117].
- 8.90 In terms of NPPF [34], it provides that decisions should ensure that developments that generate significant movement are located “*where the need to travel will be minimised and the use of sustainable transport modes can be maximised*”. But this is qualified by the need to “take account of policies set out elsewhere in this Framework, particularly in rural areas”. The paragraph does not set some form of overriding additional test e.g. that if the retail sequential test is met, permission should be refused unless one can have (for example) maximum bus services at the level that one might find in a town centre. The paragraph must and can only be looking to achieve what is practicable in the particular circumstances of the site and its location [2.118, 3.69, 5.109-5.123].
- 8.91 Legal & General refers to NPPF [35] but this says in terms that it aims to achieve various aspects “*where practical.*” With regard to NPPF [36], the SoS should note that Travel Plan issues are dealt with both by conditions and planning obligations. It is also worth recording that NPPF [24] (the sequential test) contains a preference for well connected sites, not an absolute requirement. If the sequential test is passed that is the end of the matter and NPPF [24] does not provide the basis for a free-standing transport objection [2.119-2.121, 5.109-5.123].
- 8.92 Further, the NPPF’s approach to sustainable transport issues is supported by the NNJCS which developed its spatial strategy with regard to the relevant local transport plans and strategies. Section B of the NNJCS highlights that the plan aspires to contribute to modal shift away from the private vehicle use. It suggests that parking supply should be managed to level the playing field between the car and other travel options. It is also important to note the strong plea in NPPF [187] that decision-makers should look for solutions rather than problems. Mr Hunter-Yeats did not offer any solutions to the

perceived problems. In contrast, the highway authorities have followed the advice in NPPF [187] and there is a very full SoCG reflecting extensive agreement on transport matters. Mr Hunter-Yeats accepted that significant weight can be placed on the agreement that has been reached. I now turn to sustainable transport modes [2.122, 3.69, 5.107].

Walking

- 8.93 Walking is an important mode for any development. Historically there was an important connection between Rushden Town Centre and Rushden Lakes. Clearly, the new footbridge would reconnect the town with the Lakes, joining together the employment, residential and retail uses. Legal & General asserts that the A45 would be a “physical barrier” or create “poor walking conditions”. However, the application proposal has to be assessed on the basis of the package of measures which is being offered through the application and the footbridge over the A45 would certainly change that landscape. Mr Bird’s 2km walking catchment area is reasonable and derives from policy and best practice. Some 11,000 people would live within a 2km walk of the site – that is a significant proportion of the inhabitants of Rushden and Higham Ferrers. There is reference in a letter from NCC Highways to people carrying “heavy shopping” over long distances but it must not be forgotten that this is a mixed use retail, leisure and recreation scheme and walking to and from the site would not simply be related to trips to shop [2.123-2.128, 3.69, 5.116-5.123].
- 8.94 In terms of walking access to the application site, as opposed to within the site, Mr Hunter-Yeats’ concerns are overstated. His fears of muggers lurking in the bushes along the Greenways and an intimidating environment created by the old railway cutting are evidently not shared by those who actually use the Greenways. At the evening session evidence was given about how safe these routes are regarded to be for children to use. The routes were seen at the site visit and it is hard to imagine that upon seeing them one recognised Mr Hunter-Yeats’ characterisation of them [2.126, 5.116-5.121].
- 8.95 The Ramblers Association has welcomed the improved pedestrian and cyclist access including the provision of a pedestrian/cyclist bridge over the A45 from the development to Northampton Road and Crown Park. The proposed link from the Greenway to Rushden Lakes is also highlighted. Similarly, the Higham Ferrers Footpath Group responded in support of the pedestrian and cycle provision, noting that linkages to the Greenways and former railway were “especially valuable”. Many members of the public have expressed their support for the walking and cycle provision offered by the scheme [2.127].

Cycling

- 8.96 Externally to the application site no specific cycling facilities are proposed to encourage residents to cycle to the development; no cycle lanes and no cycle specific crossings are offered. However, the benefits of the proposal to

walkers would apply with equal force to cyclists. 79,000 people live within an 8km cycle ride, including a significant element of the population of Wellingborough. Cycling use would increase with improved connections planned not just by LXB but also in conjunction with the WEAST development at Wellingborough and the continuing improvements planned along the Nene Valley. Legal & General express concerns about the cycling experience on the road network. However, section 4 of the NPPF does not place responsibility on the Applicant for the quality of the entire length of routes to and from the application site [2.129-2.130, 5.122-5.123].

Bus Services

- 8.97 Extensive discussions have been held with NCC and the main bus operator in the area, Stagecoach, in order to develop an appropriate and sustainable bus service to the site. The existing service that comes closest to the site is the No 49 that terminates on Crown Way, close to the Waitrose store. The No 49 currently operates an hourly service frequency and serves locations including Kettering, Irthlingborough, Higham Ferrers and Rushden. The Applicant has offered a unilateral planning obligation under the terms of which the bus service to the site would be improved. The existing No.49 bus route would be extended so as to serve the site. Therefore, there would no longer be reliance upon users of that service walking across the new bridge from Waitrose to the site. This improvement in provision means that criticism of this walk and the claim that this bus service should not count are all beside the point [2.131, 5.124].
- 8.98 In addition to the existing bus service, it was originally proposed that LXB would provide funding for a new bus service linking the site with the town centres of Wellingborough, Rushden and Higham Ferrers running hourly between 0700 and 1900 hours Monday to Saturday. That level of service was agreed with the responsible public authorities and they were satisfied with it. NCC is confident that it will increase to a half hourly service when WEAST comes forward. However, at the Inquiry it was argued that the new bus service ought to run 7 days a week and more frequently on weekdays. LXB considered these arguments and secured in the unilateral planning obligation an hourly Sunday bus service (0900 to 1700 hours) as well. LXB considers that this package of public transport improvements is appropriate but if the SoS confirms in the decision letter that a half hourly bus service, seven days a week, is necessary and otherwise meets the requirements of Regulation 122 of the CIL Regulations 2010 then covenants in the unilateral planning obligation will come into effect by virtue of which the new bus service would be provided on a half hourly basis seven days a week [2.132, 3.69, 5.124-5.132].
- 8.99 From the evidence submitted to the Inquiry, the application site is not as accessible as one would expect. There is no rail service nearby. There is currently not an attractive bus service to the site but the enhancements to bus provision proposed by LXB would significantly improve accessibility. I consider it is necessary to provide a new half hourly bus service seven days a

week as provided in the unilateral planning obligation as this is more likely to activate modal shift from cars to public transport. If the SoS agrees that the improved bus service is necessary in order to make the site sufficiently accessible, the unilateral planning obligation would deliver the improved bus service. Given the improved and new bus service plus the other proposed improvements to walking and cycling that would be delivered, it is clear that the proposal before the Inquiry would enhance the accessibility of the site both by slow modes and by public transport. These provisions have been accepted by NCC as providing the necessary assurance that the site would be accessible. Whilst various points have been made in relation to the present position of the site in terms of public transport, the application proposal has to be assessed on the basis of the package of measures which is being offered through the application [2.132, 3.69, 5.124-5.132].

- 8.100 Legal & General's criticism that the new bus service is only secured for 3 years and thereafter its continuing viability is in doubt is not correct. NCC fully expects the new bus service to continue in the long-term and to be self-funding. Legal & General's complaint that the viability of the proposed new bus services has not been tested or proven by LXB completely misses the point. LXB is procuring, not providing the bus services in question. It is Stagecoach who would be running the buses. Stagecoach confirmed (i) that they would expect the No.49 extension to be achievable at no extra cost "*thus in effect already commercial*"; (ii) the proposal to serve Rushden Lakes on Sunday "*represents the best opportunity that we can see, by far, of catalysing a long term commercially sustainable quality Sunday bus service for the Four Towns area*"; and (iii) "*we consider the Monday-Saturday package in the round will be sustainable commercially after the subsidy is removed*" and "*the Sunday service looks credibly likely to become commercially sustainable*". NCC agrees. This is clear from APP50. With the new bus service provision in place there would be a strong linkage both to the town centre and to a significant number of towns within the local area. This would provide an appropriate and sustainable alternative to the use of the private car and would meet the aspirations of national planning policy [2.133-2.137, 3.69, 5.124-5.132].

Highway improvements

- 8.101 The proposed improvements to the Skew Bridge roundabout would be beneficial for users of the road network. Without these proposed improvements, already committed development would worsen conditions but there is no funding for the roundabout improvements. Rushden Lakes would fund the works and conditions for road users would improve [2.138].

Trip reduction & carbon saving

- 8.102 The proposal would bring significant benefits in terms of trip reduction and carbon saving. Clearly if significant expenditure from the Rushden Lakes home zones is clawed back from more distant centres there would be vehicle

mileage savings. Mr Bird's calculations were criticised but no alternative calculation was ever advanced by the LAC or Legal & General. NCC has stated that it does not agree with paragraph 16.8 of the SoCG. It was suggested that Mr Bird had failed to take into account of some trips that would be generated by Rushden Lakes e.g. current trips to Northampton by bus that would be replaced by a trip to Rushden Lakes by car but these do no more than chip away at the edges of the savings. There is currently not an attractive bus service to Northampton town centre from Rushden. Residents in zones 9 to 11 shopping in Northampton have no real choice other than to travel by car. Even on the LAC's retail draw figures, there would be a substantial saving amounting to some one quarter to one third of what Mr Bird predicts based on Mr Burnett's retail assessment. The proposal would reduce the outflow of money (and thus trips by car) to Northampton town centre and retail parks and other distant locations, thereby reducing trip lengths and consequent savings of carbon [2.139, 3.69, 5.109-5.113].

- 8.103 Overall in relation to issue (c) I conclude that the proposal would be consistent with Government advice promoting more sustainable transport as set out in section 4 of the NPPF.

Issue (c) the extent to which the proposed development is consistent with Government advice, particularly in relation to giving appropriate weight to protected species and to biodiversity interests within the wider environment (Section 11 of the NPPF).

- 8.104 Section 11 of the NPPF requires valued landscapes to be protected and enhanced, the provision of net gains in biodiversity where possible, despoiled and degraded land to be remediated [109], previously developed land to be effectively re-used [111] and weight to given to the contribution made to wider ecological networks [113] [3.71, 4.95-4.97, 5.133].
- 8.105 The application site is previously developed land as defined in Annex 2 of the NPPF and as such the NPPF encourages its effective use. The proposed development would bring very substantial environmental benefits to which significant weight should be attached. Additionally, the scheme would deliver tourism and leisure benefits. Mr Lewin agreed that the scheme would be beneficial and that if the LAC's evidence on retail issues is rejected, planning permission should be granted. Mr Jones for Legal & General accepts that the proposals would provide significant benefits that are welcomed by the Wildlife Trust and the RSPB [2.142, 4.95-4.97, 5.133].
- 8.106 In terms of the environmental benefits, it is important to appreciate the significance of the application site and its surroundings. The Nene Valley has the highest level of national and European nature conservation designations. It is also one of only 12 Nature Improvement Areas designated by Natural England in the country and the RSBP described the area as "one of the most important wildlife sites in the UK" [2.143, 4.95-4.97, 5.133].

- 8.107 There would be extensive environmental benefits arising from the proposals. In summary, key benefits are: (i) stopping the heavy damage that has occurred through trespass and disturbance; (ii) designing the scheme in a way which is sensitive to the site; (iii) enhancement through investment in habitat improvements and management (Access and Habitat Management Plan) – management which would be “joined up” and cover a large area of important habitat; (v) the visitor centre providing a base for the Wildlife Trust which together with the other physical and management measures would truly enable the public to access, enjoy and be inspired by the importance of the wildlife along the Nene Valley [2.144, 4.95-4.97, 5.133, 6.1-7.30].
- 8.108 It is important to record that Natural England, the Government’s statutory consultee on ecological matters, has signed up to the SoCG to record its view that the proposals would bring “*significant benefits*”, represent a “*unique opportunity to enhance the site’s potential*” and that “*significant weight*” should be attached to the scheme’s environmental benefits. It is also important to note the RSPB’s view that: “*the management proposals linked to the redevelopment will enable the linking up of various nature reserves in this area, including Wilson’s pits, Ditchford Lakes and Meadows, Higham Ferrers Pits and Irthlingborough Lakes and Meadows. It will also link to the adjacent Stanwick Lakes site, producing a total area under nature conservation management of about 500 hectares - extremely significant in the context of a heavily developed, inland county like Northamptonshire*” [2.145, 4.95-4.97, 5.133].
- 8.109 Moreover, the Wildlife Trust has stated that it would manage the proposed visitor centre, the 32ha of land within the application site and a further 60ha of land controlled by the Applicant. This land includes SSSI, SPA and a Ramsar site. It also lies in the Nene Valley Improvement Area where ecological awareness and access is to be encouraged. It confirms that unmanaged access and trespass on the land is a “*key issue in the current decline in the condition of the SPA*”. It further confirms that the nature conservation value of the site would be enhanced by the proactive ecological management that it would undertake. By taking responsibility for LXB controlled land, the Wildlife Trust confirms it would be able to link up with its other nature reserves in the area to give a total integrated reserve area managed for people and wildlife of around 500ha. The visitor centre would be a vital base from which to manage conservation activities and provide outreach education to school children and visitors [3.73, 4.95-4.97, 5.133, 6.1-7.30].
- 8.110 The RSPB states that it works closely with the Wildlife Trust in the Nene Valley and endorses its views. This is particularly important because the area is important for protected over-wintering birds. Miss Garbutt’s lack of enthusiasm for the proposals was based on her reading the ES, nothing more. Her judgment is at odds with that of the RSPB, the Wildlife Trust, Natural England and hundreds of letters of support which specifically highlight the environmental benefits of the scheme. Overall it is clear that these proposals would bring significant nature conservation benefits [3.74, 4.95-4.97, 5.133, 6.1-7.30].

8.111 The courts have consistently held that the views of expert statutory consultees in the field of nature conservation are to be given weight by decision-makers and that cogent and compelling reasons are required for departing from such advice. In this case Natural England's view is clear: the proposals would bring environmental benefits which are significant material considerations in favour of the application. There is no reason, let alone a cogent or compelling reason to disagree with Natural England's judgement. In all circumstances, applying the policy in section 11 of the NPPF substantial weight should be given to these benefits in the planning balance [2.147, 4.95-4.97, 5.133].

Other benefits

8.112 The proposals would also result in significant **tourism and recreation benefits**, as well as in the creation of a significant **number of jobs**. These are important material considerations in this case [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].

8.113 First, with regard to the tourism and recreation benefits there are clearly local policy aspirations for the Nene Valley which represent a resource of strategic importance to East Northants. The SoS should note the key aspects of the Nene Valley Strategic Plan which are set out in paragraph 2.149 of this Report. The Rushden Lakes scheme would be wholly consistent with this Plan in the following ways: (i) the proposal would deliver 2 waterside restaurants, a coffee shop in the proposed visitor centre, a drive in restaurant and also catering could be expected in the garden centre; (ii) the retail development would provide a particular waterside attraction differing in character from any other facility along the Nene; (iii) the boathouse is to be constructed, fitted out and let to Canoe2 on a peppercorn, enabling them to provide an expected 2,500 canoe trips/breaks and attract hundreds of overnight stays every year; (iv) under the management agreement, the boathouse would be available to the Scouts and other community groups; (v) the Bailey Bridge is an important link. The reinstatement of the bridge would connect directly with the Nene Way and open up considerably enhanced connectivity; (vi) the new bridge to Rushden is important, the nearest footbridge currently is in Higham Ferrers some 2km away [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].

8.114 It was evident from the site visit that there is no formal public access to the application site, which is in poor condition and functions as a barrier between the town of Rushden and the Nene Valley corridor. The boathouse, visitor centre, restaurants, hotel and retail facilities would add enormously to the attraction of the valley, complementing other gateways into the valley. The benefits listed in paragraph 8.112 above should be given significant weight, especially when considered against the backdrop of the current situation [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].

8.115 Secondly, turning to the employment benefits, Bridget Rosewell's evidence is that a significant number of jobs (some 1,714 FTE) would be created by the proposals. Her evidence also identifies the need for this type of employment locally, the fact that East Northamptonshire has a higher unemployment

count than the rest of North Northamptonshire, and the fact that in this respect the Applicant has pursued an exemplary path by working with the appropriate stakeholders to commit to workforce training to maximise the benefits of these jobs. ENC accepts and supports this view [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].

- 8.116 The LAC and Legal & General have sought to argue that jobs would be lost elsewhere and therefore there would be no net gain. Their methodology is not supported by any study or proper empirical evidence. The LAC/Legal & General approach is mistaken for the reasons given by Bridget Rosewell because it ignores the growth in spending which would support net new retail jobs on a scale greater than the impact of the Rushden Lakes proposal. It is also inconsistent with the way in which NBC considered the Barrack Road Tesco application. Mr Lewin accepted that in that case the Council did not look at net job creation even though the application would result in a town centre anchor trading significantly below its benchmark. Moreover, the evening session of the Inquiry demonstrated evocatively and forcefully just how significant these employment opportunities are to the local communities. Overall the evidence of Bridget Rosewell is compelling in the present case [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].
- 8.117 The SoS should be aware that there is considerable public support for the proposals not simply "in terms of the size of the postbag", but rather because the substance of the public representations squarely relate to material planning considerations. The considerable ecological, recreational and leisure benefits of the scheme are very clearly highlighted in the extensive local support. There is a genuine recognition that Rushden Lakes has been very carefully developed in partnership with all relevant stakeholders to maximise its contribution to meeting multiple local needs and enhancing the way that people feel about their own town. The local communities have understood the planning issues raised by this case, and they have made sensible, well-thought out representations engaging with the planning merits. The substance of what they said should be given significant weight. The LAC raised a design concern that the scheme would face the Lakes rather than the A45. However, the layout would maximise the enjoyment of the Lakes and there would be no conflict with Policy 5 of the NNJCS in relation to design. In short, local people, local businesses and local conservation groups all support the planning merits of the scheme. The benefits of the scheme are clear and they should be given significant weight in the determination of this case [2.148-2.158, 3.81-3.90, 4.95-4.100, 5.133-5.138, 6.1-7.30].

Issue (e) whether any permission should be subject to any conditions and, if so, the form these should take.

- 8.118 ENC submitted a list of suggested conditions which were discussed in detail at the Inquiry. These conditions were subsequently revised and document EN14 represents a high level of agreement between the Applicant and ENC as to the conditions which should be imposed in the event that planning permission is granted. I have considered the suggested conditions in the light of the tests of Circular 11/95. The comments in this section and the condition

numbers referred to below support and reflect the list produced in the Annex to this Report [2.159, 3.76-3.77, 4.101].

- 8.119 Conditions 1-4 are necessary as they relate to time limits and to the approval of reserved matters. Conditions 5-8 are necessary for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, drawings and documents. Condition 9 is necessary to ensure and safeguard the recording of any archaeological deposits. Conditions 10-14 deal with requirements to submit further details in relation to foul and surface water drainage and are necessary to reduce the risk to controlled waters and pollution. Condition 15 is necessary to ensure that specific highway schemes are provided in the interests of highway and pedestrian safety. Conditions 16-20 specifically relate to Travel Plans and involve a series of measures which will encourage employees as well as visitors to walk, cycle and use public transport services. These conditions are necessary to ensure the implementation, monitoring and review of the measures included in the Travel Plans and in the interests of a sustainable development [2.159, 3.76-3.77, 4.101].
- 8.120 Condition 21 requires a landscaping scheme to be submitted for the site to ensure a satisfactory development and in the interests of visual amenity. Condition 22 is necessary to secure improvements to the "Bailey Bridge" and Condition 23 is required to safeguard a gas pipeline on the site. Condition 24 is necessary in the interests of fire safety. Conditions 25-33 are necessary in the interests of visual amenity and biodiversity, to protect the ecological character of the area and to ensure that protected species/habitat are not harmed by the proposed development. Condition 34 is necessary to ensure the submission of a scheme for external lighting. Conditions 35-36 are necessary to ensure that risks from land contamination and landfill gas are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Condition 37 is necessary and requires the submission of a waste management strategy. Conditions 38-40 are necessary in order to reduce the risk of flooding. Condition 41 is necessary to mitigate the impact of construction works. Conditions 42-47 impose restrictions in relation to the retail units and are necessary to ensure that the development is carried out in accordance with the approved plans and that the impact of these components does not exceed those assessed in the application. Conditions 48-49 are required to ensure a sustainable development [2.159, 3.76-3.77, 4.101].

Issue (f) whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable.

- 8.121 Regulation 122 of the CIL Regulations provides that for an individual obligation to be a lawful reason for granting planning permission, it must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related to the scale and

kind of the development. In this case there is a Planning Obligation Agreement [INQ5] and a Planning Obligation by Unilateral Undertaking [INQ6] proffered. LXB has also provided a Statement of Compliance to explain how each meets the Regulation 122 tests [APP41]. Both Planning Obligations are considered fit for purpose [2.160, 3.78-3.80, 4.102, 7.7, 7.20].

- 8.122 In terms of the Planning Obligation Agreement there can be no objection in principle to the making of a Rushden Town Centre Manager (TCM) Contribution of £150,000 over three years. This would mitigate the impact of the proposal and would foster links between Rushden Lakes and Rushden/Higham Ferrers town centres. It would enable support, advice and guidance to many traders in the town centres and facilitate the co-ordination of bids for future improvement funds so that at the end of the funding period voluntary and/or business bodies would be in a position to ensure the future health of both town centres. In terms of the Regulation 122 tests the TCM contribution would make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.123 The Planning Obligation Agreement makes provision for a contribution of £50,000 and requires the head contractor to comply with the Construction Futures Strategy to deliver apprenticeships and training to skill the local workforce which is intended to secure 547 training weeks in conjunction with a local provider. The Construction Futures approach would secure apprenticeships and other training and learning opportunities arising from the construction. This provision meets the 3 tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.124 The Planning Obligation Agreement includes a provision to appoint a Travel Plan Manager. LXB would secure such appointment for at least 5 years. Thereafter good practice would be likely to be embedded, and if it is, the need for LXB to provide continuing support. If such support is needed, it would continue as necessary. No objection to this proposal has been received from the Highway Authority. This provision meets the 3 tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.125 The Planning Obligation Agreement includes a provision that the visitor centre and boathouse would be provided before any part of the retail floorspace is open for trading [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.126 The Planning Obligation Agreement includes a provision to pay the County Council a contribution of £44,115 for improvement works to the Chowns Mill Roundabout. These improvement works are intended to achieve a nil detriment solution that the Highways Agency, County Council and LPA consider to be necessary for a planning purpose that is directly, reasonably and fairly related to the development. I agree [2.160, 3.78-3.80, 4.102, 7.7, 7.20].

- 8.127 The Planning Obligation Agreement makes provision for a contribution of £375,000 to the County Highways Authority for the provision of a new hourly bus service linking the town centres of Wellingborough, Rushden and Higham Ferrers Monday to Saturday between 0700 and 1900 hours. That would provide a base level of access to the development by public transport. The provision for repayment of any unspent public transport contributions 2 years after they are made is reasonable. Public transport subsidy would cease after 3 years at which time both the operator, Stagecoach, and the Highway Authority are satisfied that the bus services would be viable. If that is in any doubt, remaining funds can be expended for a further 2 years before final repayment is due [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.128 The Unilateral Planning Obligation includes a provision to procure the extension of the existing No 49 bus service into the development on an hourly basis. It also includes provision for a new hourly Sunday bus service (0900 to 1700 hours). Moreover, if the SoS considers it necessary and compliant with the CIL s122 Regulations, the Unilateral Planning Obligation also provides for the procurement of a half hourly bus service seven days a week. The hourly Sunday service would be superseded by this obligation. The No 49 extension would still be provided [2.160, 3.78-3.80, 4.102, 7.7, 7.20].
- 8.129 Legal & General considers that the viability of the proposed new bus services has not been tested or proven. However, from all the evidence that is before me, including that from Stagecoach, the No 49 extension would be achieved at no extra cost, the Monday-Saturday package would be sustainable commercially after the subsidy is removed and the Sunday service looks credibly likely to become commercially sustainable. The County Highway Authority agrees. The improved bus services are necessary in order to make the site sufficiently accessible. It is necessary to provide a new half hourly bus service seven days a week as provided in the Unilateral Planning Obligation as this is more likely to activate modal shift from cars to public transport in accordance with national and local policy. Therefore I consider that all of the provisions of the Planning Obligation Agreement and the Unilateral Planning Obligation are necessary and meet the 3 tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF. I consider both should be accorded weight and I have had regard to them as material considerations in my conclusions [2.160, 3.78-3.80, 4.102, 5.129-5.131, 7.7, 7.20].

Overall Conclusion

- 8.130 From all the evidence submitted to the Inquiry, it is clear that there would be a number of benefits as a result of the proposed development. It is estimated that some 1,714 (FTE) jobs would be created by the proposals. The provision of the boathouse and recreational access to the Lakes is plainly a recreational benefit of the proposed development including to youth organisations. These are important community benefits and the boathouse would contribute to the development of tourism in the Nene Valley. The Wildlife Trust has confirmed

that its involvement would secure improved opportunities for bird-watching, walking, angling and boating. Access would be managed and provided through the land it manages to link up with the greenways of the wider Nene Valley. All of this would accord with Policy 5 of the NNJCS and the Nene Valley Strategic Plan.

- 8.131 At paragraph 8.34 of this Report I said that I would give further consideration to the planning balance and the presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. The application proposal would be immediately deliverable. It is plain that the jobs, environmental and recreational benefits of this proposal all fall squarely within the economic, social and environmental roles of sustainable development set out at NPPF [7]. These are benefits which are clearly welcomed by the local community. I have concluded that in the context of NPPF [7] that this proposal is sustainable development. The SoS should ascribe significant weight to these matters in the planning balance ^[6.33].
- 8.132 The benefits that fall to be considered in the NPPF [14] balance include the regeneration of the previously developed site to the benefit of the self-sufficiency of the town and surrounding areas, the provision of jobs and benefit to the local economy, the enhancement of the environment and ecological benefit, the provision of leisure and recreation facilities, enhanced tourist facilities, connection of the town with the countryside via the new pedestrian and cycle links to the Greenway and Blueway networks including the provision of a bridge over the busy A45, considerable vehicle mileage savings by access to a quality local shopping destination in circumstances where currently long journeys are needed thereby minimising the need to travel, and improved public transport provision.
- 8.133 None of the main alleged retail adverse impacts (failure to apply the sequential test and significantly adverse impact on investment in town centres or the vitality and viability of those centres) has been made out. Access by non-car modes has been reasonably maximised. While this proposal would not wholly accord with an out-of-date element of the adopted development plan, Rushden Lakes is truly a proposal for sustainable development in planning policy terms. The benefits are plainly not clearly and demonstrably outweighed by adverse impacts. There are no other material considerations that indicate that planning permission should not be granted. In all circumstances the case for approving the proposal is overwhelming.

9. INSPECTOR'S RECOMMENDATION

- 9.1 I recommend that planning permission be granted subject to conditions.

Harold Stephens
INSPECTOR

APPEARANCES

FOR THE APPLICANT:

Christopher Katkowski QC and Richard Moules of Counsel Instructed by Denton UKMEA LLP

He called David Bird BSc CEng MICE
Graham Chase FRICS FCIARB FRSA FINST CPD
Colin Burnett BA(Hons) MRTPI
John Rhodes BSc MRICS

FOR THE LOCAL PLANNING AUTHORITY:

Ian Dove QC and Hugh Richards of Counsel Instructed by East Northamptonshire Council

He called James Wilson BA (Hons) DipTP DMS MRTPI
Keith Nutter BSc (Hons) DipTP MRTPI

FOR THE CONSORTIUM OF OBJECTING LOCAL AUTHORITIES:

Morag Ellis QC and Hugh Flanagan of Counsel Instructed by Kettering, Northampton and Corby Borough Councils

She called Matthew Whiteley BA (Hons) DipTP MRTPI
Paul Lewin BA (Hons) DipTP MRTPI
Susan Garbutt BA (Hons) DipTP MRTPI
Chris Goddard BA (Hons) BPI MRTPI

FOR LEGAL AND GENERAL PROPERTY

Russell Harris QC and Reuben Taylor of Counsel Instructed by Deloitte

He called David Hunter-Yeats BEng CEng MICE FCIHT
CMILT
Robin Denness FRICS
Matthew Jones BSc (Hons) DipTP MRTPI AIEMA

INTERESTED PERSONS:

Peter Bone MP MP for Wellingborough
Derek Clark MEP MEP for East Midlands
Philip Hollobone MP MP for Kettering

Andy Sawford MP	MP for Corby
Cllr Glenn Harwood MBE	East Northants Council (Deputy Leader)
Cllr Thomas Pursglove	Corby Conservative Club Ltd
Cllr Sarah Peacock	Rushden Town Council
Adrian House	Rushden Chamber of Commerce
Rev Philip Evans	Rushden & Higham Ferrers Churches
Cllr Derek Lawson	Higham Ferrers Town Council
Kiran Williams BA DipTP MRTPI	BNP Paribas
Thom Collins	Member of the public
Cllr David Jenney	Wellingborough Conservative Association
Cllr Andrew Scarborough	Borough Council of Wellingborough
Andrew Langley	Destination Nene Valley Board
Gill Mercer	Rushden Twinning Association
Alyson Alfree	Rockingham Forest Trust/Stanwick Lakes
Debbie Jackson	Canoe England
Ian Blackwell	Canoe2
Tony Knott	Scouts
Chris Read	Sea Cadets
Maurice Weight	Maritime Volunteer Service
Cllr Helen Howell	Raunds Town Council
Cllr John Farrar	Irthlingborough Town Council
Cllr Richard Lewis	Rushden Town Council
Cllr Bob Nightingale	East Northants Council
Cllr Tim Maguire	Borough Council of Wellingborough
Andrew Hutchison	Member of the public
Cllr Andy Mercer	East Northants Council
Lorna Wiltshire	Rushden Town Centre Partnership
Alan Piggott	Wellingborough Chamber of Commerce
Harry Graham	Rushden Pensioners Forum
Jack Spriggs	Young people in Rushden
Helen Danzig	Yes 2 Rushden Lakes

INQUIRY DOCUMENTS

INQ1	Notification Letter
INQ2	Written representations submitted following the issue of the SoS's Direction to call-in the application
INQ3	Statement of Common Ground
INQ4	Notes of Pre Inquiry Meeting 1 March 2013
INQ5	Section 106 Planning Obligation Agreement
INQ6	Section 106 Unilateral Planning Obligation

CORE DOCUMENTS

A	Government and Regional Local policy documents
1	NPPF (March 2012)
1A	Draft NPPF(July2011)
1B	Milton Keynes and South Midlands Sub – Regional Strategy (March 2005) (extracts: title page and pp.1-21 and 35-42)
1C	Tesco Stores Ltd v Dundee City Council [2012] 2 P&CR9
1D	R (on the application of Zurich Assurance Limited trading as Threadneedle Property Investments) v North Lincolnshire Council [2012] EWHC 3708 (Admin)
1E	DfT – Good Practice Guidelines: Delivering travel plans through the planning system (April 2009)
2	PPS4 – Practice Guide on need, impact and the sequential approach (December 2009)
3	East Midlands Tourism Strategic Plan 2008-2011
4	Nene Valley Strategic Plan (October 2010)
5	Wildlife Trust 'Vision for Biodiversity in the Nene Valley'
6	East Northamptonshire
6.1	East Northamptonshire Council – Land at Skew Bridge, Rushden: development brief – site development and design principles – consultation draft (17 July 2000)
6.2	East Northamptonshire Economic Development Strategy (12 January 2009)
6.3	East Northamptonshire Tourism Strategy 2010-2015 (March 2010)
6.4	East Northamptonshire Council – Regeneration Strategy for Rushden (June 2010)
6.5	East Northamptonshire Council - Three Towns Plan – Preferred Options
6.6	Schedule of saved Local Plan policies following adoption of the Rural North, Oundle and Thrapston Plan (18 July 2011), with Policies GEN3, EN8, EN9 & S5
6.7	East Northamptonshire Council – Policy and Resources Committee report considering the draft Economic Development and Tourism Strategy for consultation (8 April 2013)
6.8	East Northamptonshire Four Towns Site Specific Development Plan (November 2012)
6.9	East Northamptonshire Council Planning Policy committee report (14 June

A	Government and Regional Local policy documents
	2010) regarding the Rushden Town Centre Regeneration Strategy
6.10	DCLG: Strategic Environmental Assessment of the Revocation of the East Midlands Regional Strategy Post-Adoption Statement (March 2013) (<i>Extracts: front cover, pp.163-164</i>)
6.11	DCLG: High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review (March 2012)
6.12	DCLG: Letter to Chief Planning Officers: Planning for Growth (31 March 2011)
6.13	East Northamptonshire Council Developer Contributions Supplementary Planning Document (June 2006)
7	North Northamptonshire
7.1	North Northamptonshire Joint Planning Unit – North Northamptonshire Town Centres – roles and relationships study: main report (August 2005)
7.2	North Northamptonshire Joint Planning Unit – North Northamptonshire Town Centres – roles and relationships study: update of retail capacity forecasts (July 2006)
7.3	North Northamptonshire Core Spatial Strategy (June 2008)
7.4	North Northamptonshire Core Spatial Strategy – Inspector's Report (12 May 2008)
7.5	Not used
7.6	North Northamptonshire Joint Planning Unit – Retail Capacity Update, with Appendix 2 (February 2011)
7.7	North Northamptonshire Joint Planning Unit Independent Assessment of the Retail Strategy for North Northamptonshire and the implications of the Rushden Lakes proposals (April 2012)
7.8	North Northamptonshire Joint Planning Unit – Retail Capacity Study – 2012 Update (May 2012)
7.9	North Northamptonshire Joint Planning Unit – Developing a settlement hierarchy for the North Northamptonshire Joint Core Strategy – Background Paper (July 2012)
7.10	North Northamptonshire Joint Planning Unit – Emerging Plan Consultation – Rushden Background Paper (August 2012)
7.11	North Northamptonshire Joint Core Strategy 2011-2031 - Emerging Draft for Consultation (August 2012)
7.12	North Northamptonshire Joint Planning Unit – Population Forecasts (2012)
7.13	North Northamptonshire Joint Planning Unit – Planning Committee dated 31 January 2013 (item 4, North Northamptonshire Joint Core Strategy – Update)

A	Government and Regional Local policy documents
7.14	North Northamptonshire Joint Planning Unit – Planning Committee dated 14 March 2013 (item 4, approach to the North Northamptonshire Joint Core Strategy and Interim Housing Policy Statement)
7.15	North Northamptonshire Joint Planning Unit – North Northamptonshire Annual Monitoring Report 1 st April 2011 – 31 st March 2012, January 2013 (<i>Extracts: front cover, pages 1-6 and pages 16-18</i>)
7.16	North Northamptonshire Sustainable Design Supplementary Planning Document (2009) (<i>Extracts: front cover and Appendix 5</i>)
7.17	North Northamptonshire Biodiversity Supplementary Planning Document (July 2011)
7.18	North Northamptonshire JPU minute and committee report regarding the emerging Joint Core Strategy, Item 4 (29 November 2012)
7.19	North Northamptonshire JPU committee report regarding the consultation responses to the Joint Core Strategy issues consultation, Item 5 (23 June 2011)
7.20	North Northamptonshire JPU Technical note for partner LPAs on translation of job numbers into employment land requirements (January 2008)
7.21	Wellingborough Chamber of Commerce - Response to the North Northamptonshire August 2012 Joint Core Strategy Consultation (August 2012)
7.22	North Northamptonshire JPU minute and committee report (item 5 – assessment of compatibility with NPPF) and Appendix (14 March 2013)
7.23	North Northamptonshire Core Spatial Strategy submission version (February 2007) (extracts : title page and pp.1-29 and 50-63)
8	West Northamptonshire
8.1	West Northamptonshire Employment Land Study (2010) (<i>Extracts: Northampton Central Area pages 28-43; Conclusions pages 66-67</i>)
8.2	West Northamptonshire Retail Study Update (February 2011)
8.3	West Northamptonshire Retail Study Capacity 2012 – update with appendix 1 and 2 (July 2012)
8.4	West Northamptonshire Joint Core Strategy – Submission version (January 2013) (<i>Extracts: Chapter 4 Spatial Portrait, Vision and Objectives pages 11-23; Chapter 5 Spatial Strategy pages 23-28 (including Policies S1 and S2); Policy S9 pages 42-44; Chapter 12 Northampton, pages 123-127</i>)
9	Northampton
9.1	Northampton Central Area Action Plan Delivery Strategy (August 2012)
9.2	Northampton Central Area Action Plan Inspectors Report (November 2012)

A	Government and Regional Local policy documents
9.3	Northampton Central Area Action Plan (January 2013)
9.4	Northamptonshire Minerals and Waste Development Framework Document - Core Strategy Development Plan Document (May 2010) (<i>Extracts: front cover and pages 37-39</i>)
9.5	Northamptonshire Minerals and Waste Development Framework - Development Implementation Principles Supplementary Planning Document (September 2011) (<i>Extracts: front cover and pages 7-14</i>)
9.6	Northampton Town Centre Health Check (October 2009) (extracts: Title page, index and extract pages 51-58)
10	Corby
10.1	Corby Town Centre Masterplan (working draft) (2006) (<i>Extracts: Chapter 6 pages 46-56</i>)
10.2	Regeneration Framework by Catalyst Corby (January 2003)
10.3	Schedule of saved policies following of Corby Borough Local Plan June 1997, with schedule of policies replaced by Core Spatial Strategy Development Plan Documents, and Corby Borough Local Plan (June 1997) (<i>Extracts: town centre inset map and chapter 4</i>)
10.4	North Northamptonshire - Corby Town Centre Area Action Plan Preferred Options (May 2006) (<i>Extracts: front cover, pages 3-11 & 6-19 - 6-27</i>)
10.5	Corby Draft Retail Background Paper - redefining the Primary Shopping Area and shopping frontage destinations (December 2008)
10.6	North Northamptonshire - Corby Borough Council - A consultation document for the proposed Site Specific Allocations Development Plan Document for Corby Borough (September 2009) (<i>Extracts: front cover, pages 96-122</i>)
11	Kettering
11.1	Kettering Town Centre Area Action Plan Inspector's Report (May 2011)
11.2	Kettering Town Centre Area Action Plan (July 2011)
12	Wellingborough
12.1	Wellingborough Town Centre AAP Inspector's Report (27 May 2009)
12.2	Not used
12.3	Wellingborough Town Centre Area Action Plan (AAP) (21 July 2009) (<i>Extracts: front covers, pages 16-18 & 60-77</i>)
12.4	Wellingborough Borough Council Full Council report (16 April 2013)
13	Bedford
13.1	Bedford Town Centre Area Action Plan (October 2008) (<i>Extracts: front cover, pp. 12-14, 38-43, 55, 58-59</i>)

B	Application documents (ref: 12/00010/FUL)
1	Planning Statement (December 2011)
2	Design and Access Statement (December 2011)
3	ES - Non Technical Summary (December 2011)
4	Environmental Statement (<i>main text only - 1 hard copy available from ENC</i>)
5	PPS4 Assessment (December 2011)
6	Supplementary Planning Statement (June 2012)
7	Clarification Statement of Retail Floorspace (June 2012)
8	Addendum to the Environmental Statement (June 2012)
9	Response to GVA's "Independent Assessment of the Retail Strategy for North Northamptonshire and the Implications of the Rushden Lakes Proposals" with appendices (June 2012)
10	WYG (on behalf of East Northamptonshire Council) Appraisal of Retail Planning Issues (September 2012)
11	Economic Benefits Study - Nortoft (December 2011)
12	Employment Charter - Nortoft (November 2011)
13	Natural England confirmation that no Appropriate Assessment is required (12 July 2012)
14	East Northamptonshire Council Development Control Committee report (10 October 2012)
15	East Northamptonshire Council Development Control Committee update report (10 October 2012)
16	East Northamptonshire Council Development Control Committee minutes (10 October 2012)
17	DCLG letter calling-in application (20 December 2012)
18	Transport Assessment (text only and Appendix F, G, H, I & M (Travel Plan), no other appendices) (December 2011)
19	Addendum to Transport Assessment - Highways Agency (March 2012)
20	Addendum to Transport Assessment - Northamptonshire County Council (March 2012)
21	Addendum (Issue 2) to Transport Assessment - Northamptonshire County Council (June 2012)
22	Flood Risk Assessment (May 2012)

B	Application documents (ref: 12/00010/FUL)
23	East Northamptonshire Development Control Committee minute and report (22 May 2013)

C	Application Response Documents
1	Highways Agency letter dated 7 February 2012 with direction and technical note dated 31 January 2011
2	Natural England representations on application dated 21 February and 5 April 2012
3	Environment Agency representations on application dated 26 March 2012, 23 April 2012 (with response from Campbell Reith), and 4 May 2012
4	Jones Lang LaSalle (on behalf of Helical (Corby) Ltd) letter of representation dated 2 April 2012
5	Legal & General representations dated 20 March 2012
6	Legal & General Addendum representations dated 4 April 2012
7	Bedford Borough Council letter of representation on the application dated 20 April 2012
8	Wellingborough Borough Council Planning Committee report and minute dated 9 May 2012
9	Ellandi (on behalf of PR Kettering Ltd) letter of representation on the application dated 10 May 2012
10	Turley Associates (Ropemaker Properties) letter of representation dated 16 May 2012
11	BNP Paribas (on behalf of CBRE Britannia Fund) letter of representation dated 16 July 2012
12	Environment Agency representations on application dated 9 August 2012
13	Ellandi (on behalf of PR Kettering Ltd) letter of representation on the application dated 17 August 2012
14	Kettering Borough Council letter of representation dated 4 October 2012
15	Northampton Borough Council letter of representation dated 5 October 2012
16	Bedford Borough Council letter of representation dated 5 October 2012
17	Kettering Borough Council letter of representation dated 5 October 2012 with GVA supplementary advice on retail planning matters (September 2012)
18	Turley Associates (Ropemaker Properties) letter of representation dated 8 October 2012

C	Application Response Documents
19	Drivers Jonas Deloitte (on behalf of Legal & General) letter of representation dated 9 October 2012
20	Corby Borough Council Development Control Committee report for meeting 24 April 2012
21	Kettering Borough Council Planning Policy Committee report (item 6) dated 8 May 2012

D	Related scheme documents
1	Committee report into original permission on the site (2002)
2	Committee report for renewal application (2012)
3	Committee report for ASDA supermarket (2003)
4	Committee report for Waitrose (1992)

E	Inquiry documents
1	Bedford Borough Council written representations

ADDITIONAL DOCUMENTS SUBMITTED ON BEHALF OF THE APPLICANT

APP1	LXB Statement of Case (prepared by SNR Denton)
APP2	John Rhodes (Quod) summary proof of evidence
APP3	John Rhodes (Quod) proof of evidence
APP4	John Rhodes (Quod) appendices to proof of evidence
APP5	Colin Burnett (Burnett Planning & Development) proof of evidence
APP6	Colin Burnett (Burnett Planning & Development) appendices to proof of evidence
APP7	David Bird (Vectos) proof of evidence (volume 1)
APP8	David Bird (Vectos) figures and appendices to proof of evidence (volume 2)
APP9	John Rhodes (Quod) rebuttal proof of evidence with appendices
APP10	Colin Burnett (Burnett Planning & Development) rebuttal proof of evidence
APP11	Colin Burnett (Burnett Planning & Development) appendices to rebuttal proof of evidence

APP12	David Bird (Vectos) rebuttal proof of evidence with appendices
APP13	Witness list (submitted on 25 June 2013)
APP14	Christopher Katkowski QC opening submissions (submitted 25 June 2013)
APP15	Census data submitted by David Bird of Vectos (25 June 2013)
APP16	Summary of proof and rebuttal with figures and appendices submitted by David Bird of Vectos (25 June 2013)
APP17	Newlands Shopping Centre, Kettering - Newlands is changing brochure submitted by Graham Chase of Chase & Partners (26 June 2013)
APP18	Table BPD1 - Trade Draw Analysis submitted by Colin Burnett of Burnett Planning and Development (26 June 2013)
APP19	Telford and Wrekin Council and another company v SoS CLG [2013] EWHC 1638 (Admin) (14 June 2013) (submitted 27 June 2013)
APP20	Northampton Borough Council Planning Committee report 10 July 2012 (submitted 2 July 2013)
APP21	Note from Vectos on retail park visitation - Fosse Park survey (submitted 2 July 2013)
APP22	John Rhodes speaking note submitted by John Rhodes of Quod (2 July 2013)
APP23	Peter Brett Associates - Next, Riverside Retail Park, Northampton - Planning and Retail Statement (May 2013) (extracts) (submitted 2 July 2013)
APP24	Northampton Chronicle article "Northampton shops 'to take 18 per cent' hit if Rushden Lakes approved" dated 21 June 2013 (submitted 3 July 2013)
APP25	List of application plans/drawings (submitted 3 July 2013)
APP26	List of application documents (submitted 3 July 2013)
APP27	Mintel UK Retail Rankings 2013 (extracts: front cover, pp.215 & 218) (submitted 4 July 2013)
APP28	Retail Planner Briefing Note 10.1 (September 2012) (extracts: front page and p.14) (submitted 4 July 2013)
APP29	Chris Goddard Appendix 13, table 10 and table 14 analysis (submitted 4 July 2013)
APP30	Map of Northampton retail parks (submitted 4 July 2013)
APP31	Northampton Riverside Retail Park: tenants list (submitted 4 July 2013)
APP32	Chris Goddard Appendix 17, table 10 and table 14a analysis (submitted 4 July 2013)

APP33	Suggested conditions: anchor units and clothing/ footwear restriction (submitted 4 July 2013)
APP34	DJD for L&G Hearing Statement for CAAP21 (submitted 10 July 2013)
APP35	West Northamptonshire Development Corporation Planning Committee papers on application ref: 09/0119/FULWNN, Sainsbury's Gambrel Road (14/06/2011) (submitted 10 July 2013)
APP36	Northampton Herald & Post article "Council calls for urgent talks" dated 12 June 2012 (submitted on 10 July 2013)
APP37	Northampton Herald & Post article "Shopping centre delay has left town in limbo" dated 28 February 2013 (submitted 10 July 2013)
APP38	Northampton Borough Council minutes of Planning Committee (2 July 2012) (submitted 10 July 2013)
APP39	Response to Susan Garbutt comments on Colin Burnett's paragraph 2.39 (submitted 10 July 2013)
APP40	Out of town retail applications approved in Northampton - 10 July 2013)
APP41	Regulation 122 CIL - Statement of Compliance - submitted 10 July 2013
APP42	Additional Transport note from David Bird (Vectos) with plan (ref: 12077/A/54 (submitted 10 July 2013)
APP43	Draft unilateral undertaking (submitted 10 July 2013)
APP44	Table 1 - figure work drawn from CDA8.3 (submitted 10 July 2013)
APP45	Table 2 - figure work drawn from CDA8.3 (submitted 10 July 2013)
APP46	Email from Stagecoach UK Bus (Nick Small) to Vectos (David Bird) regarding bus services dated 10 July 2013 (submitted 10 July 2013)
APP47	Email from Dentons (Roy Pinnock) to Northamptonshire County Council (Debbie Carter Hughes and Chris Bond) regarding SoCG with attachment dated 20 May 2013 (submitted 10 July 2013)
APP48	Email from Dentons (Roy Pinnock) to Northamptonshire County Council (Debbie Carter Hughes, Richard Hall and Chris Bond) regarding SoCG with attachment dated 28 May 2013 (submitted 10 July 2013)
APP49	Note on Asda and Waitrose stores in Rushden by Colin Burnett (Burnett Planning & Development) (submitted 11 July 2013)
APP50	Transport note by Richard Hall (Northamptonshire County Council) (submitted 11 July 2013)
APP51	Closing submissions (submitted 12 July 2013)

ADDITIONAL DOCUMENTS SUBMITTED BY EAST NORTHAMPTONSHIRE COUNCIL

ENC1	Statement of Case
ENC2	Summary proof of evidence of Keith Nutter
ENC3	Proof of evidence of Keith Nutter
ENC4	Appendices to proof of evidence of Keith Nutter
ENC5	Summary proof of evidence of James Wilson
ENC6	Proof of evidence of James Wilson
ENC7	Appendices to proof of evidence of James Wilson
ENC8	Opening Submissions on behalf of East Northamptonshire Council
ENC9	Letter from WNJPU to NNJPU regarding consultation on North Northamptonshire Joint Core Strategy Emerging Draft for Consultation
ENC10	Retail Figures submitted by Ian Dove QC
ENC11	Hearing Statement by DJD for L&G – Northampton CAAP Matter 8 Infrastructure, Delivery & Monitoring
ENC12	Northampton Borough Council – Northampton Shopping Study Update 2004, Interim Report Retail Demand & Capacity Analysis April 2004
ENC13	Chronicle & Echo article 'Alarm at centre's delay' published 04.05.2004
ENC14	Revised Conditions
ENC15	Further Revised Conditions
ENC16	Closing Submissions

ADDITIONAL DOCUMENTS SUBMITTED BY THE CONSORTIUM OF OBJECTING LOCAL AUTHORITIES

LAC1	Statement of Case
LAC2	Proof of evidence of Susan Garbutt
LAC3	Proof of evidence of Paul Lewin
LAC4	Proof of evidence of Matthew Whiteley
LAC5	Proof of evidence of CJB Goddard
LAC6	Plans and Appendices of CJB Goddard
LAC7	Rebuttal proof of evidence of CJB Goddard
LAC8	Rebuttal proof of evidence of Matthew Whiteley
LAC9	Rebuttal proof of evidence of Susan Garbutt

LAC10	Opening Submissions
LAC11	List of Appearances
LAC12	NNCSS Review Preferred Options Evidence Base LXB Reps
LAC13	Mr Goddard Appendix 15 GVA Turnover Assumptions CG 27.06.13
LAC14	Matthew Whiteley speaking note
LAC15	Susan Garbutt speaking note
LAC16	Chris Goddard speaking note
LAC17	Erratum Note of Matthew Whiteley
LAC18	Not used
LAC19	Note on Five Year Land Supply Position North Northamptonshire
LAC20	Northfield Avenue, Kettering – Planning History
LAC21	Closing Submissions

ADDITIONAL DOCUMENTS SUBMITTED BY LEGAL AND GENERAL PROPERTY

LG1	Statement of case
LG2	Proof of evidence of Matthew Jones
LG3	Appendices to proof of evidence of Matthew Jones
LG4	Proof of evidence of David Hunter-Yeats
LG5	Figures and appendices of David Hunter-Yeats
LG6	Proof of evidence and appendices of Robin Denness
LG7	Rebuttal proof of evidence of Matthew Jones
LG8	Opening Submissions
LG9	Bus Route 49 – Walking Route
LG10	Photographs of Greenway submitted by David Hunter-Yeats
LG11	DfT/DCLG Good Practice Guidelines: Delivering Travel Plans through the Planning Process, April 2009
LG12a	Goad Plan – Northampton Town Centre
LG12b	Goad Plan – Upper Floor Grosvenor Centre
LG13	L&G Letter to the Inquiry dated 10.07.2013
LG14	Plan showing land ownership not in the control of L&G or NBC in vicinity of the site of the Grosvenor Centre extension
LG15	Email from Nick Small to David Bird dated 10 July 2013

LG16	Closing Submissions
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DOCUMENTS SUBMITTED BY OTHER RULE 6 PARTIES

PRK1 Statement of case by PR Kettering Limited
PRK2 Written Submissions of Mark Robinson on behalf of PR Kettering Limited
PRK3 Letter dated 26 June 2013 to PINS enclosing copy correspondence with WYG
RM1 Statement of case by Ropemaker Properties
RM2 Proof of Evidence of G J Warriner on behalf of Ropemaker Properties

INTERESTED PERSONS' DOCUMENTS

IP1 Statement of Peter Bone MP
IP2 Statement of Philip Hollobone MP
IP3 Statement of Andy Sawford MP
IP4 Statement of Cllr Glenn Harwood MBE
IP5 Statement of Cllr Thomas Pursglove
IP6 Statement of Cllr Sarah Peacock
IP7 Statement of Adrian House
IP8 Statement of Rev Philip Evans
IP9 Statement of Cllr Derek Lawson
IP10 Statement of Kiran Williams
IP11 Statement of Thom Collins
IP12 Statement of Cllr David Jenney
IP13 Statement of Cllr Andrew Scarborough
IP14 Statement of Andrew Langley
IP15 Statement of Gill Mercer
IP16 Statement of Alyson Alfree
IP17 Statement of Debbie Jackson
IP18 Statement of Ian Blackwell/Richard Nilson
IP19 Statement of Tony Knott
IP20 Statement of Chris Read/John Webb
IP21 Statement of Maurice Weight
IP22 Statement of Cllr Helen Howell
IP23 Statement of Cllr John Farrar
IP24 Statement of Cllr Richard Lewis
IP25 Statement of Cllr Bob Nightingale
IP26 Statement of Cllr Tim Maguire
IP27 Statement of Andrew Hutchison
IP28 Statement of Cllr Andy Mercer
IP29 Statement of Lorna Wiltshire
IP30 Statement of Alan Piggott
IP31 Statement of Harry Graham
IP32 Statement of Jack Spriggs
IP33 Statement of Helen Danzig

ANNEX: CONDITIONS

Time limits

- 1) Application for approval of details of the appearance (hereinafter called "the reserved matters") in relation to the part of the site edged yellow on Drawing 2654-70 Rev A , (hereinafter called "the outline development") must be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 2) The outline development shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development of the site (other than the outline development) for which detailed permission is hereby granted shall be begun before the expiration of three years from the date of this permission.
- 4) The application for the approval of the reserved matters shall be submitted to the Local Planning Authority before the expiry of 3 years from the date of this permission.

Plans, Drawings and Documents

- 5) The development hereby permitted shall not be carried out except in accordance with the following approved drawings and plans:

Plan 1 (Rev A) Site Plan 1:5000; Plan 2: Blue Land Site Location Plan 1:12500; Plan 3: General Location 1:2500; 10714-C106-D5 Levels Strategy Plan (FRA); 10714-C120-D2 Existing Levels (FRA); 2654-50 Rev B Proposed site plan; 2654-51 Garden Centre Elevations; 2654-52 Garden Centre Section; 2654-53 Retail Terrace A Elevations; 2654-54 Retail Terrace B Elevations; 2654-55 Retail Terrace C Elevations; 2654-56 Retail Detail Elevations; 2654-57 Anchor Store Typical Section; 2654-58 Retail Terrace Typical Section; 2654-59 Retail Terrace C Elevation in context; 2654-60 Restaurant Plan, Elevations, Section; 2654-61 Drive-thru Plan, Elevations, Section; 2654-62 Visitor Centre Floor Plan; 2654-63 Visitor Centre Elevations; 2654-64 Rev A Boathouse Floor Plan; 2654-65 Boathouse Elevations; 2654-66 Gatehouse Building Floor Plan; 2654-67 Gatehouse Building Elevations; 2654-70 Rev A Parts subject to Outline Application; 2654-71 Garden Centre Plan; 2654-72 Retail Terrace A Plans; 2654-73 Retail Terrace B Plans; 2654-74 Retail Terrace C Plans;

- 6) All reserved matters and other schemes and details that are required to be submitted pursuant to the conditions attached to this planning permission shall accord substantially with: the submitted Environment Statement [dated 20.12.11]; Environment Statement Addendum (June 2012); Flood Risk Assessment [version F4] [dated May 2012]; Transport Assessment [dated Dec

2011]; Addendum to TA - Highways Agency (March 2012); Addendum to TA – NCC (March 2012); Design and Access Statement (amended) with Addendum; Waste Management Strategy and Waste Audit.

- 7) Development shall not commence until a delivery strategy and phasing plan have been submitted to and approved in writing by the Local Planning Authority for the development. The development shall be carried out in accordance with the approved delivery strategy and phasing plan.
- 8) The development floorspace shall not exceed:
 - (a) 43,289 square metres gross internal floorspace (inclusive of the external sales and display space associated with the garden centre) within Use Class A1 of the Town and Country Planning Use Classes Order
 - (b) 26,747 square metres net sales area (of which no more than 929 sqm shall be used for the sale of convenience goods)
 - (c) a 112 bed hotel, a creche (181 square metres gross internal floorspace) and a Leisure Club (1,456 square metres gross internal floorspace)
 - (d) two lakeside restaurants (each being 464 square metres gross internal floorspace) and a drive-thru restaurant/coffee shop (186 square metres gross internal floorspace)
 - (e) a lakeside visitor centre and a boathouse (each being 289 square metres gross internal floorspace).
 - (f) 12 metres in height from finished floor level to parapet level (and 14m including rooftop plant enclosure).

Archaeology

- 9) Development shall not take place on any phase approved under condition 7 of this permission until a scheme for the implementation of a programme of archaeological recording has been submitted to and approved in writing by the Local Planning Authority for that phase. The recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation. The scheme shall be implemented before construction commences at the site on any phase approved by condition 7 of this permission.

Drainage

- 10) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No

building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

- 11) No infiltration of surface water into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 12) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and vehicle manoeuvring areas shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained or other approved pollution prevention device, e.g. porous paving. Roof water shall not pass through the interceptor(s).
- 13) No development shall take place until a detailed surface water drainage scheme for the site, including phasing, based on the submitted drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Any attenuation required shall include an allowance for climate change. The scheme shall subsequently be implemented for each phase of the site in accordance with the approved details and accompanying phasing plan. The scheme shall also include:
 - (a) Demonstration that the NPPF and CIRIA hierarchy of drainage has been followed
 - (b) Detailed surface water design drawings and supporting calculations
 - (c) Consideration of overland flood flows
 - (d) Overland floodwater should be routed away from vulnerable areas.
- 14) No development shall take place in any phase of the development under condition 7 until a detailed scheme for the ownership and maintenance of the surface water drainage assets, for the lifetime of the development, relating to that phase has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Highways

- 15) No development hereby permitted shall take place until details of the following schemes have been submitted to and approved in writing by the Local Planning

Authority in consultation with Northamptonshire County Council (acting as Local Highway Authority) and the Highways Agency:

- (a) details of the form of the junctions/links at:
 - (i) the eastern end of the link road (which links Crown Way and Northampton Road) at its junction with Northampton Road;
 - (ii) the Northampton Road/Brindley Close junction; and
 - (iii) the Northampton Road exit from the A45 Skewbridge roundabout
- (b) details of a publicly adoptable pedestrian/cycle bridge over the A45 dual carriageway connecting the A5001 Northampton Road, Rushden with the new adoptable site access road as shown on drawing 110277/SK/46 Rev A
- (c) details of the improvements to the A45/Northampton Road/Crown Way junction (Skew bridge) as shown on drawing 110277/SK/46 Rev A
- (d) details of improvements to the footways of the A5001 Northampton Road and the U35247 Crown Way, Rushden to form a shared use footway/cycle track with appropriate dropped crossings between the proposed Toucan crossing on Northampton Road and the East Northamptonshire Greenway access off Crown Way, Rushden

and no part of the development hereby permitted shall be brought into use until the schemes listed at (a) to (d) have been completed in accordance with the approved plans. The works shall be retained as approved thereafter.

Travel Plans

- 16) The development hereby permitted shall be operated at all times in accordance with the submitted Draft Framework Travel Plan forming part of the Transportation Assessment.
- 17) No unit shall be occupied until a Travel Plan for that unit has been submitted to and approved in writing by the Local Planning Authority in accordance with the Draft Framework Travel Plan forming part of the Transportation Assessment. The unit shall thereafter be operated in accordance with the approved travel plan and agreed actions under condition 19.
- 18) The development shall not be occupied until the expiry of 3 months from the date on which notice has been given in writing to the Local Planning Authority and Northamptonshire County Council (as Local Highway Authority) of the appointment of a Travel Plan Manager.

- 19) An annual Travel Plan review, identifying performance against the objectives of the Draft Framework Travel Plan and Travel Plans approved under condition 17, shall be submitted in writing to the Local Planning Authority every year for 5 years, beginning 12 months from first retail occupation, to be approved in writing. Any agreed actions shall be implemented by the Travel Plan Manager.
- 20) If the last Travel Plan review under condition 19 identifies that the targets in the approved Draft Framework Travel Plan are not being achieved, the Travel Plan review period under condition 19 shall be extended by a further 12 months, during which the Travel Plan Manager will work with the Local Planning Authority to agree measures that will secure improved performance against those targets and the timescale for implementing and monitoring them. The agreed measures shall be implemented by the Travel Plan Manager thereafter.

Landscaping

- 21) No development shall take place until a landscaping scheme for the site (including boundary treatment) has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species (or as otherwise agreed in writing by the Local Planning Authority). The submitted landscaping scheme shall include details of how the landscaping will be phased to reflect the phasing of development under condition 7).

Miscellaneous

- 22) No development shall take place until full details of the repair works to the "Bailey Bridge" and the programming of such works shall be submitted to and approved by the Local Planning Authority in writing. The repair works shall be completed before any part of the development hereby permitted is brought into use.
- 23) An easement of 3 metres should be provided either side of the pipeline as shown on the Gas Main Survey Drawing 17469 dated August 2012. At no time shall any non demountable buildings or structures be erected within this corridor.
- 24) No development shall take place until a scheme and timetable for the provision of 12 fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The provision of fire hydrants shall be made in accordance with the approved scheme and timetable and retained thereafter.

Biodiversity

- 25) No ground clearance works, tree felling, or vegetation removal shall take place during the main bird breeding season (April – June inclusive). If any such works are scheduled for March, July or August, a suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting birds before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance around the nest (including a buffer area determined by the ecologist), shall not be permitted until the breeding attempt has ended as confirmed by the ecologist in writing to the Local Planning Authority.
- 26) No ground clearance works shall be undertaken within 100 metres of the heronry in the SSSI shown on plan GIS034A Ecological Constraints Drawing between the period January – June each year. If any such works are scheduled for July and August a suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting herons before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance within 100 metres of the heronry shall not be permitted until the breeding attempt has ended as confirmed by the ecologist in writing.
- 27) The Skew Bridge Lake contained in the application site shall not be used by motorised craft at anytime except for safety boats. Within the Skew Bridge Lake, boating shall be limited to the area shaded green shown on plan GIS034A Ecological Constraints Drawing between the 1st November and 31st March in any year.
- 28) No watercraft shall be permitted in a 30 metre watercraft exclusion zone around the western island on Skew Bridge Lake shown on plan GIS034A Ecological Constraints Drawing either during the construction phase or the ongoing operational phase of the development, to avoid disturbance to places of rest and shelter used by otters. No boating activity shall be permitted on Delta Lake, to avoid disturbance of the bird interest of the SSSI/SPA/Ramsar site.
- 29) No development shall take place until a detailed Access and Habitat Management Plan related to Skew Bridge Lake and Delta Pit Lake, (based on the submitted outline access and habitat management plan) including access to the land around these lakes, has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The approved Plan shall be implemented before any part of the development becomes operational and implemented and maintained thereafter in accordance with the approved details.
- 30) No development shall take place until a detailed plan of the measures to be taken to avoid harm to reptiles during the development and to provide

appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

- 31) A clerk of works with appropriate ecological qualifications and experience (as agreed with the Local Planning Authority) shall be appointed to ensure development is undertaken in compliance with the Construction and Environment Management Plan and Access and Habitat Management Plan. The clerk of works shall be in attendance at the site during all working hours during which construction is being carried out.
- 32) No development shall take place until a list of construction operations that could cause disturbance to the wintering bird interest of the SSSI/SPA/Ramsar site has been provided to and approved in writing by the Local Planning Authority in consultation with Natural England. Such construction operations shall not be undertaken during the October to March (inclusive) period without prior agreement in writing by the Local Planning Authority (in consultation with Natural England) of suitable methodologies and mitigation to minimise disturbance to the wintering bird interest of the SSSI/SPA/Ramsar site and the subsequent implementation of agreed measures.
- 33) From the commencement of development there will be an annual monitoring survey in the area covered by the Access and Habitat Management Plan for reptiles, bats, otters, wintering and breeding birds which will continue on an annual basis until 5 years after the completion of all the development hereby permitted. The results of the monitoring survey shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Natural England. Should the monitoring survey show any significant decline in the populations on any of the above species due to the development then an additional management action plan to rectify the position shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The approved additional management action plan shall be implemented in full from the date of approval.

Lighting

- 34) Before the commencement of development a scheme for the external lighting of the development (both for the construction and operational phases) shall be submitted to and approved in writing by the Local Planning Authority, to include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles, a lighting contour map, and details of the timer controls including proposed hours of use) on the basis that:
 - (a) all external lighting shall be of a type, fixed in a location and directed in a manner that avoids glare being directed towards the designated areas of wildlife especially to the SSSI and SPA/Ramsar Site;

- (b) light trespass shall not exceed a level of 5 Lux beyond 5 metres from the boundary of the site;
- (c) the means of illumination of the subject of this consent shall not be of a flashing or intermittent nature.

The approved scheme shall be installed, maintained and operated in accordance with the approved details. There shall be no other external lighting at the development other than as so approved.

Contamination

- 35) Development shall not commence on any phase approved under condition 7 of this permission until that phase has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.
- 36) No development shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority specifying the provisions to be made to protect the site from landfill gas arising from the development. No part of the development shall be brought into use until the approved scheme has been implemented and it shall be maintained thereafter.

Waste Management

- 37) No occupation shall take place until a waste management strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details (including accompanying layout and design plans) of the following:
 - (a) responsible person (including contact details);
 - (b) description of the development (proposed buildings, site area, curtilage, future use, and occupancy);

- (c) estimation of the type and quantity of wastes anticipated to be produced during occupation of the development;
- (d) identification of appropriate neighbourhood waste management design features (internal and /or external) and facilities;
- (e) how adequate space and access provisions for waste management features and facilities will be provided and maintained;
- (f) neighbourhood waste management facility capacity;
- (g) how the provision of facilities and design features
 - (i) complement and contribute towards existing waste management infrastructure network and sustainable waste management, and
 - (ii) the provision made for ongoing facility management and maintenance, including the collection and use of recycled and composted materials.

The development shall be carried out in accordance with the approved strategy.

Flood Risk

- 38) The development hereby permitted permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated May 2012, Rev F4) undertaken by Campbell Reith, including the following mitigation measures detailed within the FRA:
- (a) Provision of compensatory flood storage as set out on Drawing No. C102 (Rev D9) and Drawing No. C103 (Rev D8);
 - (b) Finished floor levels are set no lower than 40.20 m above Ordnance Datum (AOD).

The mitigation measures for each phase of the development under condition 7 shall be fully implemented prior to occupation of such phase, and subsequently operated and maintained in accordance with the phasing arrangements set out within the FRA, or within any other period as may subsequently be approved, in writing, by the Local Planning Authority.

- 39) No development shall be carried out in the area of the site identified as pre-development flood zones 2 and 3 as shown in the approved FRA until a scheme for the phasing of the floodplain compensation has been submitted to and approved in writing by the Local Planning Authority. The floodplain compensation scheme as shown on the FRA Drawing No. C102 (Rev D9) and

Drawing No. C103 (Rev D8) shall be carried out in accordance with the approved phasing plan.

- 40) No development shall take place in each phase of the development under condition 7 until a detailed scheme for the maintenance of the areas of floodplain compensation, for the lifetime of the development, relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The floodplain compensation shall be maintained in accordance with the approved details thereafter.

Construction and Environment Management

- 41) No development shall take place on any phase approved under condition 7 of this permission until a Construction and Environment Management Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase on any phase approved under condition 7 of this permission. The statement shall provide for:
- (a) The overall strategy for managing environmental impacts which are likely to arise during the construction phase
 - (b) The parking of site operatives and visitors vehicles
 - (c) Loading and unloading of plant and materials
 - (d) Management of construction traffic and access/haul routes
 - (e) Condition surveys and maintenance of all access/haul routes
 - (f) Storage of plant and materials used in constructing the development
 - (g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (h) Wheel cleaning facilities
 - (i) Measures to control the emission of water pollution, sediment, dust and dirt during construction
 - (j) A scheme for recycling/disposing of waste from demolition and construction works
 - (k) A signage strategy for construction traffic.

Unit size, subdivision and mezzanines

- 42) The anchor unit 'B8' in Terrace B as identified on Plan 2654-50 Rev B shall not exceed a maximum floor area of 5,574 sqm gross internal area (including mezzanine floor area).
- 43) The anchor unit 'C1' in Terrace C as identified on Plan 2654-50 Rev B shall not exceed a maximum floor area of 5,574sqm gross internal area (including mezzanine floor area).
- 44) None of the units shown within Terraces A, B or C or the Garden Centre identified on Plan 2654-50 Rev B shall be amalgamated with other units (or subdivided to form separate units).
- 45) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in Terrace A or the Garden Centre as shown on Plan 2654-50 Rev B.

Range of goods

- 46) Excluding Unit B8 and Unit C1 in Terrace B and Terrace C as identified on Plan 2654-50 Rev B:
 - (a) no more than 4,183 sqm gross internal ground floor area shall be occupied by retailers whose operation is predominantly the sale of clothing and footwear (but not so as to restrict the sale of sports clothing and footwear)
 - (b) prior to the occupation of any retail unit notice must be given to the Local Planning Authority in writing identifying the retailer and the predominant nature of the goods proposed to be sold, and the total internal ground floor area which will, upon occupation, then be occupied by retailers whose operation is predominantly the sale of clothing and footwear (not including sports clothing and footwear)
- 47) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the following shall apply
 - (a) The use of the Garden Centre and Retail Terrace A hereby approved shown on Plan No. 2654-50 rev B shall not be used for the sale of goods and services other than the following:

Core Garden Centre Goods and Services including:

- (i) Good and services related to gardens and gardening;
- (ii) Horticultural products, trees, plants, shrubs, house plants and flowers of any type;
- (iii) Garden equipment, tools and accessories;
- (iv) Barbeques and their accessories;
- (v) Outdoor garden furniture;
- (vi) Sheds, garden buildings and outdoor garden play equipment;
- (vii) Fencing, trellis and landscaping materials;
- (viii) Conservatories;
- (ix) Conservatory furniture, furnishing and accessories;
- (x) Swimming pools and associated equipment;
- (xi) Aquatics, water garden equipment and their accessories;
- (xii) Books – including gardening, leisure, hobby, travel, sports and coffee table books and other literature other than fiction;
- (xiii) Soft furnishings;
- (xiv) Restaurant, coffee shop and children’s play area

Non-Core Garden Centre Goods and Services including:

- (xv) Pictures, frames and prints;
- (xvi) Pets, pet accessories, pet care and advice;
- (xvii) Hobbies, toys and crafts;
- (xviii) Baskets, wicker work and country crafts;
- (xix) Christmas decorations, trees and gifts;
- (xx) China, glass and gifts;
- (xxi) Home table top items and kitchen accessories;

- (xxii) Outdoor and country pursuits and equipment e.g. fishing, equestrian, hiking, climbing etc;
 - (xxiii) Camping equipment and supplies;
 - (xxiv) Outdoor clothing and footwear;
- (b) Within the Garden Centre hereby approved shown hatched in green on Plan No. 2654-50 rev B, the areas identified as 'Outside Plant Area' and 'Covered Plan Sales' shall not be used other than as the plant and external sales and display area for the Garden Centre. No more than 50% of the internal sales floorspace of the Garden Centre building shall be used for the sale of Non-Core Garden Centre Goods and Services.

Sustainability

- 48) No building works shall start on any building until a scheme detailing measures to be incorporated into that building so as to achieve at least the Building Research Establishment (BREEAM) rating "very good" as set out in the Sustainable Design and Energy Statement December 2011 shall be submitted to and approved by the Local Planning Authority in writing. A post construction BREEAM assessment/report shall be submitted to and approved in writing by the Local Planning Authority, no later than 6 months after first occupation of each building, as constructed, to confirm the performance of that building against the BREEAM "very good" rating (including any necessary measures to ensure that each building secures BREEAM "very good" rating). The buildings shall be operated in accordance with the approved details thereafter.
- 49) No development shall take place until a Low Zero Carbon (LZC) Implementation Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be prepared by an independent energy specialist to demonstrate a combination of LZC energy sources for the development in accordance with the Energy Statement dated Nov 2011, in order to achieve a target of meeting at least 30% of the demand for energy on site. Reasons for excluding potential technologies should be given including technical and economic viability assessments supporting actual target if less than 30%. The development shall be implemented and operated in accordance with the approved strategy.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

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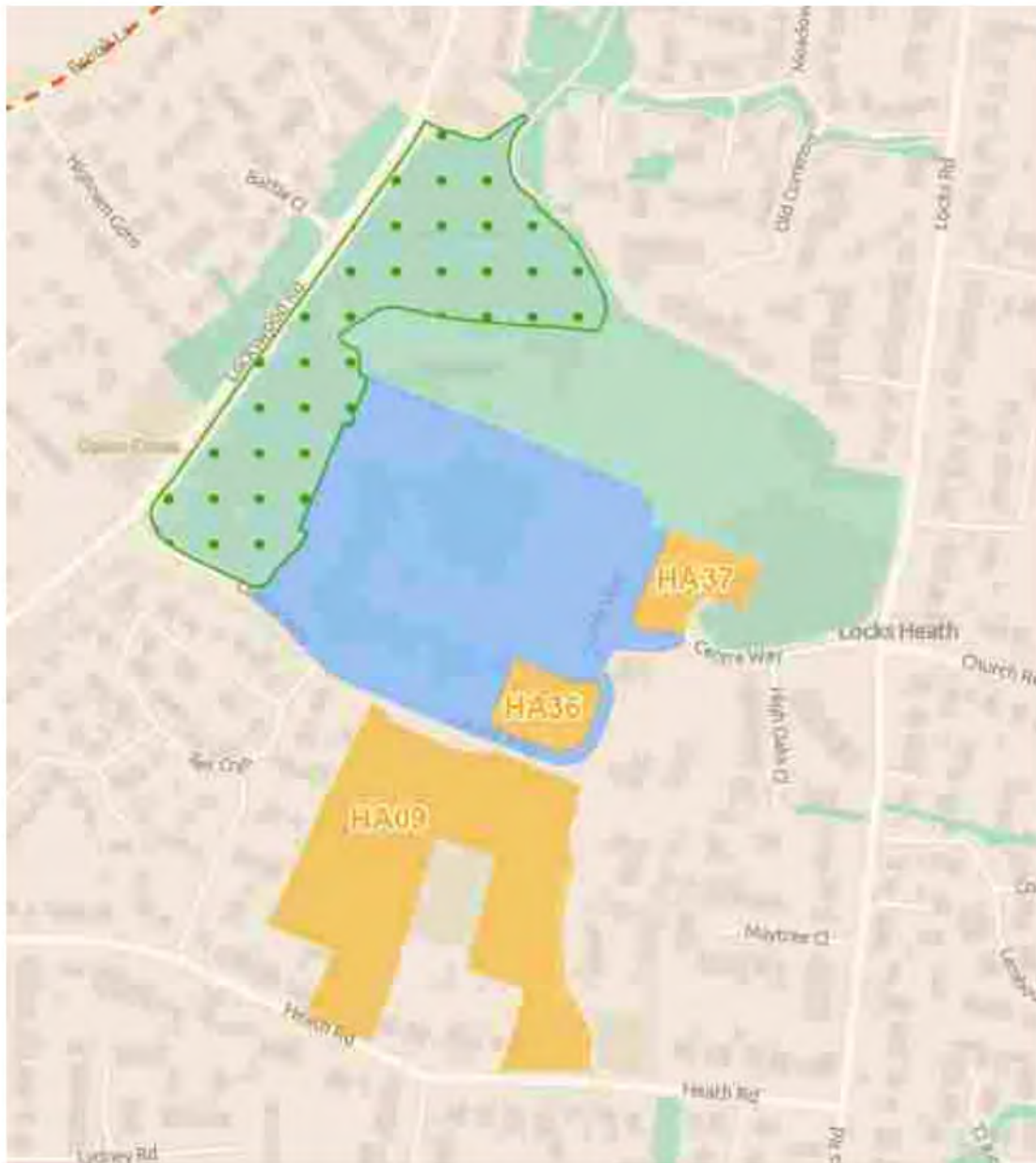
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2	App 20 District centres	538 - 540

1. Primary Shopping Area, Fareham Town Centre	The town centre serves the Borough as a whole, being the main comparison shopping destination and is the main focus for leisure, entertainment and cultural activities.
2. District Centres – Locks Heath, Portchester, Stubbington, Welborne	The district centres provide day to day food and grocery shopping facilities and non-retail services serving their local communities.
3. Local Centres - Broadlaw Walk (Fareham), Gull Coppice (Whiteley), Highlands Road (Fareham), Park Gate, Titchfield, Warsash and Welborne	The local centres and parades providing a basic range of shops, community uses and services, meeting the needs of the local catchment.
4. Small Parades - Fareham (Anjou Crescent, Arundel Drive, Fairfield Avenue, Gosport Road, Greyshott Avenue, Miller Drive, Westley Grove/Redlands), Hill Head (Crofton Lane), Portchester (White Hart Lane), Sarisbury Green (Barnes Lane, Bridge Road), Titchfield Common	The small parades providing a basic range of small shops and services of a local nature within walking distance, reducing the need to travel by car for everyday essentials.

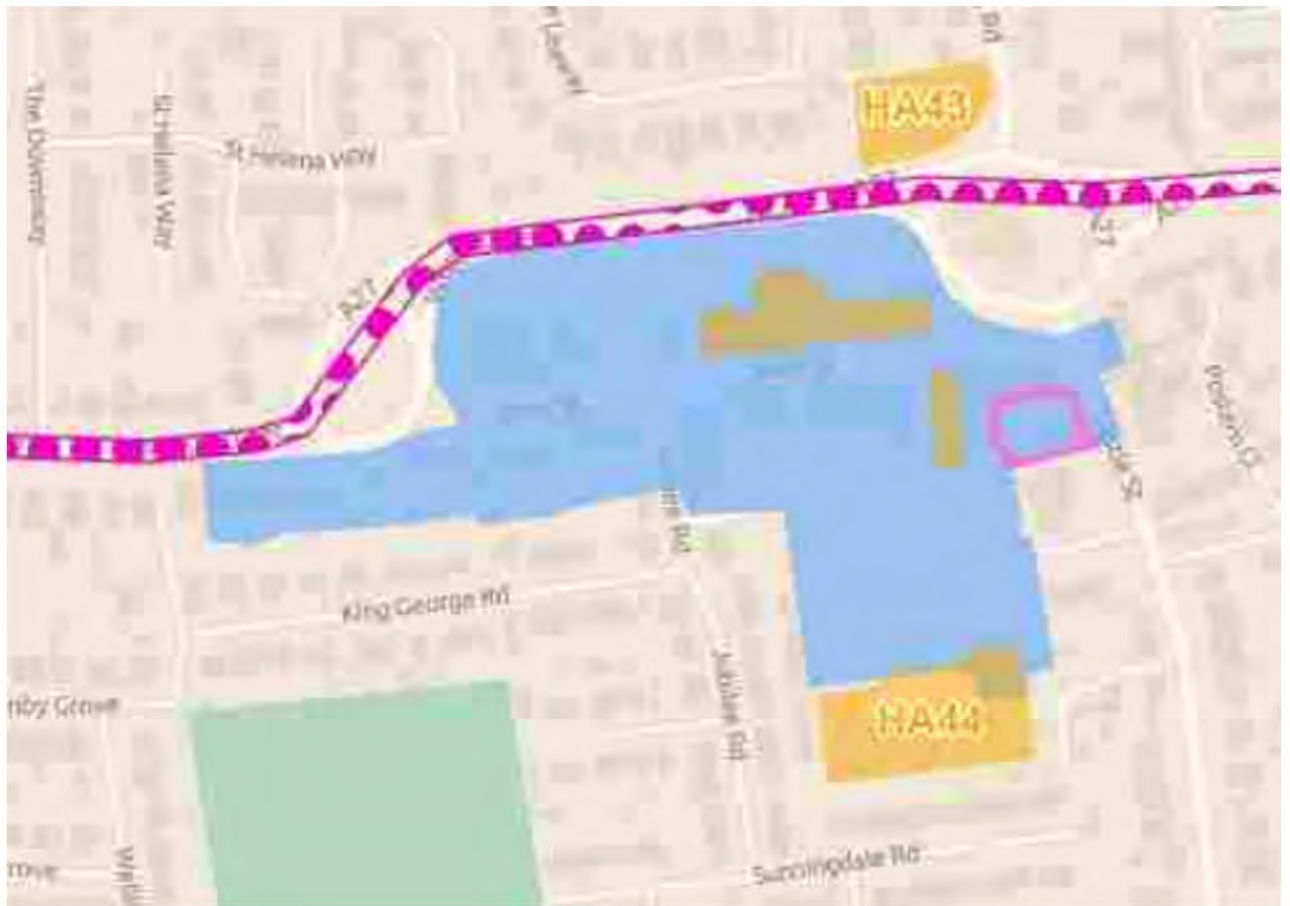
(Hunts Pond Road) and Warsash (Warsash Road/Dibles Road)	
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Table 3.1: The Detail Mosaic

Locks Heath



Portchester



Stubbington



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[Music](#)
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[Other](#)
[Variety](#)
[Play](#)



Thu 27 Mar 2025
The Ronnie Scott's All Stars - Soho Songbook
 @ Wyvern Theatre



Thu 27 Mar - Fri 1 Mar 2025
The Importance Of Being... Earnest?
 @ Wyvern Theatre



Sat 7 Mar 2025
Top Factory
 @ Wyvern Theatre



Sun 8 Mar 2025
Ben Portsmouth: This Is Elvis
 @ Wyvern Theatre



Mon - Wed 2025
Memory Cafe
 @ Wyvern Theatre



Mon - Wed 2025
An Evening with Anton Du Beke and Friends
 @ Wyvern Theatre



Tue 4 Mar 2025
David Suchet
 @ Wyvern Theatre



Wed 5 Mar 2025
Ross Noble
 @ Wyvern Theatre



Thu 6 Mar 2025
Taylormania
 @ Wyvern Theatre



Fri 7 Mar 2025
Showaddywaddy
 @ Wyvern Theatre



Sat 8 - Sun 12 Mar 2025
Dear Zoo
 @ Wyvern Theatre



Wed 12 - Thu 14 Mar 2025
Junior Voice Festival - Songs From Our Song Book
 @ Swindon

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Most recent events at Ferneham Hall

Past Events	
Here are the most recent events we had listed at Ferneham Hall, to give you a flavour of what goes on there	
NOV 29 2019	The Upbeat Beatles
NOV 24 2019	Nutcracker Russian National Ballet
NOV 22 2019	Joe Brown
NOV 21 2019	Acoustic Show With String Quartet T.Rextasy
NOV 18 2019	That'll Be The Day
NOV 16 2019	Jive Talkin'
NOV 15 2019	The Sensational 60s Experience, Mike Pender, The Tremms, The Fortunes, The Swinging Blue Jeans, The Dakotas ...
OCT 19 2019	Carole - The Music Of Carole King
OCT 17 2019	Buddy Holly And The Crickets, Nick Player
OCT 12 2019	Purple Zeppelin

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Department for Levelling Up,
Housing & Communities

National Planning Policy Framework

December 2023



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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. This includes the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes.

¹ This document replaces the previous version of the National Planning Policy Framework published in September 2023.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help 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; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

⁵ Transforming our World: the 2030 Agenda for Sustainable Development.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

⁸ This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
 - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development⁹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹⁰. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

⁹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹⁰ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision¹¹ for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies¹². These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹³, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery¹⁴.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁵.

¹¹ In line with the presumption in favour of sustainable development.

¹² Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹³ Except in relation to town centre development, as set out in chapter 7.

¹⁴ Transitional arrangements are set out in Annex 1.

¹⁵ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Examining plans

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

¹⁸ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
36. These tests of soundness will be applied to non-strategic policies²⁰ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
37. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements²¹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework

²⁰ Where these are contained in a local plan.

²¹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
46. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².
49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²² During the transitional period for emerging plans consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

51. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
53. The use of Article 4 directions to remove national permitted development rights should:
 - a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
 - b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
 - c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.
54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early

is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²³.

57. Planning obligations must only be sought where they meet all of the following tests²⁴:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

²³ Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁴ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area²⁵ which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁶.
62. The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework²⁷.
63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁸; people who rent their homes and people wishing to commission or build their own homes²⁹.

²⁵ Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.

²⁶ Transitional arrangements are set out in Annex 1

²⁷ In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

²⁸ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

²⁹ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required³⁰, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³¹.
66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³², unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, a community-led development exception site or a rural exception site.
67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³³. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in

³⁰ Applying the definition in Annex 2 to this Framework.

³¹ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

³² As part of the overall affordable housing contribution from the site.

³³ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

circumstances that affects the requirement.

68. Where it is not possible to provide a requirement figure for a neighbourhood area³⁴, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

69. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for five years following the intended date of adoption³⁵; and
 - b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.
70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
 - c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
 - d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

³⁴ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³⁵ With an appropriate buffer, as set out in paragraph 77. See Glossary for definitions of deliverable and developable.

71. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 70a) suitable for housing in their area.
72. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
73. Local planning authorities should support the development of exception sites for community-led development³⁶ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:
 - a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
 - b) be adjacent to existing settlements, proportionate in size to them³⁷, not compromise the protection given to areas or assets of particular importance in this Framework³⁸, and comply with any local design policies and standards.
74. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
 - a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
 - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
 - c) set clear expectations for the quality of the places to be created and how this

³⁶ This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

³⁷ Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

³⁸ i.e. the areas referred to in footnote 7.

can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;

- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁹; and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

- 75. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.
- 76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met⁴⁰:
 - a) their adopted plan is less than five years old; and
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing⁴¹, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old⁴². Where there has been significant under delivery of housing over the previous three years⁴³, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

³⁹ The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

⁴⁰ Transitional provisions relating to the application of this paragraph are set out in footnote 79.

⁴¹ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

⁴² Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴³ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. For clarity, authorities that are not required to continually demonstrate a 5 year housing land supply should disregard this requirement.

National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.

78. Where the criteria in paragraph 76 are not met, a local planning authority may confirm the existence of a five-year supply of deliverable housing sites (with a 20% buffer if applicable) through an annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
79. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:
- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
 - b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
 - c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.
80. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.
81. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs,

including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account 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. This is particularly important where Britain can be a global leader in driving innovation⁴⁴, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
86. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Supporting a prosperous rural economy

88. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;

⁴⁴ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*.

- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
 - e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
92. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
93. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

8. Promoting healthy and safe communities

96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
97. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
98. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
99. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
100. To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
101. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁵. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

102. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
103. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

⁴⁵ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 104. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 105. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
- 106. The Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
- 107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
110. Planning policies should:
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴⁶, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
 - f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁴⁷.
111. If setting local parking standards for residential and non-residential development, policies should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
113. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴⁶ Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴⁷ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
116. Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
117. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

⁴⁸ Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

10. Supporting high quality communications

118. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
119. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
120. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
121. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
122. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁹.
124. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁰; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties⁵¹ where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

⁴⁹ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁵⁰ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

⁵¹ See glossary for further details.

125. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
126. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
127. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

128. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting

(including residential gardens), or of promoting regeneration and change; and

- e) the importance of securing well-designed and beautiful, attractive and healthy places.

129. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.

12. Achieving well-designed and beautiful places

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
132. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
133. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.
134. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
135. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
136. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵³, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
137. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
138. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵⁴. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In

⁵² Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁵³ Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

⁵⁴ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
140. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
141. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁵⁵ Contained in the National Design Guide and National Model Design Code.

13. Protecting Green Belt land

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
143. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

146. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
148. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

149. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
151. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

156. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

157. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁵⁶. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
159. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
160. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

⁵⁶ In line with the objectives and provisions of the Climate Change Act 2008.

- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
161. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
162. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
163. When determining planning applications⁵⁷ for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
 - b) approve the application if its impacts are (or can be made) acceptable⁵⁸. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
 - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.
164. In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including

⁵⁷ Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

⁵⁸ Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

Planning and flood risk

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
 - a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
171. Both elements of the exception test should be satisfied for development to be allocated or permitted.
172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

⁵⁹ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

174. Applications for some minor development and changes of use⁶⁰ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.
175. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

176. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
177. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
178. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁶¹.

⁶⁰ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

⁶¹ As required by the Marine and Coastal Access Act 2009.

179. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶² Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

and the Broads⁶³. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶⁵; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶⁶; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁶³ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁶⁴ For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁶⁵ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁶⁶ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

186. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

187. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁶⁸; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

⁶⁷ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁶⁸ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Ground conditions and pollution

189. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
192. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

⁶⁹ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁰. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁷¹.
196. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
197. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁷⁰ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁷¹ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
203. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷².
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

⁷² Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

210. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
211. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
213. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

⁷³ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

17. Facilitating the sustainable use of minerals

215. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
216. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas⁷⁴; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁷⁵. In considering proposals

⁷⁴ Primarily in two tier areas as stated in Annex 2: Glossary

⁷⁵ Except in relation to the extraction of coal, where the policy at paragraph 223 of this Framework applies.

for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

218. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

219. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate

⁷⁶ National planning guidance on minerals sets out how these policies should be implemented.

Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁷⁷;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

220. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁷⁸; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁷⁷ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁷⁸ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

221. Minerals planning authorities should:

- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

222. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

223. Planning permission should not be granted for the extraction of coal unless:

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

Annex 1: Implementation

For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication⁷⁹. Plans may also need to be revised to reflect policy changes which this Framework has made.
225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old⁸⁰, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of plan-making

227. The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
228. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this Framework was published on 20

⁷⁹ As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.

⁸⁰ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a four year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

229. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 160, this policy does not apply to plans that have reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023. For Spatial Development Strategies, paragraph 160 does not apply to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023.
230. The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.
231. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions⁸¹:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

⁸¹ This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Article 4 direction: A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See Previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Community-led developments: A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for

housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past

human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England annually.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development⁸²: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Mansard roof: A type of roof that is characterised by two slopes, the lower steep and the upper shallow. It is generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade (reference: Create Streets, 2021, *Living Tradition*).

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as

⁸² Other than for the specific purposes of paragraphs 182 and 183 in this Framework.

and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Recycled aggregates: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically

bound materials.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

Annex 3: Flood risk vulnerability classification

ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

WATER-COMPATIBLE DEVELOPMENT

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

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52 Botley Road

Park Gate

SO31 1BB

27/02/24

Dear Kevin,

To dismantle the Arden Theatre at Titchfield festival Theatre as per your email is a mammoth task.

To remove just the seating would take at least 3 weeks, but if you were to include the mezzanine, we would need at least 2 months to complete this.

To remove the Lighting would take at least 1 month as this is extremely complicated and specialised and would include many scaffolding changes.

To reinstate the dividing wall, we would first need to contact a structural engineer to carryout structural calculation to see whether it is viable to dig a new footing at this depth by hand as it is not accessible for heavy machinery to be used. This would need to go through the stage basement which is below the water table and would require extensive measures to prevent the water from entering the building. Then to reinstate the wall this would take at least 3 months.

To fill the remaining basement with aggregate would take about 2 weeks as access to the pump system we would need to be built as disconnecting the pump would cause the basement to flood over time and could spill over into the building causing further problems.

To dismantle the stage area including the revolve would take at least 6 weeks to complete.

Overall, kevin you would be looking at approximately 9 months' work.

Kind regards Chris Buchanan

Managing director

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Fareham Retail and Commercial Leisure Study Update Report

Fareham Borough Council

Monday, April 27, 2020



LICHFIELDS

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1.0 Introduction

Purpose of the report

- 1.1 Lichfields was commissioned by Fareham Borough Council to prepare the Fareham Retail and Commercial Leisure Study (FRCLS 2017). The key objective of the FRCLS was to provide a robust and credible evidence base to inform the emerging Local Plan 2036 for Fareham Borough. It provided a quantitative and qualitative assessment of the need for new retail and main town centre uses within Fareham Borough.
- 1.2 It provided a description of existing retail and leisure facilities within the Borough and identified the role the main town and district centres play in meeting the needs of customers. The study includes an assessment of:
- 1 changes in circumstances and shopping patterns since the previous studies were undertaken, not least the effects of the recession and the availability of 2011 Census data;
 - 2 the future need and (residual) capacity for retail, food and beverage and leisure floorspace for the period up to 2036;
 - 3 the potential implications of emerging developments both within and outside Fareham, in terms of impact on town centres and potential changes to shopping patterns;
 - 4 the existing retail hierarchy and network of centres and advises whether any changes are required; and
 - 5 development plan policies, allocations and recommendations on how each centre can develop its role.
- 1.3 This 2020 report provides a partial update of the FRCLS 2017 and should be read alongside the FRCLS 2017. This update report replaces the following sections of the FRCLS 2017:
- Section 2 - The Hierarchy of Centres (paragraphs 2.1 to 2.29);
 - Section 3 - Retail Need Assessment (paragraphs 3.1 to 3.44 and 3.71 to 3.91);
 - Section 4 - Other Town Centre Uses (paragraphs 4.8 to 4.38 and 4.52 to 4.56);
 - Section 5 - Accommodating Growth (paragraph 5.1 to 5.16 and 5.48 to 5.69);
 - Section 6 - Conclusions;
 - Appendix 2 - Convenience assessment;
 - Appendix 3 - Comparison assessment;
 - Appendix 4 - Food/beverage assessment; and
 - Appendix 5 - Analysis of Centres (part – role and mix of uses).

2.0 Hierarchy of centres

Introduction

- 2.1 Section 2 of the FRCLS provided an overview of the shopping hierarchy in Fareham Borough and the surrounding sub-region. This overview is updated below.
- 2.2 The revised NPPF indicates (paragraph 85) that planning policies should continue to define a network and hierarchy of centres and promote their long-term vitality and viability, but centres are now expected to grow and diversify to respond to rapid changes in the retail and leisure industries.

Centres in Fareham and the surrounding area

- 2.3 Fareham Borough is bounded by Eastleigh, Winchester, Portsmouth and Gosport local authorities. The Borough contains Fareham town centre as the main centre, supported by district centres at Locks Heath and Portchester plus local centres and parades catering for local needs, as shown in Figure 2.1 overleaf.
- 2.4 The existing Fareham Borough Local Plan Part 1: Core Strategy (adopted August 2011) and existing Local Plan Part 2: Development Sites and Policies (June 2015) sets out policies on retail and town centres, which seek to maintain the current hierarchy of the retail centres and promote competition and consumer choice, whilst maintaining and strengthening the individual character, vitality and viability of the centre.
- 2.5 The Javelin Group's Venuescore ranks the UK's top 3,500 retail destinations including town centres, malls, retail warehouse parks and factory outlet centres across the country. Each destination is given a weighted score based on the number of multiple retailers present, including anchor stores, fashion operators and non-fashion multiples. The score attached to each retailer is weighted depending on their overall impact on shopping patterns, for example a department store will achieve a high score. The updated results for the destinations and other relevant centres outside of the Borough are shown in Table 2.1.
- 2.6 As of 2016/17, Fareham town centre achieves the highest Venuescore in the Borough, reflecting its position in the retail hierarchy, although its score has reduced by 6 points. Most centres experienced a small decline in scores between 2015/16 and 2016/17, due to the national trend of shop closures within town centres.
- 2.7 Residents in Fareham Borough continue to have good access to several larger centres, as well as having a choice of smaller centres for day to day shopping needs. Nevertheless, Fareham town centre has an important role as the main retail destination in the Borough.
- 2.8 Venuescore data closely correlates to the actual market size of the shopping destination in terms of consumer expenditure. Javelin also assesses the market position of centres based on the retailers present and the centre's relative position along a spectrum running from discount to luxury or down-market to aspirational (i.e. lower, middle to upscale), as shown in Table 2.1. This information is used in the retail industry to assess the relative strength of shopping destinations. The market position relates specifically to the fashion offer together with other easily classified operators, because the range and choice of clothing and fashion shopping is the key driver in the relative attraction of large comparison shopping destinations. Javelin also provided other measures of the strength of centres as outlined below.

Figure 2.1 Fareham Borough network of centres and parades

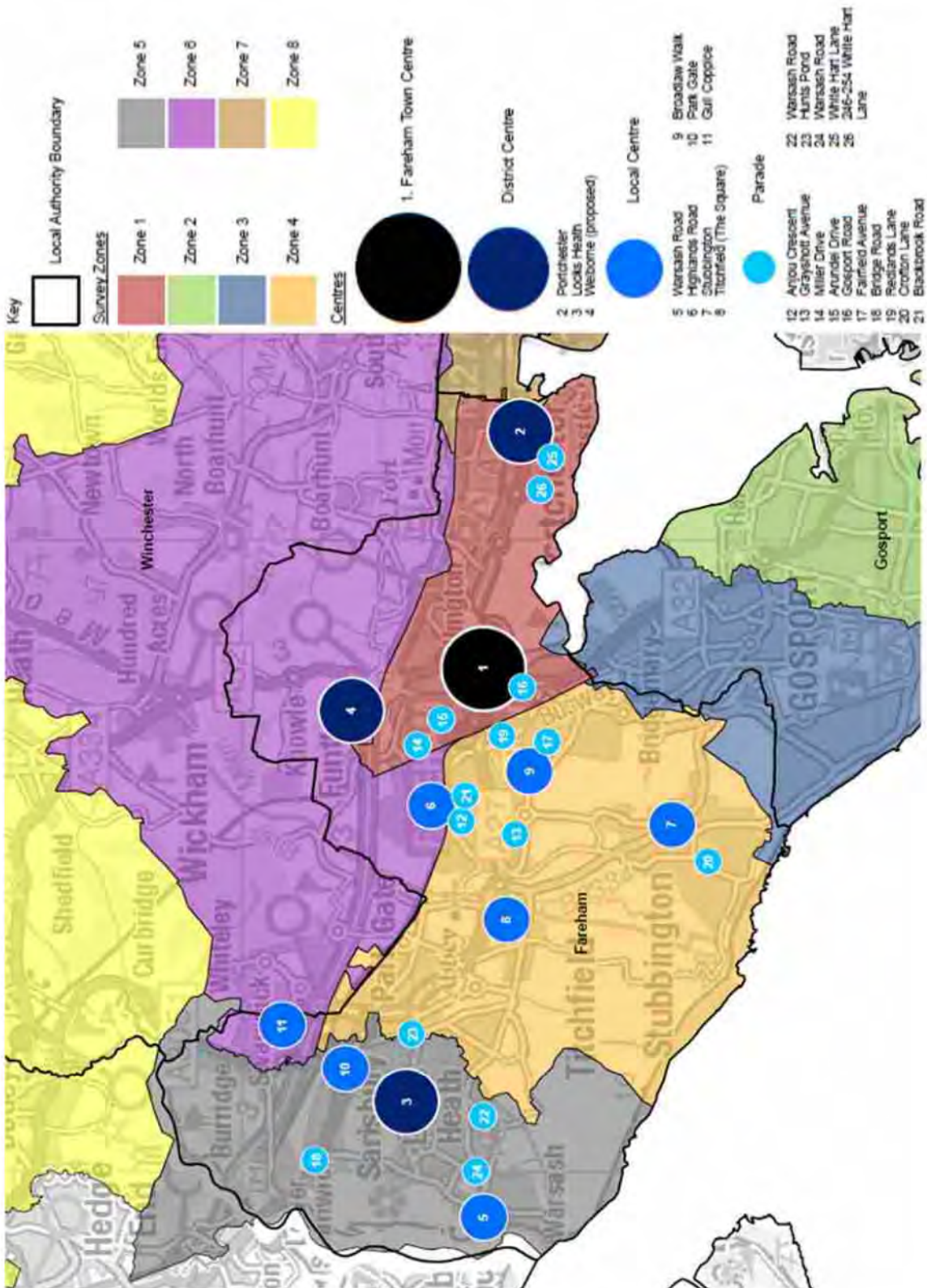


Table 2.1 UK Shopping Index and Rank

Centre	Venuescore 2015/16	Venuescore 2016/17	Change	UK Rank 2016/17	Market position
Southampton	355	338	-17	20	Middle
Chichester	207	209	+2	74	Upper middle
Portsmouth	184	180	-4	101	Middle
Winchester	166	169	+3	125	Upper middle
Fareham town centre	140	134	-6	179	Middle
Gunwharf Quays, Portsmouth	127	121	-6	200	Upscale
Eastleigh	109	105	-4	238	Middle
Waterlooville	108	105	-3	238	Middle
Southsea	92	91	-1	292	Middle
Whiteley Shopping Centre	78	82	-4	332	Upper middle
Gosport	64	69	-5	408	Lower middle
Petersfield	73	68	-5	416	Middle
Southampton, Shirley	72	68	-4	416	Lower middle
Havant	62	62	0	473	Lower middle
North End, Portsmouth	50	46	-4	666	Lower middle
Bitterne	44	43	-1	710	Lower middle
Portswood, Southampton,	41	42	-1	733	Lower middle
Cosham, Portsmouth	38	37	-1	847	Lower middle
Fratton, Portsmouth	33	27	-6	1187	Lower middle
Hedge End	32	33	+1	968	Middle
Collingwood/Speedfields RP	28	30	+2	1074	Lower middle
Oceans / Burrfields RP, Portsmouth	24	23	-1	1368	Middle
Locks Heath	21	16	-5	1888	Middle
Clement Attlee Way, Portsmouth	16	16	0	1888	Middle
Port Solent	14	15	+1	2021	Upper middle
Broadcut Retail Park	14	14	0	2171	Middle
Farlington, Portsmouth	16	14	-2	2171	Middle
West Street (Portchester)	12	12	0	2566	Lower middle
Stubbington	n/a	10	n/a	3133	Lower middle

Source: Javelin Venuescore 2015/16 and 2016/17

- 2.9 Southampton is at the top of the shopping hierarchy, some way ahead of Portsmouth and Winchester. Fareham town centre is a second-tier centre, behind Winchester, but still ranked ahead of Eastleigh, Waterlooville, Whiteley and Petersfield.
- 2.10 Although not the largest centre, Gunwharf Quays in Portsmouth continues to be the only "upscale" centre in the sub-region, suggesting that it has a predominance of higher quality fashion shopping. The higher order centres of Chichester, Winchester and Whiteley are classified as "upper-middle" centres in fashion terms.
- 2.11 Within Fareham Borough, including Fareham town centre, Locks Heath and Broadcut Retail Park are classed as "middle", which suggest their retail offer is mass market.
- 2.12 In addition to its market position and Venuescore, each destination is also assessed in terms of a range of other attributes, as follows:
- Age focus (is the offer targeting younger or older consumers?)
 - Fashionability of its offer (is the clothing offer traditional or progressive?)

- Food/service bias (how strong is the food and beverage offer?)

2.13 The Javelin Group classifies retailers in terms of their "fashionability" ranging from "traditional" at one end, to "updated classic", "fashion moderate", "fashion forward" through to "progressive" at the other, i.e. least fashionable to the most fashionable.

2.14 The age position of the fashion offer is also classified ranging from "young", "middle" to "old", for example shops such as Hollister, H&M, Miss Selfridge and Superdry appealing more to the young and others such as Evans and Edinburgh Woollen Mill appealing more to the old. The results for centres within Fareham and the surrounding area are shown in Table 2.2 below.

Table 2.2 Venuescore UK Fashion and Food/Service attributes

Centre	Age	Fashion Position	Food/service index (average =100)
Southampton	Mid	Fashion moderate	103
Chichester	Old	Update classic	82
Portsmouth	Mid	Fashion moderate	81
Winchester	Old	Update classic	105
Fareham town centre	Mid	Fashion moderate	91
Gunwharf Quays, Portsmouth	Old	Upper middle	162
Eastleigh	Old	Update classic	128
Waterlooville	Old	Traditional	47
Southsea	Old	Traditional	54
Whiteley Shopping Centre	Mid	Fashion moderate	82
Gosport	Old	Traditional	71
Petersfield	Old	Traditional	72
Southampton, Shirley	Old	Update classic	108
Havant	Old	Fashion moderate	138
North End, Portsmouth	Old	Update classic	119
Bitterne	Old	Update classic	71
Portswood, Southampton,	Old	Progressive	145
Cosham, Portsmouth	Mid	Update classic	132
Fratton, Portsmouth	Old	Fashion moderate	68
Hedge End	Old	Fashion moderate	19
Collingwood/Speedfields RP	Old	Fashion moderate	20
Oceans / Burrfields RP, Portsmouth	Old	Progressive	53
Locks Heath	Old	Progressive	115
Clement Attlee Way, Portsmouth	Old	Fashion moderate	76
West Street (Portchester)	Old	Fashion moderate	51
Stubbington	Old	Fashion moderate	122

Source: Javelin Venuescore 2015/16 and 2016/17

2.15 The centres within the sub-region tend to cater predominantly for older customers, with moderate or traditional tastes. This includes Fareham, Portchester and Stubbington, which have a fashion moderate offer. Some centres have a more progressive (fashionable) offer including Locks Heath and Portswood. It should be noted that Portchester, Stubbington and Locks Heath are small centres with limited or no clothing shops, therefore Javelin's fashion classification is less reliable than the classifications for larger centres. Most town centres of a similar size to Fareham town centre across the country tend to be fashion moderate, tending to attract older customers. Table 2.2 suggests there is a good variety of fashion shopping destinations within the sub-region.

- 2.16 Fareham and Portchester have a below average food/service offer and there appears to be scope to improve Fareham town centre and Portchester's food and beverage/service offer, e.g. restaurants, cafés and bars. The need for these uses is explored in more detail later in this report.

Retail provision in Fareham Borough

- 2.17 The assessment of the existing retail and service provision in the main centres has been updated and detailed information is provided in the health check of Fareham town centre and centre audits of the district and local centres, set out in later sections. A summary of existing retail provision is provided in Table 2.3 below. Figure 2.2 shows the updated proportional mix of Class A1 to A5 uses within the main centres of Fareham town centre, Portchester and Locks Heath compared with the UK average.

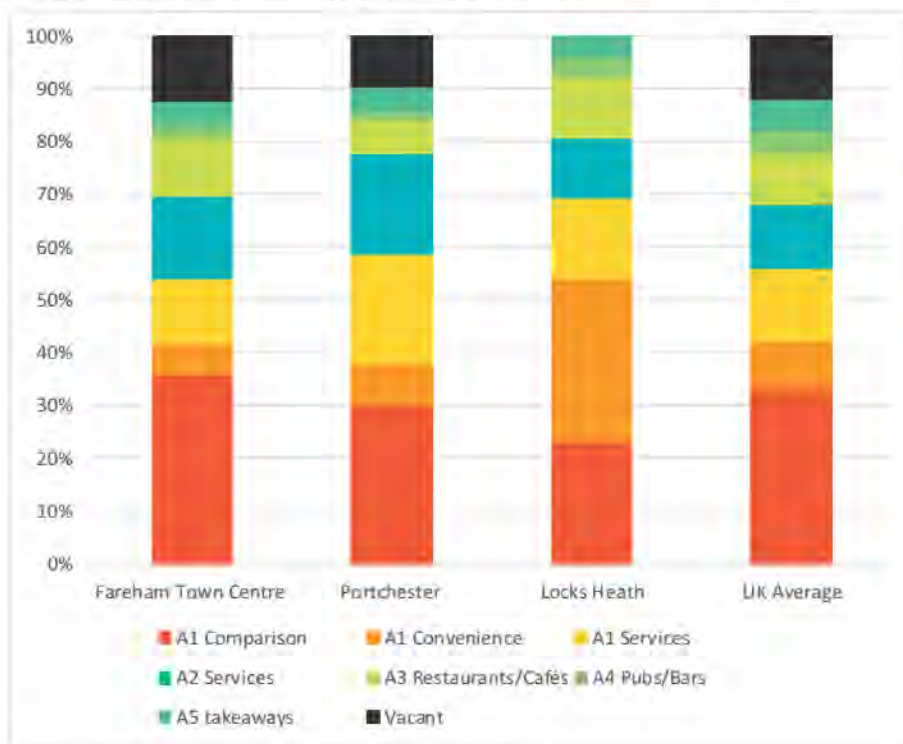
Table 2.3 Existing Class A1 retail provision in Fareham Borough

Centre	Status	Class A1 shop units	Convenience goods floorspace (sq.m gross)	Comparison goods floorspace (sq.m gross)
Fareham	Town Centre	166	9,233	31,496
Portchester	District Centre	37	1,856	2,741
Locks Heath	District Centre	18	5,092	1,093
Stubbington	Local Centre	28	1,665	1,517
Park Gate	Local Centre	20	954	698
Highlands Road	Local Centre	12	1,234	562
Titchfield	Local Centre	13	509	392
Warsash	Local Centre	20	611	699
Gull Coppice	Local Centre	3	269	0
Broadlaw Walk	Local Centre	3	461	307
		320	21,884	39,505

Source: Fareham Borough Council Centre Health Check data 2018

- 2.18 Retail provision has not changed significantly in the main designated town, district and local centres since 2016. However, the amount of Class A1 comparison goods floorspace has reduced slightly from 43,147 sq.m gross to 39,505 sq.m gross.
- 2.19 The audit of centres later in this report confirms that Fareham town centre, Portchester and Locks Heath are the main shopping destinations within the Borough. Fareham town centre is by far the biggest centre in terms of number of shop units and the amount of retail sales floorspace.
- 2.20 Fareham town centre provides a good range of shops and facilities that serve residents within its relatively wide catchment area, with a critical mass of convenience and comparison shopping floorspace and a good range of non-retail services. Portchester and Locks Heath are much smaller centres and serves a more localised catchment, providing a range of retail uses and services, particularly with regard to A1 comparison (e.g. charity shops and chemists), A1 Services (e.g. hairdressers) and A2 services (e.g. banks and estate agents). Locks Heath has higher than average proportion of A1 convenience retail floorspace when compared with the national average, due to the Waitrose store and conversely a below average proportion of A1 comparison retail floorspace.

Figure 2.2 Fareham Borough – Main centres mix of Class A1 to A5 units



Source: Fareham Borough Council Centre Health Check data 2018

2.21 Figure 2.2 shows Fareham town centre has a mix of Class A1 to A5 broadly consistent with the UK average, in particular the proportion of comparison goods retail units remains above the national average. Portchester and Locks Heath have a lower proportion of comparison goods retail units, but conversely a higher proportion of convenience retailing and non-retail services.

2.22 Portchester is also similar to the national average mix of uses, although it has a higher proportion of A1 and A2 non-retail services, reflecting the centre's day to day shopping and service role. Portchester has a below average proportion of Class A3 to A5 food and beverage outlets.

2.23 Locks Heath has a lower proportion of comparison goods retailers, consistent with its role as a day to day shopping and service destination. Locks Heath has a higher proportion of convenience goods retailers. Portchester and Locks Heath have a lower proportion of vacant units than the national average, with Locks Heath having no vacant units (recorded in 2018). A full audit of the main centres is provided later in Section 4, 5 and 6 of this report.

2.24 Stubbington, Park Gate, Highlands Road, Titchfield, Warsash, Gull Coppice (Whiteley) and Broadlaw Walk are identified in the existing Local Plan Part 2: Development Sites & Policies as Local Centres. These centres generally have a small range of shops and services of a local nature, serving small catchment areas. For example, they provide a small supermarket, newsagent, post office, takeaways and pharmacy. These Local Centres are supplemented by Local Parades which include a limited range of shops of a local nature to serve a small catchment. An audit of the local centres and parades in the Borough is provided in Section 7 of this report.

3.0 Fareham town centre

3.1 The FRCLS 2017 (Appendix 5) provided a health check of Fareham town centre based on land use information for Winter 2015. This section provides a partial update of the previous health check based on 2018 land use information. This section should be read alongside the FRCLS 2017 (Appendix 5) health check.

Key roles

3.2 Fareham town centre is the main shopping and commercial centre in the Borough. It is a traditional market town and is designated as the only town centre in the Borough in the Fareham Local Plan, Core Strategy (2011). It has a reasonable number of retail and service uses. The centre serves shoppers from across the Borough and beyond, particularly for comparison shopping. Its key roles include:

- **convenience shopping** - including one large Tesco food superstore at Quay Street (4,620 sqm net). This is complemented by one medium sized Aldi (884 sq.m net), which the household survey results suggest is trading strongly. In addition, there is an Iceland (374 sq.m net) and a B&M Bargains store. These facilities are supported by a number of small convenience outlets that serve basket/top-up food shopping trips;
- **comparison shopping** - there is a reasonable range of multiple and independent shops selling both high and lower order comparison goods. There is a concentration of multiples (chain stores), mainly located in the Primary Shopping Area of the pedestrianised area of West Street, Fareham Shopping Centre and Market Quay;
- **services** - there is a good range of high street national banks, and a reasonable selection of cafés, restaurants, takeaways, travel agents and hairdressers/beauty parlours;
- **entertainment** - there is a Reel Cinema and several pubs and bars; and
- **leisure and community facilities** – including health and fitness gyms and civic offices.

3.3 In addition to the FRCLS 2017, a retail study was undertaken by GVA in October 2012 and a Health Check Study Summary Paper was prepared by Fareham Borough Council in 2018. These reports provide a useful benchmark to assess the significance of changes in recent years.

3.4 Fareham town centre is at the heart of the wider Fareham town and the retail core of the Borough. Fareham town centre prime retail pitch is focused around the pedestrianised area of West Street, Fareham Shopping Centre and Market Quay. To the east and west of this prime pitch retail and town centre uses extend along West Street.

3.5 The household shopper survey (FRCLS 2017, Appendix 7) provided an indication of the varied role of the town centre. Fareham town centre is the main destination for 32.8% of respondents for most of their non-food shopping. The updated combined turnover of Fareham town centre is £386 million, split approximately into 16% convenience goods trade, 62% comparison goods and 22% food and beverage. This indicates Fareham town centre's varied role.

3.6 The updated Venuescore ranking for Fareham indicates the town centre has continued to fall marginally from 175th position in 2013, to 178th in 2015/2016 and 179th in 2016/2017. The development of the Whiteley Shopping Centre, which now ranks 332nd has affected centres in the sub-region. The Whiteley Centre opened in May 2013 and is 6km north west of the Fareham town centre. The Whiteley Centre has a large Tesco and 42 comparison goods shops, the majority of which are multiple retailers. This retail offer is supported by 20 cafés/restaurants, a Cineworld and an indoor climbing centre.

Mix of uses

- 3.7 Fareham town centre has a total of 306 retail/service uses. The diversity of uses present in the centre in terms of the number of units is set out in Table 3.1, and the results are compared with the national average. Since the 2016 health check the overall number of Class A units in the centre has increased by 4, which could either be due to subdivision of units, or a change of use to Class A or reclassification of uses, but the increase in vacant units has resulted in the reduction of occupied Class A premises from 275 in 2016 to 268 in 2018.

Table 3.1 Fareham town centre mix of Class A units

Type	Units 2014	Units 2016	Units 2018	% units 2018	UK average 2018
A1 comparison	111	112	110	35.9	33.3
A1 convenience	13	16	18	5.9	9.0
A1 services	37	40	38	12.4	13.9
A2 financial services (1)	58	57	47	15.4	11.9
A3 restaurants/cafés	29	31	34	11.1	9.7
A4 pubs/bars	10	6	8	2.6	4.5
A5 takeaways	11	13	13	4.2	6.0
Vacant	32	27	38	12.4	11.8
Total	301	302	306	100.0	100.0

Source: Fareham BC Retail Health Check Data

(1) includes betting shops and pawnbrokers (Sui Generis)

- 3.8 The mix of Class A uses in Fareham is broadly similar to the national average and has not changed significantly in recent years. The number of A1 comparison goods units has reduced by 3 since 2016, but provision remains at a marginally higher proportion than the national average.
- 3.9 The number of vacant units has increase by 11 since 2016 and the number of A2 financial and professional services has reduced by 10, but the proportion remains above the national average. The proportion of vacant units is now marginally higher than the national average.
- 3.10 Table 3.2 below summarises the town centre mix of uses by floorspace. Fareham town centre has a total gross floorspace of 73,775 sq.m gross of which 42.7% is comparison retail, the comparable figure in 2016 was higher at 47.6%. The amount of comparison goods floorspace has reduced by 2,290 sq.m gross since 2016.

Table 3.2 Fareham town centre Use Class floorspace mix 2018

Type of use	Floorspace (sq.m gross)	% total floorspace
Comparison retail	31,496	42.7
Convenience retail	9,233	12.5
A1 services	3,751	5.1
A2 services	8,590	11.6
A3 restaurants/cafés	6,147	8.3
A4 pubs/bars	2,932	4.0
A5 takeaways	1,318	1.8
Vacant	10,308	14.0
Total	73,775	100.0

Source: Fareham BC Retail Health Check Data 2018

- 3.11 The floorspace vacancy rate (14% of all floorspace) has increased from 7.2% in 2016 and is now marginally higher than the unit vacancy rate (12.4% of all units). Notable new vacant units include the former Marks & Spencer (5 Delme Square), Argos (97-99 West Street) and Zodiac

99p store (142-144 West Street). The majority of the convenience goods floorspace is concentrated in the Tesco store.

Retailer representation

3.12 Table 3.3 provides a breakdown of comparison shop units by category. Despite the reduction in units and floorspace, Fareham town centre continues to provide a reasonable selection of comparison shops (110) reflecting its size and role in the shopping hierarchy. The proportion of comparison goods units remains marginally higher than the national average, reflecting the main shopping role of the centre.

Table 3.3 Fareham town centre mix of comparison goods units

Type	Units 2016	Units 2018	% units 2018	UK average 2018
Clothing and footwear	27	27	24.5	23.3
Furniture, carpets and textiles	4	9	8.2	7.6
Books, arts, cards and stationers	6	7	6.4	8.5
Electrical, music and photography	10	11	10.0	9.5
DIY, hardware and homeware	15	9	8.2	6.5
China, glass and gifts	2	1	0.9	5.2
Cars, motorcycles and accessories	0	0	0	0.5
Chemists, drug stores and opticians	7	8	7.3	10.9
Variety, department and catalogue	4	2	1.8	1.7
Florists, nurserymen and seedsmen	4	1	0.9	2.2
Toys, hobby, cycle and sports	11	11	10.0	5.3
Jewellers	5	6	5.5	5.0
Charity and second-hand shops	17	14	12.7	9.5
Other comparison good retailers	0	4	3.7	4.3
Total	112	110	100.0	100.0

Source: Fareham BC Retail Health Check Data

3.13 The mix and choice of comparison goods shops has not changed significantly since 2016. The number of charity shops and DIY/hardware shops has reduced, while furniture/carpets/textile shops have increased. The number of variety stores has changed due to the closure of Marks & Spencer and Argos. However, most of the Goad Plan comparison goods categories continue to be represented within the centre, but as in 2016 the choice in some categories is limited. There continues to be a reasonable representation and mix of mid-market national multiple comparison retailers present within Fareham town centre, including:

Accessorize	Monsoon	Warren James	Robert Dyas	Wilkinsons
Bon Marche	Peacocks	Next	Sony Centre	Boots
Claire's Accessories	tReds	Clintons	Specsavers	Superdrug
Clarks	Store Twenty One	Card Factory	B&M Bargains	H Samuel Limited
Dorothy Perkins	River Island	Thornton's	Carphone Warehouse	TK Maxx
New Look	Shoe Zone	W H Smith	The Works	
M & Co.	Topshop/Topman	Waterstones	Sports Direct	
Game	Milletts	Vision Express	Debenhams	

3.14 National multiple retailers continue to be concentrated around the pedestrianised area of West Street, Fareham Shopping Centre and Market Quay. Fareham Shopping Centre remains the only

enclosed shopping centre and is anchored by Debenhams, Boots, Next and B&M Bargains. B&M Bargains has occupied the former BHS store since 2016, but the large Marks & Spencer store has closed.

Service uses

3.15 Fareham town centre continues to provide a good range of non-retail service uses, with a choice of service providers across all categories, as shown in Table 3.4. The number of restaurant/café and pub/bar uses has increased since 2016.

Table 3.4 Fareham town centre mix of selected service uses

Type	Units 2016	Units 2018	% units 2018	UK average 2018
Restaurants/café	31	34	27.0	23.3
Fast food/takeaways	13	13	10.3	7.6
Pubs/bars	6	8	6.3	8.5
Banks/other financial services	25	24	19.0	9.5
Betting shops/casinos/amusement	3	3	2.4	6.5
Estate agents/valuers	11	11	8.7	5.2
Travel agents	4	4	3.2	0.5
Hairdressers/beauty parlours	30	29	23.0	10.9
Launderettes/dry cleaners	1	0	0	1.7
Total	124	126	100.0	100.0

Source: Fareham BC Retail Health Check Data

3.16 As in 2016, the proportion of units in some categories is notably different to the national average. The centre has a significantly above average proportion of banks/other financial services, which includes a strong presence of businesses in the peripheral areas of the town centre, i.e. the High Street and the unpedestrianised part of West Street. These areas continue to provide an important non-retail service function.

3.17 Fareham town centre has retained the selection of restaurants, café and bar chains, which support the cinema. This provision suggests the evening economy is reasonably strong. The chain restaurants/pubs/takeaways include:

Ask Italian	Costa	Nando's	Rancho Steak House
Burger King	Domino's Pizza	Papa Johns	Slug and Lettuce
Café Nero	McDonalds	Subway	Wetherspoon

3.18 The adopted Local Plan Part 2 identifies a vision for more A3 restaurants and cafés within the centre. Part of the Council's vision for the centre is to create 'living streets' to build on the town's identity and incorporate a "vibrant mix of shops, cafés, restaurants, businesses, community uses and housing that gives life and activity to the principal streets of High Street and West Street during the day and evening".

3.19 Most of the main high street banks/building societies are represented within Fareham town centre including, Santander, TSB, Barclays, Halifax, HSBC Bank, Lloyds, Nationwide, Nat West and Yorkshire Building Society.

3.20 In addition to these service uses, Fareham town centre is represented by a limited range of leisure, entertainment and cultural uses, including Reel Cinema, Sports Direct Fitness, Curves Fitness Centre, Ferneham Hall, Ashcroft Arts Centre and Westbury Manor Museum.

- 3.21 The Civic Centre, library and medical facilities also help to attract visitors to the town centre. The centre has a number of Class B1 and B2 employment uses but this sector is not significant.

Strengths

- Fareham town centre is the main shopping centre within the Borough and its catchment extends across the Borough and beyond.
- The centre provides a good range of convenience shopping facilities. The Tesco and Aldi stores attract a significant number of food and grocery shopping trips that provide spin-off trade for other shops and services.
- There is a higher than average proportion of comparison shops including a diverse range of national multiple retailers and independent shops. The facilities are primarily mid-market.
- The centre provides a range of service facilities, including banks and building societies, restaurants and cafés. There is a small selection of chain restaurants and bars, which with the cinema generate evening activity in the centre.
- The Fareham Shopping Centre provides covered shopping and provides a focus for multiple retailers, anchored by Debenhams, Boots, Next and B&M Bargains.
- The centre is a relatively attractive environment, with an extensive pedestrianised area, which has seen investment in the public realm including street furniture, art, children's play and lighting.
- The street markets add diversity to the retail offer and character of the centre and help to draw more visitors.
- The buildings within the centre are of reasonably good quality, with attractive mix of period buildings along the High Street to the east of the centre.
- The centre has several public car parks which are distributed around the centre, within close proximity to the main shopping areas.

Weaknesses

- The vacancy rate in terms of units and floorspace has increased since 2016 and is now slightly higher than the national average, and the centre has recently lost Marks & Spencer and Argos.
- The centre does not offer the same quality and range of facilities available in Southampton and Portsmouth, especially clothing and footwear retailers. Many Fareham residents choose to shop at these centres.
- The centre has a limited provision of higher quality up-market retailers.
- The household survey results suggest the street market is not a particularly strong draw.
- The town centre has a below average proportion of public houses and bars.
- There are gaps in leisure provision including bowling and bingo and the market share of theatre trips is low.
- The Fareham Shopping Centre is dated in appearance with low ceilings, poor natural light and units with a number of vacancies.
- The household survey indicates there is dissatisfaction with the cost of car parking.

Opportunities

- The increase in the vacancy rate since 2016 provides a good supply of premises available to attract new operators to Fareham.
- There is a relatively large resident population within Fareham's primary catchment areas. Continued growth in expenditure should provide further opportunities to expand and improve shopping and leisure provision within Fareham.
- Fareham has major development opportunities for further retail and leisure expansion including the Civic area, south of Market Quay and east of the railway station.
- Improvements to Fareham town centre's leisure offer may increase visitors within the centre which in turn will offer opportunity for increased food and beverage uses within the centre and increase expenditure elsewhere.

Threats

- The increase in the vacancy rate since 2016 and the creation of large voids could adversely affect investment confidence in Fareham, making the reoccupation of vacant units less likely.
- Competing centres, such as Southampton, Portsmouth and the Whiteley Shopping Centre are likely to continue to improve their environment, retail and leisure offer, which may increase expenditure leakage from Fareham.
- The continued polarisation of investment within larger centres may limit operator demand for new premises in Fareham. Lower commercial values may affect the viability of regeneration proposals.
- Development of new district and local centres within the Welborne development will need to complement rather than compete with the town centre.

4.0 Portchester district centre

4.1 The FRCLS 2017 (Appendix 5) provided a health check of Portchester district centre based on land use information for Winter 2015. This section provides partial update of the previous health check based on 2018 land use information. This section should be read alongside the FRCLS 2017 (Appendix 5) health check.

Key roles

4.2 Portchester is designated as a District Centre in the adopted Fareham Borough Local Plan Part 1: Core Strategy (August 2011). It has a modest range of retail and service uses, and primarily functions as a day to day top up shopping and service centre for local residents. Its key roles include:

- **convenience shopping** - the main food store is the Co-op (1,028 sq.m net). This is supported by an Iceland (384 sq.m net) and a limited number of small convenience shops.
- **comparison shopping** - there is a limited range of comparison goods retailers within the centre, comprising predominantly independent retailers with a few national multiples.
- **services** - there is a Post Office, a high street bank and dry cleaners, a reasonable selection of cafés, restaurants, takeaways and hairdressers/beauty parlours.
- **community facilities entertainment** – including the Portchester Health Centre and Portchester Library.

4.3 Portchester District Centre is located to the east of the Borough and is focused around a pedestrianised area of West Street. There is free surface car-parking to the south and community services to the west.

4.4 The 2015 household shopper survey provided an indication of the role of Portchester. Only 0.5% of respondents within the study area as a whole, suggested they do most of their non-food shopping in Portchester district centre.

4.5 The convenience goods expenditure attracted to Portchester is estimated to be £15.67 million in 2017 (Appendix 2), which is equivalent to 5% of the total convenience goods spending in stores and centres within Fareham Borough. The comparison goods turnover of Portchester district centre is estimated to be lower at £7.81 million in 2017 (Appendix 3), equivalent to 1.8% of the total comparison goods spending in centres within Fareham Borough. The food and beverage turnover of Portchester District Centre is estimated to be £13.02 million (Appendix 4), which is equivalent to 10.7% of the total food and beverage spending at facilities within Fareham Borough.

4.6 The combined turnover of Portchester district centre is £36.5 million in 2017, which is less than a tenth of Fareham town centre's turnover. Portchester's turnover is split approximately 43% convenience goods trade, 21% comparison goods and 36% food and beverage. This split reflects Portchester's lower order shopping in service role. Javelin's Venuescore rank for Portchester district centre is 2,566th in 2016/2017, which is one of the smallest centres included by Javelin.

Mix of uses

4.7 Portchester is a small centre with a total of 63 retail/service uses. The diversity of uses present in the centre in terms of the number of units is set out in Table 4.1, compared with the national average. The number of Class A units has reduced by one since 2016 but remains higher than the number in 2014. The number of vacant units has increased by two, but the vacancy rates is still marginally below the national average.

- 4.8 As in 2016, the centre has a similar proportion of comparison and convenience units when compared with the national average, but the actual number of outlets is small. Consistent with its role as a service centre, Portchester continues to have an above average proportion of A1 and A2 services, but below average proportions of A3/A4/A5 units when compared with the national average.

Table 4.1 Portchester district centre mix of Class A units

Type	Units 2014	Units 2016	Units 2018	% units 2018	UK average 2018
A1 comparison	21	23	19	30.2	33.3
A1 convenience	5	5	5	7.9	9.0
A1 services	9	11	13	20.6	13.9
A2 financial services (1)	13	13	12	19.0	11.9
A3 restaurants/cafés	3	4	4	6.3	9.7
A4 pubs/bars	1	1	1	1.6	4.5
A5 takeaways	3	3	3	4.8	6.0
Vacant	2	4	6	9.5	11.8
Total	57	64	63	100.0	100.0

Source: Fareham BC Retail Health Check Data 2018

(1) includes betting shops and pawnbrokers (Sui Generis)

Retailer representation

- 4.9 In 2016 Portchester had a modest selection of comparison units (23). This provision has reduced to 19. Table 4.2 provides a breakdown of comparison shop units by category.

Table 4.2 Portchester district centre mix of comparison goods units

Type	Units 2016	Units 2018	% units 2018	UK average 2018
Clothing and footwear	1	1	5.3	23.3
Furniture, carpets and textiles	3	2	10.5	7.6
Books, arts, cards and stationers	2	2	10.5	8.5
Electrical, music and photography	1	0	0	9.5
DIY, hardware and homeware	2	2	10.5	6.5
China, glass and gifts	0	0	0	5.2
Cars, motorcycles and accessories	0	0	0	0.5
Chemists, drug stores and opticians	3	3	15.8	10.9
Variety, department and catalogue	0	0	0	1.7
Florists, nurserymen and seedsmen	2	2	10.5	2.2
Toys, hobby, cycle and sports	3	3	15.8	5.3
Jewellers	0	0	0	5.0
Charity and second-hand shops	5	4	21.1	9.5
Other comparison good retailers	1	0	0	4.3
Total	23	19	100.0	100.0

Source: Fareham BC Retail Health Check Data

- 4.10 Portchester continues to provide representation in most Goad categories, but there are now further gaps in provision with 6 out of the 14 categories not represented. These unrepresented categories are generally higher order goods i.e. electrical, china/glass/gifts/fancy goods, cars/motorcycles/motor accessories, jewellers and variety/department/ catalogue stores.

Within the represented categories the choice of shops is limited, with the exception of charity/second hand shops.

Service uses

- 4.11 As in 2016, Portchester has a reasonable range of non-retail service uses with all Goad categories represented except travel agents, as shown in Table 4.3. The choice of facilities in each category remains limited, with the exception of hairdressers which has increased since 2016.

Table 4.3 Portchester district centre mix of selected service uses

Type	Units 2016	Units 2018	% of units 2018	UK average 2018
Restaurants/cafés	4	4	15.4	23.3
Fast food/takeaways	3	3	11.5	7.6
Pubs/bars	1	1	3.8	8.5
Banks/other financial services	2	2	7.7	9.5
Betting shops/casinos/amusement	1	2	7.7	6.5
Estate agents/valuers	4	3	11.5	5.2
Travel agents	0	0	0	0.5
Hairdressers/beauty parlours	8	10	38.5	10.9
Launderettes/dry cleaners	1	1	3.8	1.7
Total	24	26	100.0	100.0

Source: Fareham BC Retail Health Check Data

Strengths

- The centre continues to serve a localised catchment area within Zone 1- Fareham East. The centre has retained a reasonable mix of convenience and lower order comparison shopping and services.
- The proportion of vacant units has increased but remains slightly below the national average.
- The centre is compact with a safe and attractive pedestrianised area, which is well landscaped and has street furniture.
- There is a convenient and large public car park adjacent to the centre.

Weaknesses

- The centre has a relatively poor higher order comparison offer, attracting a limited market share of comparison goods spending within Fareham Borough. The choice of comparison shops within each category is small and the number of units has reduced since 2016.
- Food stores are relatively small and do not adequately cater for bulk food shopping trips.
- The household survey results suggested the street market is not a particularly strong draw.
- The location of the centre next to the busy A27 makes it difficult for residents to the north to access the centre on foot.
- Surrounding residential areas and the A27 may limit the potential to expand the centre.

Opportunities

- The centre has a large and relatively attractive pedestrianised area, which could be better utilised.
- The role of the small street market is relatively undeveloped. An improved/expanded street market could help Portchester's local distinctiveness and its ability to compete with larger centres.
- The existing large surface car park may provide an opportunity to expand Portchester's existing retail, service and leisure offer.

Threats

- The increase in vacancy rate since 2016 suggests demand for premises may have reduced. In particular the number of comparison goods shops has reduced. The continuation of this trend could lead to further vacancies.
- The new Lidl store at Castle Trading Estate will have diverted food and grocery trade away from Portchester district centre. At present there is no evidence to suggest this trade diversion has undermined the vitality and viability of the centre.
- The continued polarisation of investment within larger centres may limit operator demand for new premises in Portchester. Lower commercial values may affect the viability of regeneration proposals.

5.0 Locks Heath district centre

5.1 The FRCLS 2017 (Appendix 5) provided a health check of Locks Heath district centre based on land use information for Winter 2015. This section provides a partial update of the previous health check based on 2018 land use information. This section should be read alongside the FRCLS 2017 (Appendix 5) health check.

Key roles

5.2 Locks Heath is designated as a District Centre in the adopted Fareham Borough Local Plan Part 1: Core Strategy (August 2011). Locks Heath District Centre is located to the west of the Borough of Fareham. It is a purpose-built centre built in 1983. It is set in a courtyard layout, with shops surrounding a public open space.

5.3 The centre provides a small selection of shops and services, a large area of free surface parking and an adjacent library, community centre, public house and petrol station. There is a reasonable range of retail and service uses, and it primarily functions as a day to day top up shopping and service centre for local residents. Its key roles include:

- **convenience shopping** – a large Waitrose store (2,420 sq.m net), supported by an Iceland store (399 sq.m net), butcher, baker, newsagent and off license.
- **comparison shopping** - a limited range of comparison goods independent retailers with no national multiples present;
- **services** - including a Post Office, building society and travel agency, a reasonable number of cafés, restaurants, takeaways and a hairdresser.
- **entertainment** - including the Lockswood Community Centre and Library.

5.4 Javelin's Venuescore rank for Locks Heath District Centre is 1,888th in 2016/2017.

Mix of uses

5.5 Locks Heath has 26 retail/service uses, up from 25 in 2016. The diversity of uses present in the Centre in terms of the number of units is set out in Table 5.1, compared against the national average. As in 2016, the centre has a significantly higher proportion of convenience units and a lower proportion of comparison units than the UK average. The centre has a higher proportion of A1 Service and A3/A5 Units, and a below average proportion of A2 and A4 units compared to the national average. The mix of use has not changed significantly since 2016.

Table 5.1 Locks Heath district centre mix of Class A units

Type	Units 2014	Units 2016	Units 2018	% units 2018	UK average 2018
A1 comparison	6	6	6	23.1	33.3
A1 convenience	7	7	8	30.8	9.0
A1 services	3	4	4	15.4	13.9
A2 financial services (1)	3	3	3	11.5	11.9
A3 restaurants/cafés	2	3	3	11.5	9.7
A4 pubs/bars	0	1	1	3.8	4.5
A5 takeaways	1	1	1	3.8	6.0
Vacant	1	0	0	0.0	11.8
Total	23	25	26	100.0	100.0

Source: Fareham BC Retail Health Check Data

(1) includes betting shops and pawnbrokers (Sui Generis)

Retailer representation

- 5.6 Locks Heath has a small selection of comparison units (6) and this has not changed since 2016. Table 5.2 provides a breakdown of comparison shop units by category. The range and choice of comparison shopping is very limited. The offer includes a chemist, optician, a card/gift shop and two charity shops.

Table 5.2 Locks Heath district centre mix of comparison goods units

Type	Units 2016	Units 2018	% units 2018	UK average 2018
Clothing and footwear	0	0	0	23.3
Furniture, carpets and textiles	0	0	0	7.6
Books, arts, cards and stationers	1	1	16.7	8.5
Electrical, music and photography	0	0	0	9.5
DIY, hardware and homeware	1	1	16.7	6.5
China, glass and gifts	0	0	0	5.2
Cars, motorcycles and accessories	0	0	0	0.5
Chemists, drug stores and opticians	2	2	33.3	10.9
Variety, department and catalogue	0	0	0	1.7
Florists, nurserymen and seedsmen	0	0	0	2.2
Toys, hobby, cycle and sports	0	0	0	5.3
Jewellers	0	0	0	5.0
Charity and second-hand shops	2	2	33.3	9.5
Other comparison good retailers	0	0	0	4.3
Total	6	6	100.0	100.0

Source: Fareham BC Retail Health Check Data

Service uses

- 5.7 Locks Heath also has a limited range and choice of non-retail service uses, although all the Goad categories are represented. Table 5.3 provides a breakdown of service units by category. The choice of uses in each category is limited. The mix of service uses has not changed since 2016.

Table 5.3 Locks Heath district centre mix of selected service uses

Type	Units 2016	Units 2018	% of units 2018	UK average 2018
Restaurants/café	3	3	27.3	23.3
Fast food/takeaways	1	1	0.9	7.6
Pubs/bars	1	1	0.9	8.5
Banks/other financial services	1	1	0.9	9.5
Betting shops/casinos/amusement	1	1	0.9	6.5
Estate agents/valuers	1	1	0.9	5.2
Travel agents	1	1	0.9	0.5
Hairdressers/beauty parlours	1	1	0.9	10.9
Launderettes/dry cleaners	1	1	0.9	1.7
Total	11	11	100.0	100.0

Source: Fareham BC Retail Health Check Data

Strengths

- Locks Heath continues to provide day to day retail and service for local residents in the west of the Borough.
- Locks Heath has a particularly strong convenience offer for a centre of its size, with a large Waitrose store and an Iceland store that attract customers from a wider area.
- The centre provides a range of service facilities, but the choice of facilities is limited.
- As in 2016, there are no vacant units in the centre.
- There is convenient free car parking adjacent to the centre.
- Buildings within the centre are generally in reasonable to good condition.

Weaknesses

- As in 2016, the centre has a very limited provision of comparison shops.
- The centre has a low proportion of national multiple retailers.

Opportunities

- The Waitrose is a key anchor to the District centre, which may help to attract more national multiple retailers to complement the retail offer within the centre. However, at present there are no available vacant units to attract new operators.

Threats

- Increased competition from the redeveloped Whiteley Shopping Centre was expected to divert trade from Locks Heath. At present there is no evidence to suggest this trade diversion has undermined the vitality and viability of the centre.

6.0 Local centres and parades

6.1 The FRCLS 2017 (Appendix 5) provided an audit of local centres and parades based on land use information for Winter 2015. This section updates the previous analysis based on the latest 2018 land use information.

6.2 The FRCLS 2017 described the comprehensive network of smaller local centres and local parades, which offers a balanced distribution of local facilities serving local communities across the Borough. These facilities complement the main centres and have an important role in serving the day-to-day needs in their local areas. The Fareham hierarchy of centres is set out in the Draft Fareham Local Plan Policy R1, as follows:

- **1 Town centre** - Fareham;
- **3 District centres** - Locks Heath, Portchester, Welborne (proposed);
- **8 Local centres** - Stubbington, Broadlaw Walk, Highlands Road, Gull Coppice (Whiteley), Titchfield, Warsash, Park Gate and Welborne (proposed); and
- **12 Small parades.**

6.3 The assessment of these centres and parades has been updated. As in the FRCLS 2017, each centre/parade has been attributed a Local Needs Index based on the availability of shops and services. The focus is the "needs" of local residents. There is no clear definition of need, but residents are likely to expect to find some or all of the following shops, services and community uses within easy walking distance of their home:

- 1 food or convenience store suitable for top-up shopping;
- 2 bank;
- 3 post office;
- 4 newsagent;
- 5 off licence;
- 6 chemist;
- 7 takeaway, café or restaurant;
- 8 public house;
- 9 bookmakers;
- 10 laundrette/dry cleaners;
- 11 hairdressers/beauty salon;
- 12 florist;
- 13 estate agents;
- 14 community hall;
- 15 doctor's/dentist surgery; and
- 16 library.

6.4 All local centres and local parades have been re-allocated a score out of 16, based on the shops and services listed above (one point per category represented) available in the centre. The results are summarised in Table 6.1 below.

Table 6.1 Local Needs Index Summary 2018

Centre	Status	Total shop units	Local Needs Index	Convenience shops	Vacant units
Stubbington	Local	43	14	7	1
Park Gate	Local	53	11	2	5
Highlands Road	Local	19	10	4	0
Titchfield	Local	23	7	4	0
Warsash	Local	31	7	3	0
Gull Coppice (Whiteley)	Local	6	6	1	0
Broadlaw Walk	Local	5	5	1	0
White Hart Lane, Portchester	Parade	14	6	2	2
Bridge Road, Sarisbury	Parade	6	4	1	1
Barnes Lane, Sarisbury	Parade	9	3	1	2
Anjou Crescent, Fareham	Parade	6	3	1	0
Gosport Road, Fareham	Parade	5	2	1	1
Crofton Lane, Stubbington/Hill Head	Parade	6	3	1	0
Miller Drive, Fareham	Parade	4	2	1	1
Warsash Road, Dibles Rd, Warsash	Parade	6	4	1	0
Arundel Drive, Fareham	Parade	3	2	1	1
Hunts Pond Rd, Titchfield Common	Parade	3	1	0	0
Redlands Lane	Undesignated	5	2	0	0
Fairfield Avenue	Undesignated	4	2	1	0
Greyshott Avenue	Undesignated	3	2	1	0
Total		248	Average= 4.4	34	13

Source: Fareham BC Retail Health Check Data 2018

- 6.5 The local needs index provides a useful indicator of whether a local centre or important local parade is meeting some or all the needs of local residents. There is a wide range of scores across the centres. Only three local centres i.e. Stubbington, Park Gate and Highlands Road have high Local Index Scores (over 10). Titchfield and Warsash are also relatively large local centres with over 20 shop units.
- 6.6 As in 2016, most local parades have a low local index score (5 or less) and less than 10 shop units in total.
- 6.7 Since 2016 the average score for each centre/parade has reduced slightly from 4.6 to 4.4. The number of units has remained relatively unchanged, increasing by one from 247 to 248, but the number of vacant units has increased from 10 to 13. These changes are not significant, and the hierarchy of centres as set out in Draft Fareham Local Plan Strategic Policy R1 is appropriate.

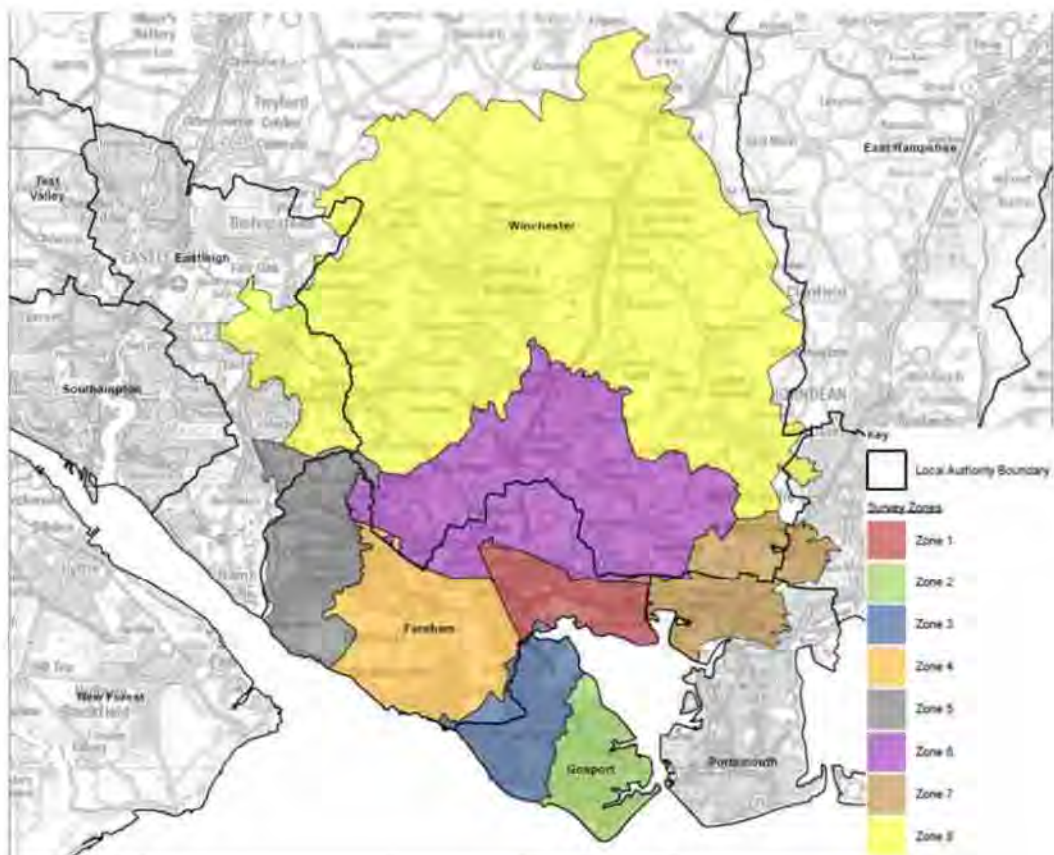
7.0 Retail need assessment

Introduction

7.1 This section re-assesses the need for Class A1 retail uses within Fareham Borough up to 2036. The approach continues to follow the key steps identified within the Planning Practice Guidance (PPG), as described in the FRCLS 2017. A summary of the methodology is set out in Appendix 1.

7.2 The quantitative analysis is based on the study area adopted in the FRCLS 2017, as shown in Figure 7.1 below.

Figure 7.1 Fareham Study Area



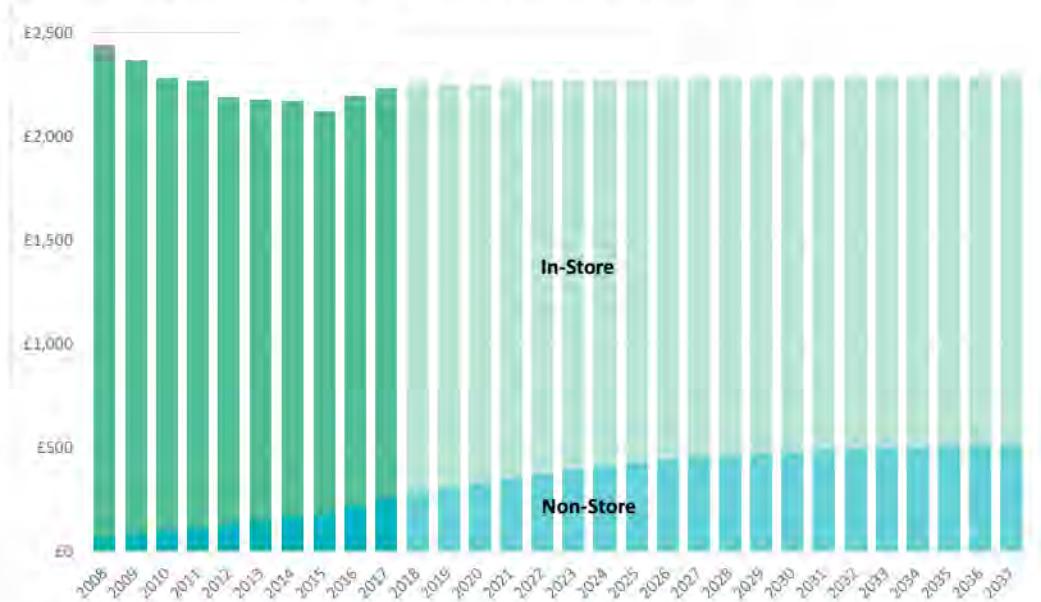
Retail trends

7.3 Historic trends indicate that consumer expenditure has consistently grown in real terms, generally following a cyclical growth trend. Expenditure growth has fuelled demand for new retail floorspace, including major out-of-centre development. Since the last recession expenditure growth has been much slower. The demand for retail floorspace has reduced. Underlying trends still show consistent growth that should continue in the future. Experian's latest post Brexit forecasts suggests slower growth in the short-term and home shopping/internet spending is expected to grow at a faster rate than traditional shopping. Experian's short-term expenditure projections (2020 and 2021) expect retail and leisure growth but do not reflect the coronavirus pandemic. These projections now seem optimistic and at least a short term fall in expenditure on comparison goods, food/beverage (consumed away from the home),

cultural and leisure spend now seems likely. The convenience goods/food store sector could benefit from a transfer of expenditure due to the temporary closure of pubs, bars, restaurant and cafés. Home delivery retail businesses could also benefit. At present there is no available data to confirm these potential impacts or the effectiveness of the Government’s counter measures.

7.4 For convenience goods, Experian’s latest forecasts (February 2020) anticipate limited growth (0.1% per annum). Actual average growth in convenience goods expenditure growth per capita in the UK between 2008 to 2018 and forecast future growth is shown in Figure 7.2.

Figure 7.2 UK average convenience goods retail expenditure per person (£ per annum)

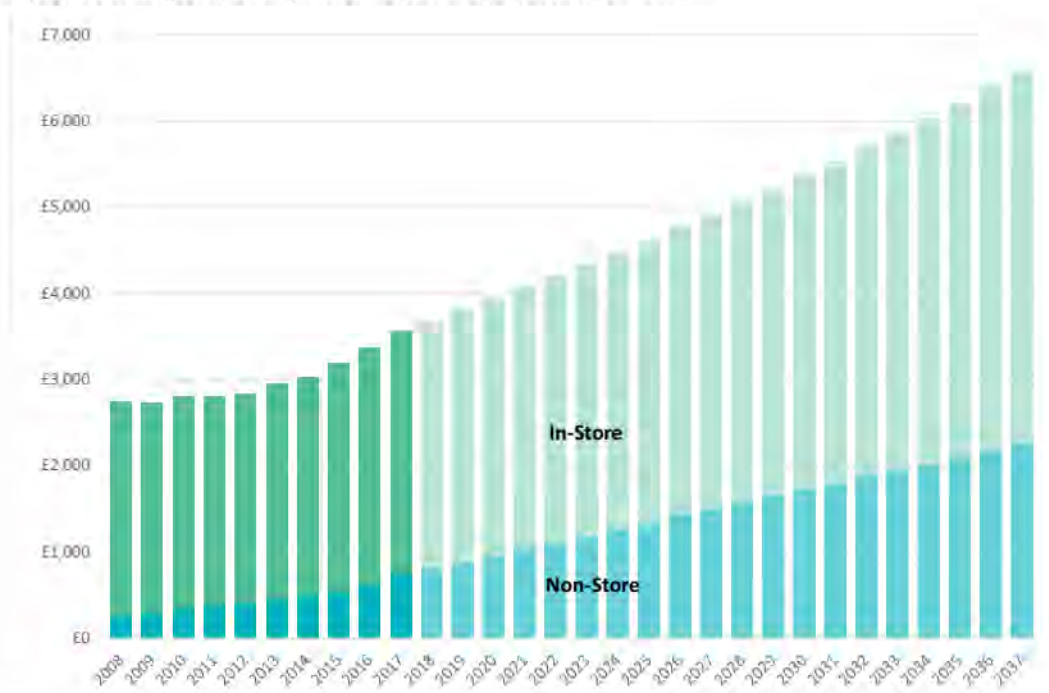


Source: Experian Briefing Note 17 (February 2020)

7.5 Figure 7.2 indicates that convenience goods expenditure per person decreased between 2008 and 2015 but recovered up to 2018. Experian expects slow growth in the future, but most of the growth will relate to non-store sales. Any need for new convenience goods retail floorspace in Fareham Borough is likely to relate to population growth, high current levels of trading and/or qualitative areas of deficiency.

7.6 For comparison goods, higher levels of growth are expected in the future (between 3.0% to 3.2% per annum), still at a lower rate than previous pre-recession trends (8% per annum between 1997 and 2007). Historically comparison goods expenditure has grown significantly more than convenience goods expenditure, and Experian’s latest national growth rate recommendations are consistent with these past trends. Actual and forecast average growth in comparison goods expenditure growth per capita is shown in Figure 7.3. As indicated above, the short-terms growth projections for 2020 and possibly 2021, now seem optimistic in the light of the coronavirus pandemic. Nevertheless, the long-term strategy for Fareham Borough will need to assume a return to underlying growth and should plan for this potential growth.

Figure 7.3 UK average comparison goods retail expenditure per person (£ per annum)



Source: Experian Briefing Note 17 (February 2020)

7.7 New forms of retailing (multi-channel and home shopping) have and will continued to grow. Home/electronic shopping and home delivery has increased with the growth in the use of personal computers, smart phones and the internet. Click and collect / click and return shopping has become more popular. The future growth of multi-channel retailing including home computing, internet connections and interactive TV will continue to influence retailing in the high street and from traditional stores. National trends within this sector will have implications for all areas including Fareham Borough, because they have affected the amount of expenditure growth that is available to support development and reduced operator demand for new floorspace. Recent trends suggest continued strong growth in multi-channel activity. Experian's Retail Planner Briefing Note 17 (February 2020) states:

"The strong increase in online shopping in the past decade has lifted the share of special forms of trading (SFT) to a level where it now accounts for close to 20% of total retail sales.

... We expect the SFT market share to continue to increase over the forecast period, reaching 26% by 2025 and around 30% by 2030."

7.8 The floorspace capacity assessment in this update makes an allowance for future growth in e-tailing based on Experian projections.

7.9 Figure 7.3 indicates that comparison goods expenditure per person grew slowly between 2008 and 2014, but higher growth was achieved up to 2018. Experian expect steady growth in the future. Even allowing for disproportionately higher growth in non-store sales, comparison goods expenditure available for traditional forms of retailing is still expected to grow in real terms.

7.10 The implications of these trends on the demand for retail and food/beverage space has been considered. Some operators provide online sales from their traditional premises e.g. food store operators and click/collect operations, therefore growth in online sales may not always mean there is a reduction in the need for traditional retail floorspace.

- 7.11 Given the likelihood that multi-channel expenditure will continue to grow at a faster pace than other consumer expenditure, the need assessment adopts relatively cautious growth projections for expenditure and an allowance is made for operators to increase their turnover/sales density, due to growth in home shopping and click and collect.
- 7.12 Assessing future expenditure levels needs to consider the likely pace of economic growth. Careful consideration is needed to establish the appropriate level of expenditure growth to be adopted over the plan period. This study provides a long-term view for the plan period. Growth trends in population, home shopping/internet sales and in turnover efficiency also need to be considered and a balanced approach taken.

Demand for floorspace

- 7.13 Lower expenditure growth and deflationary pressures (i.e. price cutting) in the non-food sector have had an impact on the high street in the past decades. Because of these trends, the UK average shop vacancy rate (based on Goad Plan data) increased from around 10% in 2005 to about 14% in 2012. Vacancy rates gradually improved to 11.8% in 2018 but have now increased to 12.4% in 2020. It is possible there will be a sharp increase in shops vacancies in most town centres as and when the impacts of the coronavirus pandemic are felt.
- 7.14 The Council's centre health check data obtained in 2018 suggests there were 57 vacant Class A1-A5 shop units within the Borough. This equates to an overall vacancy rate of 8.9%, which is lower than the Goad national average of 11.8%. The vacancy rate is marginally higher than the UK average vacancy rate in Fareham town centre (12.4%). Overall, the vacancy figures suggest centres in the Borough are performing satisfactorily despite challenging market conditions. The future strategy for Fareham Borough's designated centres should seek to reduce shop vacancy rates in order to maintain and enhance their vitality and viability.
- 7.15 A combination of slower economic growth and multi-channel shopping have had a significant impact on the retail and leisure sectors, and continuing uncertainties are still having an effect. Many high profile national operators have failed, leaving major voids within centres and retail parks. The latest operators to experience difficulties include Debenhams, House of Fraser, New Look, Carpetright, Prezzo, Chimichanga, Strada, Byron, Marks & Spencer and Jamie Oliver, which indicates current market conditions are challenging. It seems likely the coronavirus pandemic will result in further casualties both multiples and independents.
- 7.16 Many town centre development schemes have been delayed or cancelled and the demand for traditional bulky goods retail warehouse operators has also been affected. Even some of the main food store operators have seen a reduction in growth, with discount operators taking market share from the main operators.
- 7.17 Property owners, landlords and funds have also come under pressure with struggling occupiers seeking to renegotiate terms through company voluntary arrangement (CVA) i.e. an insolvency process designed to let a firm with debt problems reach an agreement with creditors to help pay off part or all of its debts. Elsewhere, retailers have been continuing to 'right size' their portfolios, with operators announcing store closures. These trends have impacted on rental income and the capital value of retail/leisure assets. These trends are likely to be exacerbated by the coronavirus pandemic, at least in the short-term.
- 7.18 Whilst the CVA process has created headaches for landlords in terms of rent negotiations, at the same time newly freed-up space has opened up new opportunities. Vacated premises have been reconfigured and reused for food/beverage, trampolines, climbing and indoor golf.
- 7.19 In addition to new forms of retailing, retail operators have responded to changes in customers' requirements. Retailers have also changed their trading formats to include smaller store formats

- capable of being accommodated within town and local centres (such as the Tesco Express/ Metro, Sainsbury's Local, Little Waitrose and Marks & Spencer's Simply Food formats).
- 7.20 The number of Tesco Express, Sainsbury's Local and Little Waitrose stores has increased significantly during the last decade. Taking Sainsbury's as an example, data provided by Mintel indicates that the number of Sainsbury's Local stores increased by 76% between 2011 and 2016.
- 7.21 Several proposed larger food stores have not been implemented across the country. There has been a move away from larger stores to smaller formats, reflecting changes in customers' shopping habits. The expansion of European discount food operators Aldi and Lidl has been rapid during the last decade.
- 7.22 Comparison retailers have also responded to market conditions. The bulky goods warehouse sector has rationalised, including mergers and failures, and scaled down store sizes. Other traditional high street retailers have sought large out-of-centre stores, for example Next and M&S. Matalan also opened numerous discount clothing stores across the UK. Sports clothing retail warehouses including Decathlon and Sports Direct expanded out-of-centre. These trends have slowed significantly and are unlikely to change for the foreseeable future.
- 7.23 The demand for premises within the bulky goods sector, i.e. furniture, carpets, electrical and DIY goods, has been particularly weak in recent years. This has led to voids on retail warehouse parks and proposals to extend the range of goods sold to non-bulky goods. This can lead to the relocation of retailers creating more vacant units in town centres.
- 7.24 Within centres, many high street multiple comparison retailers have changed their format. For over two decades, high street national multiples have increasingly sought larger modern shop units (over 200 sq.m) with an increasing polarisation into the larger national, regional and sub-regional centres. Many multiple retailers now require representation in fewer locations to service catchment areas. Polarisation of investment in the larger centres is likely to continue in the future.
- 7.25 In general operator demand for space has decreased since the last recession and, of those national multiples looking for space, many prefer to locate in larger or purpose-built centres, e.g. Southampton, Portsmouth and Winchester. Fareham is at a lower level in the hierarchy and multiple operator demand may be lower in the future. Much of the occupier demand in smaller centres has come from the discount and charity sectors or non-retail services, rather than higher order comparison goods shopping.
- 7.26 The continuation of these trends will influence future operator requirements in Fareham Borough with smaller vacant units becoming less attractive for new multiple occupiers, and retailers increasingly looking to relocate into larger units in major centres. However, smaller vacant units could still be attractive to independent traders and non-retail services, assuming a return to normal levels of growth following the coronavirus pandemic.
- 7.27 The charity shop sector has grown steadily over the past 20 years and there is no sign this trend will end. Planning policies cannot control the amount of charity shops because they fall within Class A1, the same category as other shops. In many centres, charity shops have occupied vacated shop premises during the recession. This trend is evident in Fareham Borough. Charity shops can often afford higher rents than small independent occupiers because of business rate discounts. It does not follow that these charity shops will be replaced by traditional shops when the market recovers, particularly in the more peripheral retail frontages.

Non-retail Services

- 7.28 The growth of money lending/pay day loan shops, betting shops and hot food takeaways has raised concerns amongst many local planning authorities and has resulted in a change to permitted development rights to control the growth of these uses in town centres. This trend has not been particularly prevalent in Fareham Borough. Recent changes to the GPDO has had an impact on some town centres. These measures allow for greater flexibility for changes of use from retail to non-retail uses e.g. Class A uses to C3 residential use and Class A1 uses to Class A2 uses. These measures can change the composition of town centres e.g. the amount of Class A1 space has reduced. However, these measures may lead to a reduction in vacant shop premises, particularly in peripheral shop frontages.

Updated retail capacity assessment

Population and expenditure

- 7.29 The projected population within the study area between 2011 to 2036 is set out in Table 1 in Appendix 2. The FRCLS 2017 adopted population data from Experian for each zone based on the 2011 Census. The 2011 base year population for each zone was projected to 2036 based on the Office of National Statistic's latest 2014-based sub-national projections, which is consistent with the stand methodology.
- 7.30 Experian's EBS national expenditure information (Experian Retail Planner Briefing Note 17 – February 2020) has been used to forecast expenditure within the study area. Table 2 in Appendix 2 sets out the updated forecast growth in spending per head for convenience goods within each zone in the study area up to 2036. Forecasts of comparison goods spending per capita are shown in Table 2 in Appendix 3.
- 7.31 As a consequence of growth in population and per capita spending, convenience goods spending within the study area is forecast to increase by 9.2% from £687.81 million in 2017 to £751.32 million in 2036, as shown in Table 3 (Appendix 2). Comparison goods spending is forecast to double between 2016 and 2036, increasing from £1,092.21 million in 2017 to £1,909.22 million in 2036, as shown in Table 3 (Appendix 3). These figures relate to real growth and exclude inflation.
- 7.32 It should be noted that comparison goods spending is forecast to increase more than convenience spending as the amount spent on groceries does not necessarily increase proportionately with disposable income, whereas spending on non-food goods is more closely linked to income.

Market shares/Penetration rates

- 7.33 To assess the capacity for new retail floorspace, the penetration rates estimated for facilities within the study area from the FRCLS have been adopted.
- 7.34 The results of the 2016 household shopper survey relating to main and top-up food and grocery shopping were adopted to estimate base year convenience goods shopping patterns. The base year estimates of market share or penetration within each study area zone for convenience goods shopping are shown in Table 4, Appendix 2. These base year market shares have been adjusted to reflect changes since 2016, i.e. the new Lidl store at Castle Trading Estate in Portchester, the closure of Marks & Spencer food hall and the opening of B&M Bargains in Fareham town centre. The adjusted current market shares are shown in Table 6 in Appendix 2.
- 7.35 The base year market shares for comparison goods shopping are shown in Table 4 in Appendix 3, and the adjusted current market shares are shown in Table 6 in Appendix 3.

Benchmark turnover

- 7.36 The updated total benchmark turnover of convenience sales floorspace within Fareham Borough is £291.87 million (Table 12 in Appendix 2). The previous figure in the FRCLS 2017 was £272.61 million (at 2014 prices). The benchmark has increased (+£19.26 million) primarily due to inflation to the new 2017 price base, the new Lidl food store at Castle Trading Estate (benchmark turnover of £8.94 million) and growth in company average sales densities for Tesco and Co-op.

Base year and current spending patterns – 2017/2019

- 7.37 The updated 2017 base year levels of convenience goods expenditure attracted to shops/stores in Fareham Borough is £308.01 million, as shown in Table 5 in Appendix 2. By 2019 this turnover is projected to have increased to £312.93 million (see Table 7 in Appendix 2).
- 7.38 As indicated above, the total benchmark turnover of existing convenience sales floorspace is £291.87 million. The current 2019 figures suggest that convenience goods retail sales floorspace in Fareham Borough is collectively trading +7.2% above the national average, with an expenditure surplus of +£21.05 million in 2019, the difference between the actual spending at retail facilities in the Borough and the benchmark turnover i.e. is existing floorspace trading above average (suggesting an expenditure surplus) or trading below average (suggesting an expenditure deficit).
- 7.39 The comparable base year figures in the FRCLS 2017 was +7.3% above the national average in 2016, and an expenditure surplus of +£19.98 million. The new Lidl store at Castle Trading Estate has not reduced the expenditure surplus, primarily because of population/expenditure growth and the closure of the Mark & Spencer food hall since 2016.
- 7.40 The revised 2017 base year levels of comparison goods expenditure attracted to shops/stores in Fareham Borough is £430.09 million as shown in Table 5 in Appendix 3. By 2019 this turnover is projected to have increased to £455.64 million (see Table 7 in Appendix 3).
- 7.41 The comparable 2016 base year figure in the FRCLS 2017 was £410.18 million. The 5% increase in comparison goods turnover (£410.18 million to £430.09 million) reflects inflation between 2014 and 2017 prices, and growth in population and expenditure.

Future convenience goods floorspace capacity

- 7.42 The future level of available convenience goods expenditure attracted to the Borough at 2021, 2026, 2031 and 2036 is shown at Tables 8 to 11 in Appendix 2. The total level of convenience goods expenditure available between 2017 and 2036 is summarised in Table 14 in Appendix 2.
- 7.43 Table 14 subtracts the benchmark turnover of existing floorspace and commitments from available expenditure to calculate the amount of surplus or deficit expenditure. The benchmark turnover of existing convenience goods floorspace is expected to increase in the future. Experian's recommended growth rates for turnover efficiency have been applied (as set out in the methodology statement in Appendix 1).
- 7.44 Convenience goods commitments are shown in Table 13 in Appendix 2 and include the proposed replacement Lidl store at Speedfields and the district and local centres proposed within the Welbourne residential development. These commitments are expected to have a combined convenience goods turnover of £30.26 million.
- 7.45 Remaining surplus expenditure should be available to support new development or the re-occupation of vacant space. The surplus expenditure projections have been converted into

potential new floorspace estimates in Table 15 (Appendix 2). Expenditure is converted into floorspace estimates based on an assumed average sales density figure of £12,000 per sq.m.

7.46 The projections in Table 14 in Appendix 2 indicate that commitments, if implemented, will absorb the current 2019 convenience goods expenditure surplus (£21.05 million) and projected expenditure growth up to 2026.

7.47 Long-term expenditure growth after 2026 will generate a surplus of +£9.12 million at 2031 and +£17.25 million at 2036. This expenditure growth could support 760 sq.m net (1,437 sq.m gross) at 2031 increasing to 1,086 sq.m net (2,053 sq.m gross) by 2036, as shown in Table 15 in Appendix 2.

7.48 The comparable FRCLS 2017 projections were similar at 543 sq.m net (776 sq.m gross) at 2031 and 1,105 sq.m net (1,578 sq.m gross) at 2036.

Future comparison goods floorspace capacity

7.49 The future level of available comparison goods expenditure at 2021, 2026, 2031 and 2036 is shown in Tables 8 to 11 in Appendix 3. The total level of convenience goods expenditure available between 2017 and 2036 is summarised in Table 15 in Appendix 3.

7.50 Table 15 subtracts the projected turnover of existing floorspace and commitments from available expenditure to calculate the amount of surplus or deficit expenditure. The turnover of existing comparison goods floorspace is expected to increase in the future. Experian's recommended growth rates for turnover efficiency have been applied (as set out in the methodology statement in Appendix 1).

7.51 Comparison goods commitments are shown in Table 14 in Appendix 3, i.e. the district and local centres proposed within the Welbourne residential development. These commitments are expected to have a combined comparison goods turnover of £17.06 million.

7.52 Allowing for growth in turnover efficiency, remaining surplus expenditure should be available to support new development/or the re-occupation of vacant space. The surplus expenditure projections have been converted into potential new floorspace estimates in Table 16 (Appendix 3). Expenditure is converted into floorspace estimates based on an assumed average sales density figure of £6,500 per sq.m at 2017.

7.53 The projections in Table 15 in Appendix 3 indicate that commitments, if implemented, will absorb projected comparison goods expenditure growth up to 2036.

7.54 Long-term expenditure projections up to 2036 suggest a small deficit of -£6.06 million. This expenditure projection indicates a floorspace over-provision of 550 sq.m net (733 sq.m gross) at 2036, as shown in Table 16 in Appendix 3.

7.55 The FRCLS 2017 floorspace projections were 12,524 sq.m net (16,698 sq.m gross) at 2031 and 19,353 sq.m net (25,804 sq.m gross) at 2036. The 2036 floorspace projection has reduced by nearly 20,000 sq.m net (over 26,000 sq.m gross).

7.56 The main reasons for this significant reduction in comparison goods floorspace capacity are:

- Experian previous forecasts suggested comparison good expenditure per capita (allowing for SFT deductions) would grow by +83% between 2016 and 2036. The updated forecasts are lower at +59% between 2017 and 2036;
- Experian previous forecasts suggested comparison good sales densities would grow by +49% between 2016 and 2036. The updated forecasts are +70% between 2017 and 2036, therefore existing retail floorspace is expected to absorb more expenditure growth, leaving less growth for new floorspace.

Conclusions

7.57 The updated quantitative retail capacity projections are summarised in Tables 7.1 and 7.2. These projections are over and above the new district and local centres at Welborne and other commitments.

Table 7.1 Summary of convenience goods retail floorspace projections (sq.m gross) - cumulative

	By 2021	By 2026	By 2031	By 2036
Fareham Central	-385	203	941	1,669
Portchester	-152	-93	-21	50
Locks Heath	-433	-350	-248	-148
Fareham West	286	344	414	483
Total	-685	104	1,086	2,053

Source: Source: Table 15 in Appendix 2

Table 7.2 Summary of comparison goods retail floorspace projections (sq.m gross)

	By 2021	By 2026	By 2031	By 2036
Fareham Central	-2,578	-3,827	-2,994	-1,623
Portchester	49	18	45	86
Locks Heath	17	-5	14	44
Fareham West	320	-237	140	759
Total	-2,192	-4,050	-2,794	-733

Source: Source: Table 16 in Appendix 3.

7.58 Section 9 of this report examines the implications of the updated retail floorspace projections.

8.0 Other town centre uses

Introduction

8.1 This section re-assesses the potential for commercial leisure and town centre uses in Fareham Borough, including theatres, cultural facilities, cinemas, ten pin bowling, bingo, health and fitness, restaurants/cafes, pubs/bars and takeaways/fast food.

Cinemas

8.2 Fareham Borough contains one multiplex cinema, the Reel Cinema at Market Quay in the heart of Fareham town centre. The cinema has 5 screens and 730 seats. The Cineworld cinema at Whiteley has 9 screens and 1,416 seats. There is also an Odeon cinema at Port Solent with 6 screens and 1,409 seats.

8.3 The Vue cinema (14 screens and 3,111 seats) at Gunwharf Quays in Portsmouth also serves parts of the study area e.g. Gosport and the area north of Portsmouth. Residents in Fareham Borough and the wider study area have good access to a choice of four cinemas providing 34 screens and 6,666 seats.

8.4 The study area population in 2019 (306,007 people) will generate 826,000 cinema trips per annum, based on the national average visitation rate (2.7 trips per annum). Based on the national average of 210 trips per seat per annum, 826,000 trips could support 3,933 cinema seats. By 2036 the study area population (333,000) will generate 899,000 cinema trips, which could support 4,280 cinema seats. The existing cinema provision in the sub-region (four cinemas with 34 screens and 6,666 seats), suggests there is limited potential for further cinema development.

8.5 If up to 60% of cinema trips in the study area (up from 46%) at 2036 (539,400 trips) can be attracted to Fareham and Whiteley, then these trips can theoretically support 2,569 seats, compared with the existing provision of 2,146 seats. The surplus potential at 2026 is only 423 seats.

8.6 These projections and the ageing population suggest it is unlikely that an additional cinema will be viable in Fareham Borough for the foreseeable future.

Other commercial leisure uses

Theatres and concerts

8.7 The FRCLS 2017 indicated that the three venues in Fareham Borough attract only 6.2% of theatre trips within the study area.

8.8 The UK Theatre and Society of London Theatres (SOLT) indicated their member organisations (223) presented nearly 63,000 performances attracting over 34.35 million tickets visits, generating ticket revenue of £1.28 billion in 2018. The average ticket revenue per venue is £5.7 million per annum. The UK average attendance per performance is 545.

8.9 Experian's local expenditure data indicates the study area generates £10.65 million expenditure on live theatre, concerts and shows. Based on the average ticket revenue per venue (£5.7 million) the study area population theoretically generates demand for 1.9 venues.

8.10 The household survey results suggest most of the trips generated in the study area are attracted to Southampton and Central London. There is no clear need for additional theatre provision in Fareham Borough, unless there is potential to relocate or improve an existing theatre.

- 8.11 The household survey indicated that 28.7% of respondents or their families visit cultural facilities, such as museums and art galleries. A large number of destinations were mentioned by participating households.
- 8.12 Fareham Borough attracts a relatively small market share of cultural activity within the study area. Given this pattern of use and low market share, it is difficult to quantify the future need for cultural attractions in Fareham Borough. As indicated in the FRCLS 2017, evidence available suggests there is no need to allocate development sites specifically for these types of uses within development plan.

Private health and fitness facilities

- 8.13 Updated Sport England/Active Places data indicates that there are still 12 registered health and fitness suites in the Borough, of which three are for private use only with 75 fitness stations in total. The remaining nine registered facilities, open to the general public (including registered members) have 616 fitness stations in total as shown in Table 8.1. A Pure Gym recently opened in 2018, increasing the total number of fitness stations to 911. The FRCLS 2017 indicated there were 516 fitness stations.

Table 8.1 Fareham Borough health and fitness facilities 2019

	Type	Number of fitness stations
Fareham Leisure Centre	Pay and Play	120
Sports Direct Fitness	Pay and Play	40
Fusion Fitness Gym	Pay and Play	24
Holly Hill Leisure Centre	Pay and Play	100
24/7 Fitness Fareham	Registered Membership	180
Abshot Country Club	Registered Membership	60
Spirit Health Club	Registered Membership	31
Brookfield Community School	Registered Membership	18
Henry Cort Community College	Sport Club/Community Association	25
HMS Collingwood	Registered Membership	42
Crofton School	Private Use	30
Fareham College	Private Use	21
Pure Gym, Broadcut Retail Park	Registered Membership	220
Total		911

Source: Sport England Active Places Data 2019

- 8.14 The study area population in 2019 (306,007 people) is projected to grow to 317,900 by 2026, and 333,000 by 2036. Health and fitness facilities in Fareham Borough attracts 41.4% of respondents, which suggest a catchment population of 126,700 in 2019, increasing to 131,600 in 2026 and 137,900 in 2036. Fareham Borough appears to have about 7.2 fitness stations per 1,000 people (911 stations in total) in 2019.
- 8.15 The South of England region has 1,109 Sport England registered health and fitness suites with 57,433 fitness stations (average of 52 stations per facility). This existing provision equates to 6.3 fitness stations per 1,000 people.
- 8.16 If Fareham Borough's health and fitness catchment population (126,700) had the same provision per head of population as the South East of England region average (6.3 stations per 1,000 people) then the total number of fitness stations that could be supported would be 798, which implies an existing over-supply of 113 stations.
- 8.17 The catchment population is projected to increase to 131,600 by 2026, which would generate demand for 829 fitness stations compared with the current provision 911 stations. On the basis

that Fareham Borough attracts 41.4% of health and fitness trips from the study catchment area, there is limited scope for additional fitness stations up to 2036.

- 8.18 Assuming equilibrium between supply and demand in 2019, population growth on its own would generate demand for 31 stations by 2026 or 71 stations by 2036. However, participation rates are much lower in the older age group (aged 65 plus). Most of the population growth relates to the older aged groups.

Tenpin bowling

- 8.19 The study area population in 2019 (306,007 people) can in theory support about 25 tenpin bowling lanes, based on the national average of one lane per 12,000 people. By 2036 the study area population (333,000) could support 28 lanes. There may be potential to reintroduce a tenpin bowling facility in Fareham over the plan period, but the ageing population may make this opportunity less attractive from an operator's perspective.

Bingo, Games of Chance and Gambling

- 8.20 The Gambling Commission indicates there are 650 bingo facilities in Great Britain (2018) and 152 casinos. This equates to approximately one bingo facility per 100,000 people, and one casino per 425,000 people. Based on these national averages, the study area population (306,000) could support three bingo facilities and at most one casino.
- 8.21 As in 2017, there are no commercial bingo facilities within Fareham Borough, although participation rates are comparable with the national average. The nearest facilities are Crown Bingo in Gosport and Portsmouth and Buzz Bingo in Cosham. This provision may be sufficient to meet the needs of the study area population.

Trampoline centres

- 8.22 Indoor trampoline centres are a relatively new leisure activity in the UK. In America outdoor trampoline centres were popular in the late 1950s and 1960s. This format first seen in America has been adopted and modernised and is now becoming a popular indoor leisure activity for a variety of age groups in the UK. The UK's first indoor trampoline centre was opened by Bounce in 2014.
- 8.23 Trampoline centres offer a new, recreational experience for both children and adults. They typically have over 100 interconnected trampolines on site, consisting of differing courts including a Main Arena, Dodgeball Court, Kids Court, Slam Dunk Area, Foam Pit, Airbag Jump, Touch Walls, Gladiator Pits and Tumble Tracks, as well as an arcade and party rooms.
- 8.24 There is a Flip Out Trampoline Arena at Cosham. The study area could support further facilities as this sector grows. The development plan should be flexible to respond to any emerging opportunities.

Restaurants, bars and takeaways

- 8.25 Experian's latest 2017 local expenditure figures have been adopted. Updated expenditure per capita projections on food/beverage consumed away from the home are shown in Table 2 in Appendix 4. Total available expenditure in the study area is shown in Table 3. The total food and beverage expenditure in the study area is £369.91 million in 2017, see Table 3 in Appendix 4.
- 8.26 Food and beverage expenditure per capita is expected to increase in real terms (excluding inflation) by 24% between 2017 and 2036. Allowing for population growth, total expenditure within the study area is expected to increase from £369.91 million in 2017 to £497.01 million in 2036, an increase of about 34% (Table 3 in Appendix 4).

- 8.27 There are 117 food and beverage outlets (21,046 sq.m gross) within Fareham Borough, as shown in Table 12 in Appendix 4.
- 8.28 Base year food and beverage expenditure patterns have been modelled based on the household survey results within the study area zones. Base year penetration rates are shown in Table 4 in Appendix 4 and 2017 expenditure patterns are shown in Table 5. The estimated expenditure currently attracted to facilities within Fareham Borough is £121.53 million in 2017.
- 8.29 Available food/beverage expenditure has been projected forward to 2019, 2021, 2026, 2031 and 2063 in Tables 7 to 11 in Appendix 4, summarised in Table 14. The projected turnover of existing floorspace is subtracted from the expenditure projections to provide an estimate of surplus expenditure available to support new floorspace.
- 8.30 As in the FRCLS 2017, a turnover efficiency growth rate of 1% per annum is adopted. The floorspace projections are over and above the proposed development at Welborne (1,190 sq.m gross) as shown in Table 13 in Appendix 4.
- 8.31 The projections suggest the Welborne commitment will absorb growth up to and beyond 2021. By 2026 there will be a small food/beverage expenditure surplus of £2.2 million, taking account of development at Welborne. By 2031, future expenditure growth generates an expenditure surplus of £7.64 million, which will grow to £13.32 million by 2036.
- 8.32 These expenditure projections have been converted into floorspace projections in Table 14 in Appendix 4, adopting an average sales density of £5,000 per sq.m gross in 2017, which is projected to grow by 1% in the future due to improved turnover efficiency. The small surplus expenditure at 2026 could support 403 sq.m gross floorspace, which could support 1-2 reasonably large food and beverage outlets, as shown in Table 15 in Appendix 4.
- 8.33 In the longer-term, surplus expenditure at 2031 could support 1,329 sq.m gross, as shown in Table 15 in Appendix 4, increasing to 2,205 sq.m gross by 2036.
- 8.34 The comparable FRCLS 2017 projections were much higher at 3,108 sq.m gross at 2031 and 4,243 sq.m gross at 2036.
- 8.35 The main reason for this reduction in food/beverage goods floorspace capacity is Experian previous forecasts suggested food/beverage expenditure per capita would grow by +32% between 2016 and 2036. The updated forecasts are lower at +22% between 2017 and 2036.

Conclusions

- 8.36 The revised assessment in this section suggests there:
- is no clear need for additional cinema or theatre/cultural facilities in Fareham Borough over the plan period, due to existing provision in nearby competing towns;
 - is limited scope for additional health and fitness gyms in Fareham Borough over the plan period; and
 - scope to support around 1,300 sq.m gross floorspace for food and beverage outlets by 2031, increasing to 2,200 sq.m gross by 2036, over and above 1,190 sq.m gross assumed at Welborne.
- 8.37 In addition to the above, the development plan should be flexible to respond to any emerging opportunities for other commercial leisure uses, e.g. scope for a commercial bingo facility, replacement ten pin bowling centre or trampoline facility.

9.0 Strategy implications

Introduction

9.1 As set out in Section 1, the revised National Planning Policy Framework (NPPF) indicates development plans should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review.

9.2 As in the FRCLS 2017, expenditure projections in this update take account of home shopping made through non-retail businesses, because special forms of trading have been excluded. The study update adopts Experian's latest information and projections and assumes that special forms of trading will increase in the future, including the growth of internet shopping.

Accommodating growth and floorspace projections

9.3 As indicated in the FRCLS 2017, the existing stock of premises should help to accommodate projected growth. The retail capacity analysis in this report assumes that existing retail and food/beverage floorspace can, on average, increase its turnover to sales floorspace densities. In addition to the growth in sales densities, vacant shops should help to accommodate future growth.

9.4 Tables 9.1 and 9.2 below summarise the floorspace projections by broad location up to 2031 and 2036. The distribution of floorspace is based on the existing market shares and expenditure patterns. There should be potential scope to redistribute floorspace, particularly from the west of the Borough to the central area and Fareham town centre.

Table 9.1 Summary of floorspace projections up to 2031 (sq.m gross)

	Convenience	Comparison	Food/beverage	Total
Fareham Central	941	-2,994	901	-1,152
Portchester	-21	45	207	231
Locks Heath	-248	14	193	-41
Fareham West	414	140	28	582
Total	1,086	-2,794	1,329	-379

Source: Table 15 in Appendix 2, Table 16 in Appendix 3 and Table 15 Appendix 4.

Table 9.2 Summary of floorspace projections up to 2036 (sq.m gross)

	Convenience	Comparison	Food/beverage	Total
Fareham Central	1,669	-1,623	1,588	1,634
Portchester	50	86	300	436
Locks Heath	-148	44	277	173
Fareham West	483	759	40	1,282
Total	2,053	-733	2,205	3,525

Source: Table 15 in Appendix 2, Table 16 in Appendix 3 and Table 15 Appendix 4.

9.5 The projections up to 2031 suggest there is limited scope for Class A1 to A5 space, over and above commitments (including development at Welborne). Longer term growth to 2036 suggests 3,525 sq.m gross could be required.

- 9.6 The existing stock of premises should have a significant role to play in accommodating projected growth. The retail capacity analysis in this report assumes that existing retail floorspace can, on average, increase its turnover to sales floorspace densities, which will absorb some expenditure growth and help to maintain the vitality and viability of centres.
- 9.7 The Council's health check land use data suggests there are 57 vacant shop units within town, district, local centres and parades, which equates to an overall vacancy rate of about 9%, which is slightly below the Goad national average (11.8%).
- 9.8 There are 38 vacant units in Fareham town centre totalling 10,300 sq.m gross, a unit vacancy rate of 12.4%. There are six vacant units in Portchester totalling nearly 600 sq.m gross.
- 9.9 Vacant premises in Fareham town centre and Portchester should help to accommodate growth. It is reasonable to assume the current shop vacancy level can be halved in these centres. Reoccupied units could accommodate about 5,500 sq.m gross of Class A1 to A5 retail space. Based on existing vacancy levels, this potential re-occupied space could be distributed as follows:
- Fareham town centre 5,200 sq.m gross; and
 - Portchester district centre 300 sq.m gross.
- 9.10 If this reduction in vacant units was achieved, then the long-term retail floorspace projection (up to 2036) could be accommodated. The priority should be the reoccupation of vacant floorspace, but this should not preclude investment within appropriate town centre locations. Long-term vacant premises could be targeted and more actively marketed and shopfront/fit-out grants could be considered to assist their reoccupation.

Strategy and development opportunities

- 9.11 The Draft Fareham Local Plan 2036 indicates a diverse selection of retail and commercial uses will be maintained and enhanced in Fareham town centre, including a greater choice of restaurants and leisure uses. The strategy seeks to make effective use of existing vacant units through redevelopment to support the modern needs of retailers. This approach is consistent with the findings of this report.
- 9.12 Based on the floorspace projections outlined above, the emerging strategy for Fareham town centre should focus on the reoccupation of vacant units.
- 9.13 Based on current market shares, a minimum of 1,600 sq.m gross of Class A1 to A5 will be required in Fareham town centre to meet the floorspace projections up to 2036. As indicated above, vacant units in the town centre could reasonably accommodate 5,200 sq.m gross, which suggests there is no need for new development up to and beyond 2036. This approach is consistent with Strategic Policy R1 of the Draft Local Plan.
- 9.14 There may be potential for Fareham town centre to increase its market share of expenditure and absorb some of the residual growth identified for other parts of the Borough i.e. a further 1,900 sq.m gross by 2036 for the rest of the Borough projections.
- 9.15 The reoccupation of vacant units in Fareham town centre (5,200 sq.m gross) and Portchester (300 sq.m gross), exceeds the long-term 2036 requirement for new development, which suggests there is no need to allocate further sites for major retail/food and beverage development for the foreseeable future.
- 9.16 The floorspace projections take account of commitments and the proposed district and local centres at Welborne. Development within district, local centres and parades is likely to be small in-fill development, shop extensions and expansion into upper floors.

10.0 Policy review

Introduction

- 10.1 The FRCLS 2017 reviewed adopted town centre and retail policies, including shopping frontage and boundary policies options within Fareham town centre. The FRCLS was based on the guidance set out in the NPPF (published by the Department for Communities and Local Government on 27 March 2012).
- 10.2 In relation to town centres, the revised NPPF does not change the overall aims of policy, although there are some important modifications. These changes are logical points of clarification that address areas of debate that have arisen in recent years. The rapid changes that are affecting the retail sector and town centres, are acknowledged and reflected in the revised NPPF. It recognises that diversification is key to the long-term vitality and viability of town centres, to 'respond to rapid changes in the retail and leisure industries'. Accordingly, planning policies should clarify 'the range of uses permitted in such locations, as part of a positive strategy for the future of each centre'.
- 10.3 The FRCLS noted the need for town centres to maintain their primary retail function, whilst increasing their diversity with a range of complementary uses. The importance of a balance between retail and other town centre activity has increased in recent years, as town centres increasingly need to compete with on-line shopping. Town centres need a better mix of uses that extend activity throughout the daytime and into the evenings. This section reviews the previous policy recommendations taking account the revised NPPF.

Meeting needs over the plan period

- 10.4 It is widely accepted that long-term projections have inherent uncertainties. In response to these uncertainties, the revised NPPF indicates that local planning authorities are no longer required to allocate sites to meet the need for town centre uses over the full plan period. The need for new town centre uses should still be accommodated over a minimum ten-year period, which reflects the complexities in bringing forward town centre development sites.
- 10.5 In line with the Government's economic growth agenda, a positive approach to meeting community needs is still required. The NPPF's presumption in favour of sustainable development (para. 11) remains. For plan-making this means that:
- plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
 - policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i the application of policies in this Framework that protect areas or assets of importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the other policies in the Framework.
- 10.6 The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area. Strategic policies should set out the pattern, scale and quality of development, and make sufficient provision for (para. 20):
- housing (including affordable housing), employment, retail, leisure and other commercial development;

- infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- community facilities (such as health, education and cultural infrastructure); and
- conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

10.7 Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (para. 21).

10.8 The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, accounting for relevant market signals (para. 31).

10.9 The Draft Fareham Local Plan sets out the Borough wide floorspace projections. The projections should be updated in line with the evidence in this report. Floorspace projections are provided in five-year intervals up to 2036.

Town centre strategy

10.10 The importance of a balance between retail, entertainment and leisure activity has increased in recent years. Town centres need a good mix of uses that extend activity throughout the daytime and into the evenings.

10.11 The revised NPPF indicates planning policies and decisions should support the role town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (para. 85):

- a define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and

- f recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 10.12 The revised NPPF does not refer to primary and secondary frontages, which previously made up the primary shopping area (PSA). The aim of the new NPPF appears to create more flexibility and encourage positive strategies for town centres. However, the proposals should still define the area where retail and main town centre uses will be concentrated i.e. the sequential approach.
- 10.13 The analysis of centres in this report confirms the hierarchy of centres as set out in Draft Fareham Local Plan Strategic Policy R1 is appropriate and no changes to the designations or policy approach is considered necessary.
- 10.14 The FRCLS 2017 indicated that Fareham town centre has a widely drawn town centre boundary. Portchester and Locks Heath are relatively small centres and do not have significant areas adjoining the retail area. The FRCLS suggested that, based on land use survey information and shop vacancies at that time, there were no reasons to change the approach in the adopted Local Plan. The FRCLS recommended that emerging development plan policy should continue to indicate (as in adopted Policy DSP20) that new retail development will be focused within the primary shopping area.
- 10.15 The FRCLS also indicated that shopping frontages should continue to be adopted in Fareham town centre to prevent the deterioration of shopping frontages, because the vacancy rate was below average and there was no need to relax shopping policies to encourage non-retail uses to reoccupy vacant units. However, the updated capacity projections in this report suggest limited potential for additional comparison goods retail floorspace and much lower projections for other uses. The impact of the coronavirus crisis is likely to lead to an increase in vacancy rates at least in the short term. A more flexible approach may be required to maintain the vitality and viability of the town centre.
- 10.16 There remains no evidence to suggest Fareham town centre had a harmful or disproportionately high level of non-A1 uses, or that the proportion of non-retail uses had increased significantly. As recommended in the FRCLS it is unlikely designated frontages should be extended, but there may be a case for contraction i.e. if the shop vacancy rate increases in peripheral areas. The policy option previously identified to strengthen shop frontages policies to provide more control over the loss of Class A1 retail uses now appears to be less appropriate and relevant based on current circumstances.
- 10.17 The three remaining broad policy approaches that could be adopted, are as follows:
- retaining the draft development plan policies that seek to control the extent of non-retail uses within designated areas;
 - relaxing shop frontages policies to allow a more flexible approach to enable more non-retail uses. This would usually involve reducing the areas of protected frontage or allowing more non-retail uses; or
 - a laissez-faire approach that does not seek to protect retail and town centre uses, on the basis that the market will determine the appropriate mix of uses within town centres.
- 10.18 There is a reasonable degree of flexibility for local authorities to take account of local circumstances during the plan making process, and in this respect the revised NPPF is not prescriptive.
- 10.19 The future approach in Fareham needs to be considered in the context of recent changes in the mix of uses within frontages, the floorspace projections and changes to the General Permitted Development Order (GPDO).

- 10.20 As indicated in Section 3.0, the number of vacant units in Fareham town centre has increased from 27 to 38 since 2016, and the amount of vacant space is over 10,300 sq.m gross. Vacant floorspace now exceeds the long term capacity projections identified in this update report. The vacancy rate is likely to increase due to current adverse circumstances.
- 10.21 Fareham town centre does not have a harmful or disproportionately high level of non-A1 shop uses at present, and the proportion of non-retail uses has not increased significantly in recent years.
- 10.22 Recent changes to the General Permitted Development Order (GPDO) have had an impact on some town centres. These measures allow for greater flexibility for changes of use e.g. Class A uses to C3 residential use and Class A1 uses to Class A2 uses, generally for small units under 150 sq.m. These measures can change the composition of town centres, e.g. a reduction in the amount of Class A1 space/units. The measures may lead to a reduction in vacant shop premises, particularly in peripheral shop frontages where there are concentrations of smaller units, but conversely it could have an impact on the ability of operators to find space in areas where demand is higher.
- 10.23 The GPDO seeks to support the high street by introducing additional flexibilities for business, including:
- clarification on the ability of Class A uses to diversify and incorporate ancillary uses without undermining the amenity of the area;
 - introduction of a new permitted development right to allow shops (A1), financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shop and launderettes to change use to office use (B1); and
 - to allow hot food takeaways (A5) to change to residential use (C3).
- 10.24 Temporary change of uses to a building will be extended from two to three years so that more community uses can take advantage of the temporary rights. These changes will have implications for Fareham's retail centres and the ability to control the mix of uses.
- 10.25 The FRCLS indicated that just under half of the shop premises in the central area of Fareham are below the GPDO 150 sq.m threshold. Within the more peripheral frontages over 70% were below the threshold. As identified in the FRCLS, the high number of small units in Fareham will limit the effectiveness of shop frontage policies in the emerging Local Plan, particularly in peripheral frontages.
- 10.26 Draft Strategic Policy R1 is flexible and allows changes of use from Class A1 to other town centre uses, where the proposal would:
- not significantly harm the vitality and viability of the centre/parade;
 - retain an active shop window display and the use offers a direct service to the public; and
 - maximise opportunities for the efficient use of upper floors.
- 10.27 This flexible approach is consistent with the revised capacity projections and the need to reduce vacant properties.

Impact and sequential tests

- 10.28 Applications for retail and town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan will be assessed against NPPF policies and the key sequential and impact tests.

- 10.29 The sequential approach test indicates main town centre uses should locate in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (para. 86). When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (para. 87).
- 10.30 The NPPF states that local planning authorities should require an impact assessment for applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date development plan and are over a proportionate, locally set floorspace threshold. If there is not a locally set threshold, the default threshold is 2,500 sq.m (para. 89). This should include an assessment of:
- a the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 10.31 Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one of more of the above factors, it should be refused (para. 90).
- 10.32 The designation of primary shopping areas or centre boundaries is important when applying the sequential approach, to direct retail and town centre uses to sustainable locations and determine whether a retail impact assessment is required. The NPPF continues to indicate that the first preference for retail uses should be the primary shopping area (PSA). The first preference for leisure uses is normally the wider defined town centre, which usually includes the PSA and other parts of the town centre.
- 10.33 The wording of draft Policy R2: Out-of-Town Proposals for Town Centre Uses implies the town and district centre boundaries and parades are relevant areas where retail and main town centre uses will be focused, when applying the sequential approach.
- 10.34 The draft policy indicates a full sequential test assessment is required for main town centre uses outside designated centres and parades, unless a need for the use in the proposed location can be demonstrated. In these circumstances robust justification must be provided, as recommended by the NPPG. The wording of the draft policy could be amended/strengthened to reflect this recommendation.
- 10.35 The revised NPPF states that, when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold.
- 10.36 Consistent with the revised NPPF, Draft Policy R2 indicates retail and leisure development outside centres and over 500 sq.m gross local threshold will be required to provide an impact assessment. The FRCLS 2017 indicated that the NPPF threshold of 2,500 sq.m gross was inappropriate as a blanket threshold across Fareham Borough, because this scale of development would represent a significant proportion of the overall retail projections in the authority area and development smaller than 2,500 sq.m gross could have a significant adverse impact particularly on smaller centres. The locally set threshold of 500 sq.m gross was considered appropriate for retail and leisure development in Fareham Borough.

- 10.37 No further amendments to Draft Policy R2 are considered necessary based on new evidence and the revised NPPF.

11.0 Conclusions and recommendations

- 11.1 The revised NPPF states that local planning authorities should assess the quantitative and qualitative needs for land or floorspace for retail and leisure development over the plan period. The needs for retail and other main town centre uses should be met for at least 10 years and not compromised by limited site availability.

Future retail and leisure need

- 11.2 The updated quantitative assessment of the potential capacity for retail floorspace suggests that there is more limited scope for new retail and leisure floorspace within Fareham Borough, over and above commitments. The Draft Fareham Local Plan sets out the Borough wide floorspace projections in a table. The findings of this update suggest this table should be amended as shown in Table 11.1 below.

Table 11.1 Fareham Borough retail floorspace projections (sq.m gross)

	2017 - 2026	2026-2031	2031 - 2036	Total 2017 - 2036
Convenience	100	1,000	1,000	2,100
Comparison	0	0	0	0
Food and beverage	400	900	900	2,200
Total	500	1,900	1,900	4,300

Development plan/strategy implications

- 11.3 The analysis of centres in this report confirms the hierarchy of centres as set out in Draft Fareham Local Plan Strategic Policy R1 is appropriate, and no changes to the designations or policy approach is considered necessary.
- 11.4 Draft Strategic Policy R1 is flexible and consistent with the revised NPPF. The flexible approach is also consistent with the revised floorspace (lower) projections and the need to reduce vacant properties. The criteria in Draft Policy R1 and the GPDO provide considerable flexibility for diversity within the town centre.
- 11.5 Draft Policy R2: Out-of-Town Proposals for Town Centre Uses indicates a full sequential test assessment is required for main town centre uses outside designated centres and parades, unless a need for the use in the proposed location can be demonstrated. In these circumstances robust justification must be provided, as recommended by the NPPG. The wording of the draft policy could be amended/strengthened to reflect this recommendation.
- 11.6 The revised NPPF still states that, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up to date local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold.
- 11.7 The FRCLS 2017 indicated that the NPPF threshold of 2,500 sq.m gross was inappropriate as a blanket threshold across Fareham Borough, because this scale of development would represent a significant proportion of the overall retail projections in the authority area and development smaller than 2,500 sq.m gross could have a significant adverse impact particularly on smaller centres. The locally set threshold of 500 sq.m gross was considered appropriate for retail and leisure development in Fareham Borough.

- 11.8 Draft Fareham Local Plan Policy R2 also adopts this reduced impact threshold of 500 sq.m. gross. The reduced retail floorspace projections set out in Table 11.1 endorse this lower threshold.

Appendix 1 Methodology

Floorspace capacity assessment – Methodology and data

Price base

All monetary values expressed in this update report are at 2017 prices. The FRCLS 2017 adopts figures at 2015 prices, and therefore is not directly comparable.

Retail and food/beverage expenditure

The level of available expenditure to support retailers is based on first establishing per capita levels of spending for the study area population. Experian's local consumer expenditure estimates for comparison, convenience goods and food/beverage for each of the study area zones for the year 2017 have been obtained.

Experian's EBS national expenditure information (Experian Retail Planner Briefing Note 17) has been used to forecast expenditure within the study area. Experian's forecasts are based on an econometric model of disaggregated consumer spending. This model takes several macro-economic forecasts (chiefly consumer spending, incomes and inflation) and uses them to produce forecasts of consumer spending volumes, prices and value, broken down into separate categories of goods. The model incorporates assumptions about income and price elasticities.

Experian's EBS growth forecast rates for 2018 to 2021 reflect the post Brexit economic circumstances and provide an appropriate growth rate for the short term, as follows:

- for convenience goods: -0.4% for 2018 to 2019, 0% for 2019 to 2020 and 0.5% from 2020 to 2021;
- for comparison goods: 3.9% for 2018 to 2019, 3% for 2019 to 2020 and 3.2% from 2020 to 2021;
- for food/beverage: -0.5% for 2018 to 2019, 0.9% for 2019 to 2020 and 1% from 2020 to 2021.

In the longer term it is more difficult to forecast year on year changes in expenditure. Experian's longer-term growth average forecasts have been adopted, as follows:

- 0.1% per annum for convenience goods after 2021;
- 3% to 3.2% per annum growth for comparison goods after 2021; and
- 1.1% to 1.2% per annum for food/beverage after 2021.

These growth rates represent a realistic forecast annual average for future expenditure growth. These growth figures relate to real growth and exclude inflation.

Special Forms of Trading (SFT) or non-store activity is included within Experian's Goods Based Expenditure (GBE) estimates. SFT includes other forms of retail expenditure not spent in shops e.g. mail order sales, some internet sales, vending machines, party plan selling, market stalls and door to door selling. SFT needs to be excluded from retail assessments because it relates to expenditure not spent in shops and does not have a direct relationship with the demand for retail floorspace. The growth in home computing, internet connections and interactive TV may lead to a growth in home shopping and may have effects on retailing in the high street. Experian provides projections for special forms of trading and e-tailing. This Experian information suggests that non-store retail sales in 2017 was:

- 11.6% of convenience goods expenditure; and
- 20.8% of comparison goods expenditure.

Experian predicts that these figures will increase in the future. However, Experian recognises that not all non-store expenditure should be excluded from a retail capacity analysis, because

some of it relates to internet sales through traditional retail businesses, rather than internet companies. The turnover attributable to e-tail through retail businesses is included in the company average turnovers, and therefore expenditure figures should not exclude this expenditure. Experian provides adjusted deductions for SFT and projections. These projections have been used to exclude only e-tail expenditure attributed to non-retail businesses, which will not directly impact on the demand for retail floorspace. The adjusted figures suggest that SFT sales in 2017 were:

- 3.5% of convenience goods expenditure; and
- 15.6% of comparison goods expenditure.

The projections provided by Experian suggest that these percentages could increase to 6.6% and 25% by 2033 respectively. These latest figures have been adopted in this updated assessment.

Home/electronic shopping has also emerged with the increasing growth in the use of personal computers and the internet. This study makes an allowance for future growth in e-tailing based on Experian projections. It will be necessary to monitor the amount of sales attributed to home shopping in the future to review future policies and development allocations.

On-line shopping has experienced rapid growth since the late 1990s but in proportional terms the latest available data suggests it remains a relatively low percentage of total retail expenditure. The growth in SFT will have an impact on the demand for retail space, but some retailers operate on-line sales from their traditional retail premises e.g. food store operators and growth in on-line sales may not always mean there is a reduction in the need for retail floorspace. Given the likely continued growth in internet shopping and the likelihood that it will increase in proportional terms, this assessment has adopted relatively cautious growth projections for retail expenditure.

Market shares/penetration Rates

To assess the capacity for new retail floorspace, penetration rates were estimated in the FRCLS 2017 for shopping and food/beverage facilities in the study area. The assessment of penetration rates was based on a range of factors but primarily information gathered through the May 2016 household survey. The main change since May 2016 is the development of a new Lidl food store near Portchester, but no other changes are likely to have discernibly affected shopping and leisure patterns.

The total turnover of shops and food/beverage outlets within Fareham Borough was estimated based on penetration rates. These turnover estimates have been updated based on revised population and expenditure information.

For convenience goods shopping actual turnover estimates are compared with average company benchmark or average sales floorspace densities derived from Global Data 2018 information, which provide an indication of how individual retail stores and centres are performing against expected turnover averages. This allows the identification of potential surplus or deficit capacity for retail sales floorspace.

Benchmark turnover levels

Company average turnover to sales floorspace densities are available for major food store operators and are compiled by Global Data. Company average sales densities (adjusted to exclude petrol and comparison sales and include VAT) have been applied to the sales area of the large food stores, and a benchmark turnover for each store has been calculated. This benchmark turnover is not necessarily the actual turnover of the food store, but it does provide a useful benchmark for assessing existing shopping patterns and the adequacy of current floorspace in quantitative terms.

Recent changes in convenience goods sales areas since May 2016 have been derived from the Institute of Oxford Retail Consultants (ORC) StorePoint database, including the new Lidl near Portchester. Estimates for comparison sales floorspace within large food stores has been deducted, for consistency with the use of goods based expenditure figures.

Average sales densities are not widely available for small convenience shops, particularly independent retailers. Based on the mix of shops present in each centre within Fareham and Lichfields' experience of trading levels of small independent shops informed by household shopper surveys elsewhere, an average sales density of £6,000 per sq.m net for convenience shops/stores has been adopted.

Increases in turnover densities

Experian's Retail Planner Briefing Note 17 (February 2020) indicates comparison goods retail sales floorspace is expected to increase its sales density by 3% during in 2018 to 2019; 3.6% in 2019 to 2020 and also in 21% in 2020 to 2021; 3.2% per annum between 2022 and 2026; and 2.7% beyond 2026. These increases have been adopted and will absorb a significant element of the future expenditure growth.

For convenience goods, Experian indicates limited change in sales densities.

Experian does not provide projections for food and beverage sales densities. An average growth rate of 1% per annum has been adopted, consistent with the FRCLS 2017.

Appendix 2 Convenience goods assessment

Table 1 Study Area Population

Zone	2011	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	32,572	33,872	34,294	34,716	35,764	36,724	37,597
Zone 2 - Gosport South	47,757	49,104	49,421	49,739	50,606	51,472	52,339
Zone 3 - Gosport North	34,978	35,966	36,199	36,432	37,069	37,705	38,340
Zone 4 - Fareham Central	39,469	41,045	41,556	42,067	43,337	44,501	45,558
Zone 5 - Fareham West	27,118	28,202	28,553	28,904	29,777	30,577	31,304
Zone 6 - Rural South	22,044	22,993	23,298	23,602	24,364	25,060	25,648
Zone 7 - Portsmouth	43,916	45,606	46,078	46,550	47,871	49,224	50,327
Zone 8 - Rural North	43,796	45,886	46,607	47,327	49,084	50,640	51,931
Total	291,650	302,674	306,007	309,340	317,872	325,902	333,045

Sources: Experian 2011 Census of Population
Office of National Statistics 2014 SNPP projections

Table 2 Convenience Goods Expenditure per person (£)

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	2,285	2,282	2,282	2,264	2,263	2,267
Zone 2 - Gosport South	2,218	2,215	2,214	2,197	2,196	2,200
Zone 3 - Gosport North	2,215	2,212	2,211	2,194	2,194	2,197
Zone 4 - Fareham Central	2,299	2,296	2,295	2,277	2,277	2,281
Zone 5 - Fareham West	2,430	2,427	2,426	2,407	2,407	2,411
Zone 6 - Rural South	2,183	2,180	2,179	2,163	2,162	2,166
Zone 7 - Portsmouth	2,145	2,142	2,142	2,125	2,125	2,129
Zone 8 - Rural North	2,418	2,415	2,414	2,396	2,395	2,399

Sources: Experian Local Expenditure 2017 (2017 prices)
Experian growth rates - Retail Planner Briefing Note 17 (February 2020)

Table 3 Total Convenience Goods Expenditure (£m)

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	77.40	78.26	79.21	80.97	83.12	85.25
Zone 2 - Gosport South	108.89	109.45	110.13	111.19	113.05	115.16
Zone 3 - Gosport North	79.65	80.06	80.56	81.34	82.71	84.25
Zone 4 - Fareham Central	94.35	95.39	96.54	98.70	101.31	103.91
Zone 5 - Fareham West	68.53	69.29	70.12	71.69	73.59	75.47
Zone 6 - Rural South	50.19	50.79	51.44	52.69	54.18	55.55
Zone 7 - Portsmouth	97.83	98.72	99.70	101.75	104.59	107.12
Zone 8 - Rural North	110.97	112.56	114.27	117.61	121.29	124.61
Total	687.81	694.51	701.97	715.93	733.84	751.32

Source: Tables 1 and 2

Table 4 Base Year Convenience Goods Market Shares (%)

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham Borough Central								
Fareham town centre	26.6%	1.9%	12.1%	21.6%	9.0%	19.8%	2.5%	10.0%
Asda, Speedfields Park	11.5%	5.3%	30.2%	19.2%	4.0%	9.8%	2.1%	1.5%
Sainsbury's, Broadcut, Wallington	17.3%	1.5%	3.6%	13.8%	0.9%	21.9%	1.1%	7.4%
Other Zone 1	1.1%	0.0%	2.5%	1.7%	0.0%	0.2%	0.2%	0.2%
Other Zone 4	3.1%	0.6%	3.1%	20.4%	1.3%	2.4%	0.3%	1.6%
Other Zone 6	0.7%	0.0%	0.5%	0.0%	0.0%	7.1%	0.0%	0.0%
Portchester								
Portchester District Centre	17.4%	0.1%	0.4%	0.0%	0.0%	0.0%	1.8%	0.0%
Fareham Borough West								
Locks Heath	0.2%	0.0%	0.6%	5.4%	32.5%	2.5%	0.0%	1.2%
Other Fareham Borough West	1.9%	0.3%	0.8%	4.0%	15.5%	1.0%	0.7%	2.7%
Fareham Borough Total	79.8%	9.7%	53.8%	86.1%	63.2%	64.7%	8.7%	24.6%
Bishops Waltham	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	15.7%
Eastleigh	0.0%	0.0%	0.3%	0.1%	0.0%	1.9%	0.6%	2.5%
Gosport	2.2%	82.9%	33.4%	3.8%	0.2%	2.8%	0.0%	0.0%
Havant	1.6%	2.2%	0.2%	0.6%	0.0%	0.0%	5.3%	0.8%
Hedge End / Burllesdon	1.4%	0.8%	0.5%	2.0%	19.1%	3.8%	0.5%	28.4%
Portsmouth	11.6%	1.3%	2.3%	1.1%	0.0%	1.3%	15.8%	0.5%
Southampton	0.0%	0.0%	0.0%	0.0%	1.8%	0.3%	1.9%	3.1%
Waterlooville	0.4%	1.4%	0.2%	0.0%	0.2%	0.0%	16.8%	9.2%
Whiteley	0.0%	0.0%	0.0%	6.0%	14.3%	16.1%	0.8%	0.0%
Wickham	0.0%	0.0%	0.4%	0.0%	0.0%	5.6%	0.0%	4.1%
Other Outside Fareham Borough	3.0%	1.7%	8.9%	0.3%	1.2%	3.3%	49.6%	11.1%
Other Sub-Total	20.2%	90.3%	46.2%	13.9%	36.8%	35.3%	91.3%	75.4%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey May 2016

Table 5 Base Year 2017 Convenience Goods Expenditure (£m)

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2017	77.40	108.89	79.65	94.35	68.53	50.19	97.83	110.97	687.81
Fareham Borough Central									
Fareham town centre	20.59	2.07	9.64	20.38	6.17	9.94	2.45	11.10	82.32
Asda, Speedfields Park	8.90	5.77	24.05	18.11	2.74	4.92	2.05	1.66	68.22
Sainsbury's, Broadcut, Wallington	13.39	1.63	2.87	13.02	0.62	10.99	1.08	8.21	51.81
Other Zone 1	0.85	0.00	1.99	1.60	0.00	0.10	0.20	0.22	4.96
Other Zone 4	2.40	0.65	2.47	19.25	0.89	1.20	0.29	1.78	28.93
Other Zone 6	0.54	0.00	0.40	0.00	0.00	3.56	0.00	0.00	4.50
Portchester									
Portchester District Centre	13.47	0.11	0.32	0.00	0.00	0.00	1.76	0.00	15.66
Fareham Borough West									
Locks Heath District Centre	0.15	0.00	0.48	5.09	22.27	1.25	0.00	1.33	30.59
Other Fareham Borough West	1.47	0.33	0.64	3.77	10.62	0.50	0.68	3.00	21.01
Fareham Borough Total	61.77	10.56	42.85	81.23	43.31	32.47	8.51	27.30	308.01
Bishops Waltham	0.00	0.00	0.00	0.00	0.00	0.10	0.00	17.42	17.52
Eastleigh	0.00	0.00	0.24	0.09	0.00	0.95	0.59	2.77	4.65
Gosport	1.70	90.27	26.60	3.59	0.14	1.41	0.00	0.00	123.70
Havant	1.24	2.40	0.16	0.57	0.00	0.00	5.19	0.89	10.43
Hedge End / Burllesdon	1.08	0.87	0.40	1.89	13.09	1.91	0.49	31.51	51.24
Portsmouth	8.98	1.42	1.83	1.04	0.00	0.65	15.46	0.55	29.93
Southampton	0.00	0.00	0.00	0.00	1.23	0.15	1.86	3.44	6.68
Waterlooville	0.31	1.52	0.16	0.00	0.14	0.00	16.44	10.21	28.78
Whiteley	0.00	0.00	0.00	5.66	9.80	8.08	0.78	0.00	24.32
Wickham	0.00	0.00	0.32	0.00	0.00	2.81	0.00	4.55	7.68
Other Outside Fareham Borough	2.32	1.85	7.09	0.28	0.82	1.66	48.53	12.32	74.87
Other Sub-Total	15.64	98.33	36.80	13.11	25.22	17.72	89.32	83.67	297.26
TOTAL	77.40	108.89	79.65	94.35	68.53	50.19	97.83	110.97	605.26

Source: Table 3 and 4

Table 6 Current 2019 Convenience Goods Market Shares (%)

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham Borough Central	55.9%	9.3%	51.4%	76.7%	15.2%	60.2%	5.0%	20.7%
Portchester District Centre	23.0%	0.1%	1.0%	0.0%	0.0%	1.0%	3.0%	0.0%
Locks Heath	0.2%	0.0%	0.6%	5.4%	32.5%	2.5%	0.0%	1.2%
Fareham Borough West	1.9%	0.3%	0.8%	4.0%	15.5%	1.0%	0.7%	2.7%
Fareham Borough Total	82.0%	9.7%	53.8%	86.1%	63.2%	64.7%	8.7%	24.6%
Outside Fareham Borough	18.0%	90.3%	46.2%	13.9%	36.8%	35.3%	91.3%	75.4%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey May 2016 with adjustments to reflect changes since 2017

Table 7 Current Convenience Goods Expenditure Patterns 2019 (£m)

Centre/Facility	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2019	78.26	109.45	80.06	95.39	69.29	50.79	98.72	112.56	694.51
Fareham Borough Central	44.53	10.18	41.15	73.17	10.53	30.57	4.94	23.30	238.37
Portchester	18.00	0.11	0.80	0.00	0.00	0.51	2.96	0.00	22.38
Locks Heath District Centre	0.16	0.00	0.48	5.15	22.52	1.27	0.00	1.35	30.93
Fareham Borough West	1.49	0.33	0.64	3.82	10.74	0.51	0.69	3.04	21.25
Fareham Borough Total	64.17	10.62	43.07	82.13	43.79	32.86	8.59	27.69	312.93
Outside Fareham Borough	14.09	98.83	36.99	13.26	25.50	17.93	90.13	84.87	381.59
TOTAL	78.26	109.45	80.06	95.39	69.29	50.79	98.72	112.56	694.51

Source: Table 3 and 6

Table 8 Future Convenience Goods Expenditure Patterns 2021 (£m)

Centre/Facility	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2021	79.21	110.13	80.56	96.54	70.12	51.44	99.70	114.27	701.97
Fareham Borough Central	45.07	10.24	41.41	74.05	10.66	30.97	4.99	23.65	241.03
Portchester	18.22	0.11	0.81	0.00	0.00	0.51	2.99	0.00	22.64
Locks Heath District Centre	0.16	0.00	0.48	5.21	22.79	1.29	0.00	1.37	31.30
Fareham Borough West	1.50	0.33	0.64	3.86	10.87	0.51	0.70	3.09	21.51
Fareham Borough Total	64.95	10.68	43.34	83.12	44.32	33.28	8.67	28.11	316.48
Outside Fareham Borough	14.26	99.44	37.22	13.42	25.81	18.16	91.03	86.16	385.49
TOTAL	79.21	110.13	80.56	96.54	70.12	51.44	99.70	114.27	701.97

Source: Table 3 and 6

Table 9 Future Convenience Goods Expenditure Patterns 2026 (£m)

Centre/Facility	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2026	80.97	111.19	81.34	98.70	71.69	52.69	101.75	117.61	715.93
Fareham Borough Central	46.07	10.34	41.81	75.70	10.90	31.72	5.09	24.34	245.97
Portchester	18.62	0.11	0.81	0.00	0.00	0.53	3.05	0.00	23.13
Locks Heath District Centre	0.16	0.00	0.49	5.33	23.30	1.32	0.00	1.41	32.01
Fareham Borough West	1.54	0.33	0.65	3.95	11.11	0.53	0.71	3.18	22.00
Fareham Borough Total	66.40	10.79	43.76	84.98	45.31	34.09	8.85	28.93	323.10
Outside Fareham Borough	14.57	100.40	37.58	13.72	26.38	18.60	92.89	88.68	392.83
TOTAL	80.97	111.19	81.34	98.70	71.69	52.69	101.75	117.61	715.93

Source: Table 3 and 6

Table 10 Future Convenience Goods Expenditure Patterns 2031 (£m)

Centre/Facility	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2031	83.12	113.05	82.71	101.31	73.59	54.18	104.59	121.29	733.84
Fareham Borough Central	47.29	10.51	42.51	77.71	11.19	32.62	5.23	25.11	252.17
Portchester	19.12	0.11	0.83	0.00	0.00	0.54	3.14	0.00	23.74
Locks Heath District Centre	0.17	0.00	0.50	5.47	23.92	1.35	0.00	1.46	32.86
Fareham Borough West	1.58	0.34	0.66	4.05	11.41	0.54	0.73	3.27	22.59
Fareham Borough Total	68.16	10.97	44.50	87.23	46.51	35.05	9.10	29.84	331.35
Outside Fareham Borough	14.96	102.09	38.21	14.08	27.08	19.13	95.49	91.46	402.49
TOTAL	83.12	113.05	82.71	101.31	73.59	54.18	104.59	121.29	733.84

Source: Table 3 and 6

Table 11 Future Convenience Goods Expenditure Patterns 2036 (£m)

Centre/Facility	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2036	85.25	115.16	84.25	103.91	75.47	55.55	107.12	124.61	751.32
Fareham Borough Central	48.51	10.71	43.31	79.70	11.47	33.44	5.36	25.79	258.28
Portchester	19.61	0.12	0.84	0.00	0.00	0.56	3.21	0.00	24.33
Locks Heath District Centre	0.17	0.00	0.51	5.61	24.53	1.39	0.00	1.50	33.70
Fareham Borough West	1.62	0.35	0.67	4.16	11.70	0.56	0.75	3.36	23.16
Fareham Borough Total	69.90	11.17	45.33	89.46	47.70	35.94	9.32	30.65	339.48
Outside Fareham Borough	15.34	103.99	38.92	14.44	27.77	19.61	97.80	93.95	411.84
TOTAL	85.25	115.16	84.25	103.91	75.47	55.55	107.12	124.61	751.32

Source: Table 3 and 6

Table 12 Existing Convenience Goods Floorspace and Benchmark Turnover

Area	Store	Gross Floorspace (sq.m)	Sales Floorspace (sq.m net)	Convenience Goods Floorspace (%)	Convenience Goods Floorspace (sq.m net)	Turnover (£ per sq.m)	Total Turnover (£m)
Fareham Borough	Aldi 208-228 West Street, Fareham	1,627	884	85%	751	£10,827	£8.14
Central	Island, 38-40 West Street, Fareham	821	374	98%	367	£8,859	£2.51
	B&M Bargains, Fareham Shopping Centre	1,882	1,008	20%	202	£4,031	£0.81
	Tesco Quay Street, Fareham	6,200	4,620	75%	3,465	£13,797	£47.81
	Other Fareham Town Centre	1,524	1,067	100%	1,067	£6,000	£6.40
	Sainsburys, Broadout, Wallington	7,953	5,611	75%	4,208	£11,691	£49.20
	Co-op, 242 White Hart Lane	325	187	95%	178	£10,824	£1.92
	Co-op, 82-90 Arundel Drive	342	248	95%	236	£10,824	£2.55
	Island, 12 Stubbington Green	555	321	98%	315	£8,859	£2.16
	Co-op, 42 Stubbington Green	125	81	95%	77	£10,824	£0.83
	Other Stubbington	473	331	100%	331	£6,000	£1.99
	Co-op, 139 Highlands Road	772	499	95%	474	£10,824	£5.13
	Co-op, Highlands Road (PFS)	130	84	95%	80	£10,824	£0.86
	Other Highlands	173	121	100%	121	£6,000	£0.73
	Co-op, 44 The Square, Titchfield	235	120	95%	114	£10,824	£1.23
	Other Titchfield	311	218	100%	218	£6,000	£1.31
	Co-op, Gudge Heath Lane	413	267	95%	254	£10,824	£2.75
	Asda Superstore, Speedfields Park	10,561	6,360	70%	4,452	£13,659	£60.81
	Lidl, Speedfields Park	1,160	819	85%	696	£10,103	£7.03
	B&M Homestore, Speedfields	3,886	2,937	20%	587	£4,031	£2.37
	Co-op, 47 Fairfield Avenue	195	127	95%	121	£10,824	£1.31
Other Zone 1 and 4	1,444	1,011	100%	1,011	£6,000	£6.06	
	Other Sub Total	43,168	27,295		19,323		£213.91
Portchester	Island 34-36 West Street, Portchester	681	384	98%	376	£8,859	£2.58
	Co-op, 12 West Street, Portchester	1,586	1,028	90%	925	£10,824	£10.01
	Other Portchester	367	257	100%	257	£6,000	£1.54
	M&S Simply Food (BP), West Street	130	84	95%	80	£10,476	£0.84
	Lidl, Castle Trading Estate	1,475	1,041	85%	885	£10,103	£8.94
	Sub-Total	4,242	2,794		2,523		£23.91
Fareham Borough	Waitrose, 83 Locks Road	4,231	2,420	90%	2,178	£12,940	£28.18
West	Island, Locks Heath	597	399	98%	391	£8,859	£2.68
	Other Locks Heath	971	680	100%	680	£6,000	£4.08
	Sainsburys Local, Bridge Rd, Park Gate	418	251	95%	238	£11,690	£2.79
	Co-op, 26 Bridge Road, Park Gate	371	240	95%	228	£10,824	£2.47
	M&S Simply Food (BP), Bridge Road	130	84	95%	80	£10,476	£0.84
	Co-op, 3 Warsash Road	408	239	95%	227	£10,824	£2.48
	Tesco Express, 252 Warsash Road	229	148	95%	141	£13,797	£1.94
	Co-op, Unit 1 Yew Tree Drive	529	342	95%	325	£10,824	£3.52
	B&M Bargains, Southampton Road	1,502	976	20%	195	£4,031	£0.79
	Other	1,028	720	100%	720	£6,000	£4.32
	Sub-Total	10,415	6,498		5,402		£54.05
TOTAL	57,755	36,587		27,248		£291.87	

Source: Fareham Borough Council Health check data 2018, ORC StorePoint 2019 and Global Data 2018

Table 13 Convenience Goods Commitments

Location	Sales Floorspace (sq.m net)	Convenience Goods Floorspace (%)	Convenience Goods Floorspace (sq.m net)	Turnover (£ per sq.m)	Total Turnover (£m)
Welborne District Centre (1)	1,960	100%	1,960	£12,000	£23.52
Welborne Local Centres (2)	280	100%	280	£6,000	£1.68
Replacement Lidl, Speedfields (3)	638	80%	510	£10,103	£5.16
Total	2,878		2,750		£30.36

Source: Fareham Borough Council

- (1) - 2,800 sq.m gross - 70% net
- (2) - 400 sq.m gross - 70% net
- (3) - net increase in sales floorspace

Table 14 Summary of Convenience Goods Expenditure 2017 to 2036 (£M)

Area	2017	2019	2021	2026	2031	2036
Available Expenditure						
Fareham Borough Central	240.75	238.37	241.03	245.97	252.17	258.28
Portchester	15.66	22.38	22.64	23.13	23.74	24.33
Locks Heath	30.59	30.93	31.30	32.01	32.86	33.70
Fareham Borough West	21.01	21.25	21.51	22.00	22.59	23.16
Total	308.01	312.93	316.48	323.10	331.35	339.48
Benchmark Turnover of Existing Facilities						
Fareham Borough Central	213.91	213.91	213.91	213.91	213.91	213.91
Portchester	23.91	23.91	23.91	23.91	23.91	23.91
Locks Heath	34.94	34.94	34.94	34.94	34.94	34.94
Fareham Borough West	19.11	19.11	19.11	19.11	19.11	19.11
Total	0.00	291.87	291.87	291.87	291.87	291.87
Benchmark Turnover of Commitments						
Fareham Borough Central	0.00	0.00	30.36	30.36	30.36	30.36
Portchester	0.00	0.00	0.00	0.00	0.00	0.00
Locks Heath	0.00	0.00	0.00	0.00	0.00	0.00
Fareham Borough West	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	30.36	30.36	30.36	30.36
Surplus/Deficit Expenditure (£m)						
Fareham Borough Central	26.84	24.46	-3.23	1.71	7.90	14.02
Portchester	-8.26	-1.53	-1.27	-0.79	-0.18	0.42
Locks Heath	-4.36	-4.02	-3.64	-2.94	-2.08	-1.24
Fareham Borough West	1.90	2.14	2.40	2.89	3.48	4.05
Total	16.13	21.05	-5.75	0.87	9.12	17.25

Source: Tables 7 to 13

Table 15 Convenience Goods Floorspace Capacity 2017 to 2036

Area	2017	2019	2021	2026	2031	2036
Turnover Density New Floorspace (£ per sq.m)	£12,000	£12,000	£12,000	£12,000	£12,000	£12,000
Floorspace Requirement (sq.m net)						
Fareham Borough Central	2,237	2,039	-269	142	659	1,168
Portchester	-688	-128	-106	-65	-15	35
Locks Heath	-363	-335	-303	-245	-174	-104
Fareham Borough West	159	178	200	241	290	338
Total	1,344	1,754	-479	73	760	1,437
Floorspace Requirement (sq.m gross)						
Fareham Borough Central	3,196	2,912	-385	203	941	1,669
Portchester	-983	-182	-152	-93	-21	50
Locks Heath	-519	-478	-433	-350	-248	-148
Fareham Borough West	227	255	286	344	414	483
Total	1,921	2,506	-685	104	1,086	2,053

Appendix 3 Comparison goods assessment

Table 1 Study Area Population

Zone	2011	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	32,572	33,872	34,294	34,716	35,764	36,724	37,597
Zone 2 - Gosport South	47,757	49,104	49,421	49,739	50,606	51,472	52,339
Zone 3 - Gosport North	34,978	35,966	36,199	36,432	37,069	37,705	38,340
Zone 4 - Fareham Central	39,469	41,045	41,556	42,067	43,337	44,501	45,558
Zone 5 - Fareham West	27,118	28,202	28,553	28,904	29,777	30,577	31,304
Zone 6 - Rural South	22,044	22,993	23,298	23,602	24,364	25,060	25,648
Zone 7 - Portsmouth	43,916	45,606	46,078	46,550	47,871	49,224	50,327
Zone 8 - Rural North	43,796	45,886	46,607	47,327	49,084	50,640	51,931
Total	291,650	302,674	306,007	309,340	317,872	325,902	333,045

Sources:

Experian 2011 Census of Population
Office of National Statistics 2014 SNPP projections

Table 2 Comparison Goods Expenditure per person (£)

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	3,611	3,787	3,952	4,426	5,005	5,726
Zone 2 - Gosport South	3,195	3,352	3,498	3,917	4,430	5,067
Zone 3 - Gosport North	3,246	3,405	3,553	3,979	4,500	5,147
Zone 4 - Fareham Central	3,795	3,981	4,155	4,653	5,261	6,019
Zone 5 - Fareham West	4,271	4,479	4,675	5,235	5,920	6,772
Zone 6 - Rural South	3,765	3,949	4,121	4,616	5,219	5,971
Zone 7 - Portsmouth	3,129	3,282	3,425	3,835	4,337	4,961
Zone 8 - Rural North	4,158	4,361	4,551	5,097	5,763	6,593

Sources:

Experian Local Expenditure 2017 (2017 prices)
Experian growth rates - Retail Planner Briefing Note 17 (February 2020)
Excludes Special Forms of Trading

Table 3 Total Comparison Goods Expenditure (£m)

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	122.30	129.88	137.21	158.30	183.81	215.27
Zone 2 - Gosport South	156.90	165.64	173.97	198.23	228.00	265.21
Zone 3 - Gosport North	116.75	123.24	129.45	147.51	169.66	197.35
Zone 4 - Fareham Central	155.78	165.43	174.77	201.64	234.14	274.20
Zone 5 - Fareham West	120.44	127.90	135.12	155.89	181.02	212.00
Zone 6 - Rural South	86.57	92.00	97.27	112.45	130.79	153.13
Zone 7 - Portsmouth	142.69	151.21	159.42	183.61	213.49	249.69
Zone 8 - Rural North	190.77	203.24	215.38	250.17	291.86	342.37
Total	1,092.21	1,158.54	1,222.60	1,407.79	1,632.78	1,909.22

Source: Tables 1 and 2

Table 4 Base Year Comparison Goods Market Shares (%)

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham Borough Central								
Fareham Town Centre	39.0%	18.5%	34.3%	31.2%	12.0%	28.6%	7.9%	12.9%
Retail Warehouses/Parks	2.8%	4.2%	5.2%	3.7%	0.1%	2.4%	0.0%	0.1%
Other Zone 1 and 4	2.5%	1.0%	0.7%	7.1%	2.4%	1.8%	0.1%	1.0%
Portchester	4.9%	0.0%	0.2%	0.0%	0.0%	0.0%	0.7%	0.3%
Fareham Borough West								
Locks Heath	0.2%	0.1%	0.0%	0.3%	3.9%	0.3%	0.0%	0.0%
Centres Zone 5	7.0%	4.0%	4.6%	3.1%	13.8%	3.1%	1.1%	0.6%
Southampton Road Retail Park	5.4%	7.3%	8.4%	17.9%	4.6%	17.2%	1.6%	1.7%
Fareham Total	61.8%	35.1%	53.4%	63.3%	36.8%	53.4%	11.4%	16.6%
Bishops Waltham	0.0%	0.0%	0.0%	0.0%	0.0%	0.6%	0.0%	7.4%
Eastleigh/ Chandlers Ford	0.2%	0.1%	0.1%	0.3%	0.1%	0.5%	0.1%	3.2%
Gosport	0.6%	28.4%	10.1%	0.5%	0.2%	0.5%	0.0%	0.6%
Havant	3.2%	0.7%	0.3%	0.2%	0.0%	0.0%	6.5%	0.8%
Hedge End / Burllesdon	4.3%	8.4%	7.6%	7.3%	11.8%	13.2%	2.1%	26.8%
Portsmouth	15.4%	15.8%	13.2%	4.9%	2.1%	4.8%	36.6%	4.4%
Southampton	6.4%	6.1%	9.6%	11.3%	23.5%	8.1%	10.5%	17.4%
Waterlooville	3.0%	3.3%	0.2%	0.0%	0.0%	0.2%	12.5%	6.7%
Whiteley	2.2%	2.1%	3.0%	10.7%	22.5%	15.8%	1.1%	4.8%
Wickham	0.2%	0.0%	0.1%	0.1%	0.0%	0.5%	0.0%	0.9%
Other Outside Fareham Borough	2.7%	2.0%	2.4%	1.4%	3.0%	2.4%	19.2%	10.6%
Other Sub-Total	38.2%	64.9%	46.6%	36.7%	63.2%	46.6%	88.6%	83.4%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey May 2016

Table 5 Base Year 2017 Comparison Goods Expenditure (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2017	122.30	156.90	116.75	155.78	120.44	86.57	142.69	190.77	1,092.21
Fareham Borough Central									
Fareham Town Centre	47.70	29.03	40.04	48.60	14.45	24.76	11.27	24.61	240.47
Retail Warehouses/Parks	3.42	6.59	6.07	5.76	0.12	2.08	0.00	0.19	24.24
Other Zone 1 and 4	3.06	1.57	0.82	11.06	2.89	1.56	0.14	1.91	23.00
Portchester	5.99	0.00	0.23	0.00	0.00	0.00	1.00	0.57	7.80
Fareham Borough West									
Locks Heath	0.24	0.16	0.00	0.47	4.70	0.26	0.00	0.00	5.83
Centres Zone 5	8.56	6.28	5.37	4.83	16.62	2.68	1.57	1.14	47.06
Southampton Road RP	6.60	11.45	9.81	27.89	5.54	14.89	2.28	3.24	81.71
Fareham Borough Total	75.58	55.07	62.34	98.61	44.32	46.23	16.27	31.67	430.09
Bishops Waltham	0.00	0.00	0.00	0.00	0.00	0.52	0.00	14.12	14.64
Eastleigh/ Chandlers Ford	0.24	0.16	0.12	0.47	0.12	0.43	0.14	6.10	7.79
Gosport	0.73	44.56	11.79	0.78	0.24	0.43	0.00	1.14	59.68
Havant	3.91	1.10	0.35	0.31	0.00	0.00	9.27	1.14	16.09
Hedge End / Bursledon	5.26	10.04	8.87	11.37	14.21	11.43	3.00	51.13	115.31
Portsmouth	18.83	24.79	15.41	7.63	2.53	4.16	52.22	8.39	133.97
Southampton	7.83	9.57	11.21	17.60	28.30	7.01	14.98	33.19	129.70
Waterlooville	3.67	5.18	0.23	0.00	0.00	0.17	17.84	12.78	39.87
Whiteley	2.69	3.30	3.50	16.67	27.10	13.68	1.57	9.16	77.66
Wickham	0.24	0.00	0.12	0.16	0.00	0.43	0.00	1.72	2.67
Other Outside Fareham Borough	3.30	3.14	2.80	2.18	3.61	2.08	27.40	20.22	64.73
Other Sub-Total	46.72	101.83	54.40	57.17	76.12	40.34	126.42	159.11	662.11
TOTAL	122.30	156.90	116.75	155.78	120.44	86.57	142.69	190.77	1,092.21

Source: Table 3 and 4

Table 6 Current 2019 Comparison Goods Market Shares (%)

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham Borough Central	44.1%	23.7%	40.0%	42.0%	14.5%	32.7%	8.0%	14.0%
Portchester	5.0%	0.0%	0.2%	0.0%	0.0%	0.0%	0.7%	0.3%
Locks Heath	0.2%	0.1%	0.0%	0.3%	3.9%	0.3%	0.0%	0.0%
Fareham Borough West	12.4%	11.3%	13.0%	21.0%	18.4%	20.3%	2.7%	2.3%
Fareham Total	61.7%	35.1%	53.2%	63.3%	36.8%	53.3%	11.4%	16.6%
Outside Fareham Borough	38.3%	64.9%	46.8%	36.7%	63.2%	46.7%	88.6%	83.4%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey and Lichfields' adjustments to reflect changes since 2017

Table 7 Current Comparison Goods Expenditure 2019 (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2019	129.88	165.64	123.24	165.43	127.90	92.00	151.21	203.24	1,158.54
Fareham Borough Central	57.28	39.26	49.30	69.48	18.55	30.09	12.10	28.45	304.49
Portchester	6.49	0.00	0.25	0.00	0.00	0.00	1.06	0.61	8.41
Locks Heath	0.26	0.17	0.00	0.50	4.99	0.28	0.00	0.00	6.19
Fareham Borough West	16.10	18.72	16.02	34.74	23.53	18.68	4.08	4.67	136.55
Fareham Borough Total	80.13	58.14	65.57	104.72	47.07	49.04	17.24	33.74	455.64
Outside Fareham Borough	49.74	107.50	57.68	60.71	80.83	42.97	133.97	169.50	702.91
TOTAL	129.88	165.64	123.24	165.43	127.90	92.00	151.21	203.24	1,158.54

Source: Table 3 and 6

Table 8 Future Comparison Goods Expenditure 2021 (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2021	137.21	173.97	129.45	174.77	135.12	97.27	159.42	215.38	1,222.60
Fareham Borough Central	60.51	41.23	51.78	73.40	19.59	31.81	12.75	30.15	321.23
Portchester	8.86	0.00	0.26	0.00	0.00	0.00	1.12	0.65	8.88
Locks Heath	0.27	0.17	0.00	0.52	5.27	0.29	0.00	0.00	6.53
Fareham Borough West	17.01	19.66	16.83	36.70	24.86	19.75	4.30	4.95	144.07
Fareham Borough Total	84.66	61.06	68.87	110.63	49.72	51.85	18.17	35.75	480.72
Outside Fareham Borough	52.55	112.91	60.58	64.14	85.40	45.43	141.25	179.63	741.88
TOTAL	137.21	173.97	129.45	174.77	135.12	97.27	159.42	215.38	1,222.60

Source: Table 3 and 6

Table 9 Future Comparison Goods Expenditure 2026 (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2026	158.30	198.23	147.51	201.64	155.89	112.45	183.61	250.17	1,407.79
Fareham Borough Central	69.81	46.98	59.00	84.69	22.60	36.77	14.69	35.02	369.57
Portchester	7.91	0.00	0.30	0.00	0.00	0.00	1.29	0.75	10.25
Locks Heath	0.32	0.20	0.00	0.60	6.08	0.34	0.00	0.00	7.54
Fareham Borough West	19.63	22.40	19.18	42.34	28.68	22.83	4.96	5.75	165.77
Fareham Borough Total	97.67	69.58	78.47	127.64	57.37	59.94	20.93	41.53	553.12
Outside Fareham Borough	60.63	128.65	69.03	74.00	98.52	52.52	162.68	208.64	854.67
TOTAL	158.30	198.23	147.51	201.64	155.89	112.45	183.61	250.17	1,407.79

Source: Table 3 and 6

Table 10 Future Comparison Goods Expenditure 2031 (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2031	183.81	228.00	169.66	234.14	181.02	130.79	213.49	291.86	1,632.78
Fareham Borough Central	81.06	54.04	67.87	96.34	26.25	42.77	17.08	40.86	428.26
Portchester	9.19	0.00	0.34	0.00	0.00	0.00	1.49	0.88	11.90
Locks Heath	0.37	0.23	0.00	0.70	7.06	0.39	0.00	0.00	8.75
Fareham Borough West	22.79	25.76	22.06	49.17	33.31	26.55	5.76	6.71	192.12
Fareham Borough Total	113.41	80.03	90.26	148.21	66.62	69.71	24.34	48.45	641.03
Outside Fareham Borough	70.40	147.97	79.40	85.93	114.41	61.08	189.15	243.41	991.75
TOTAL	183.81	228.00	169.66	234.14	181.02	130.79	213.49	291.86	1,632.78

Source: Table 3 and 6

Table 11 Future Comparison Goods Expenditure 2036 (£m)

Centre/Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2036	215.27	265.21	197.35	274.20	212.00	153.13	249.69	342.37	1,909.22
Fareham Borough Central	94.93	62.85	78.94	115.16	30.74	50.07	19.98	47.93	500.61
Portchester	10.76	0.00	0.39	0.00	0.00	0.00	1.75	1.03	13.93
Locks Heath	0.43	0.27	0.00	0.82	8.27	0.46	0.00	0.00	10.25
Fareham Borough West	26.69	29.97	25.66	57.58	39.01	31.09	6.74	7.87	224.61
Fareham Borough Total	132.82	93.09	104.99	173.57	78.01	81.62	28.47	56.83	749.40
Outside Fareham Borough	82.45	172.12	92.36	100.63	133.98	71.51	221.23	285.54	1159.82
TOTAL	215.27	265.21	197.35	274.20	212.00	153.13	249.69	342.37	1,909.22

Source: Table 3 and 6

Table 12 Existing Comparison Goods Floorspace within Centres

Centre	Gross Floorspace (sq.m)	Sales Floorspace (sq.m net)
Fareham Town Centre	29,073	20,351
Comparison sales within food stores *	n/a	2,699
Portchester District Centre	2,741	1,919
Locks Heath District Centre	1,093	972
Comparison sales within Locks Heath food stores	n/a	250
Highlands Road Local Centre	562	393
Park Gate Local Centre	698	489
Stubbington Local Centre	1,517	1,062
Titchfield Local Centre	392	274
Warsash Local Centre	746	522
Other Local Centres/Parades	1,795	1,257
In-Centre Total	38,617	30,188

Source:

Fareham Borough Council Health Check Data 2018

* incl. Tesco and Sainsbury's superstores

Table 13 Existing Comparison Goods Floorspace Out of Centre

Location	Store	Gross Floorspace (sq.m)	Sales Floorspace (sq.m net)
Broadcut Retail Park	Dreams	480	408
Speedfields Park, Fareham	Wickes	2,360	2,006
	Carpets for Less	439	373
	Topps Tiles	420	357
	B&M Home Stores (comparison goods)	3,401	2,313
	Asda (Comparison goods)	n/a	1,908
	Lidl (Comparison goods)	n/a	123
	Screwfix	536	456
	Watercraft World	212	180
Collingwood Retail Park, Fareham	Homebase	3,357	3,021
	Pets at Home	706	600
	Poundstretcher	727	618
Southampton Road, Fareham	Matalan	2,318	1,970
	B&Q	3,726	3,353
	Harveys	640	544
	Currys/Pc World	1,650	1,403
	Carpetright	1,623	1,380
	Pets at Home	720	612
	Argos Extra	1,859	1,580
	Dunelm Mill	2,841	2,415
	Smyths Toys Superstores	1,235	1,050
	Paul Simon	1,260	1,071
	Abbey Gardens	729	620
	Carpet Barn and Bed Services	1,931	1,641
	Sharps	305	259
	Bensons for Beds	559	475
Other	Brewers DIY, Fielder Drive	311	264
Out of Centre Total		34,345	31,000

Source: Fareham Borough Council Health Check data 2018

Table 14 Comparison Goods Commitments

Location	Comparison Goods Floorspace (sq.m net)	Turnover (£ per sq.m)	Total Turnover (£m)
Welborne comparison shops (1)	2,625	£6,500	£17.06
Total	2,625		£17.06

Source: Fareham Borough Council

(1) 3,500 sq.m gross (2,625 sq.m net) amended outline application

Table 15 Summary of Comparison Goods Expenditure 2017 to 2036 (£M)

Location	2017	2019	2021	2026	2031	2036
Available Expenditure in Fareham Borough						
Fareham Borough Central	287.71	304.49	321.23	369.57	428.26	500.61
Portchester	7.80	8.41	8.88	10.25	11.90	13.93
Locks Heath	5.83	6.19	6.53	7.54	8.75	10.25
Fareham Borough West	128.76	136.55	144.07	165.77	192.12	224.61
Total	430.09	455.64	480.72	553.12	641.03	749.40
Turnover of Existing Facilities (£m)						
Fareham Borough Central	287.71	296.34	318.06	373.76	427.01	487.86
Portchester	7.80	8.03	8.62	10.13	11.57	13.22
Locks Heath	5.83	6.00	6.44	7.57	8.65	9.88
Fareham Borough West	128.76	132.62	142.35	167.27	191.11	218.34
Total	430.09	443.00	475.47	558.73	638.34	729.29
Turnover of Commitments (£m)						
Fareham Borough Central	0.00	0.00	17.06	20.05	22.91	26.17
Portchester	0.00	0.00	0.00	0.00	0.00	0.00
Locks Heath	0.00	0.00	0.00	0.00	0.00	0.00
Fareham Borough West	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	17.06	20.05	22.91	26.17
Surplus/Deficit Expenditure (£m)						
Fareham Borough Central	n/a	8.15	-13.89	-24.24	-21.66	-13.41
Portchester	n/a	0.38	0.26	0.12	0.33	0.71
Locks Heath	n/a	0.19	0.09	-0.03	0.10	0.37
Fareham Borough West	n/a	3.93	1.72	-1.50	1.01	6.27
Total	n/a	12.64	-11.81	-25.65	-20.22	-6.06

Source: Tables 5 to 14

Table 16 Comparison Goods Floorspace Capacity 2017 to 2036

Location	2017	2019	2021	2026	2031	2036
Turnover Density New Floorspace (£ per sq.m)						
	£6,500	£6,695	£7,186	£8,444	£9,647	£11,022
Floorspace Requirement (sq.m net)						
Fareham Borough Central	n/a	1,218	-1,933	-2,870	-2,245	-1,217
Portchester	n/a	56	36	14	34	65
Locks Heath	n/a	28	13	-4	11	33
Fareham Borough West	n/a	587	240	-178	105	569
Total	n/a	1,888	-1,644	-3,038	-2,096	-550
Floorspace Requirement (sq.m gross)						
Fareham Borough Central	n/a	1,623	-2,578	-3,827	-2,994	-1,623
Portchester	n/a	75	49	18	45	86
Locks Heath	n/a	37	17	-5	14	44
Fareham Borough West	n/a	782	320	-237	140	759
Total	n/a	2,518	-2,192	-4,050	-2,794	-733

Appendix 4 Food/beverage assessment

Table 1 Study Area Population

Zone	2011	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	32,572	33,872	34,294	34,716	35,764	36,724	37,597
Zone 2 - Gosport South	47,757	49,104	49,421	49,739	50,606	51,472	52,339
Zone 3 - Gosport North	34,978	35,966	36,199	36,432	37,069	37,705	38,340
Zone 4 - Fareham Central	39,469	41,045	41,556	42,067	43,337	44,501	45,558
Zone 5 - Fareham West	27,118	28,202	28,553	28,904	29,777	30,577	31,304
Zone 6 - Rural South	22,044	22,993	23,298	23,602	24,364	25,060	25,648
Zone 7 - Portsmouth	43,916	45,606	46,078	46,550	47,871	49,224	50,327
Zone 8 - Rural North	43,796	45,886	46,607	47,327	49,084	50,640	51,931
Total	291,650	302,674	306,007	309,340	317,872	325,902	333,045

Sources:

*Experian 2011 Census of Population and ONS - SNPP 2014 projections***Table 2 Food & Beverage Expenditure per person (£)**

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	1,261	1,258	1,286	1,365	1,449	1,538
Zone 2 - Gosport South	1,175	1,172	1,198	1,272	1,350	1,433
Zone 3 - Gosport North	1,094	1,092	1,116	1,184	1,257	1,334
Zone 4 - Fareham Central	1,266	1,263	1,291	1,371	1,455	1,544
Zone 5 - Fareham West	1,418	1,415	1,446	1,535	1,629	1,730
Zone 6 - Rural South	1,208	1,205	1,232	1,308	1,388	1,473
Zone 7 - Portsmouth	1,075	1,073	1,096	1,164	1,235	1,311
Zone 8 - Rural North	1,338	1,335	1,365	1,448	1,537	1,632

Sources:

*Experian Local Expenditure 2017 (2017 prices)**Experian growth rates - Retail Planner Briefing Note 17 (February 2020)*

Table 3 Total Food & Beverage Expenditure (£m)

Zone	2017	2019	2021	2026	2031	2036
Zone 1 - Fareham East	42.71	43.15	44.65	48.82	53.21	57.83
Zone 2 - Gosport South	57.70	57.94	59.61	64.37	69.50	75.01
Zone 3 - Gosport North	39.35	39.51	40.65	43.90	47.40	51.16
Zone 4 - Fareham Central	51.96	52.49	54.32	59.39	64.74	70.35
Zone 5 - Fareham West	39.99	40.40	41.80	45.71	49.82	54.14
Zone 6 - Rural South	27.78	28.08	29.08	31.86	34.79	37.79
Zone 7 - Portsmouth	49.03	49.43	51.04	55.71	60.80	65.99
Zone 8 - Rural North	61.40	62.22	64.58	71.10	77.86	84.75
Total	369.91	373.23	385.72	420.86	458.11	497.01

Source: Tables 1 and 2

Table 4 Base Year Food and Beverage Market Shares 2017 (%)

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham	43.0%	11.6%	30.0%	46.1%	7.0%	54.0%	3.8%	4.6%
Portchester	21.6%	1.5%	1.0%	0.5%	0.0%	0.6%	4.3%	0.0%
Locks Heath	0.0%	0.0%	0.0%	1.6%	23.9%	1.5%	0.0%	0.9%
Stubbington	0.0%	0.8%	0.7%	12.7%	0.0%	1.1%	0.0%	0.0%
Park Gate	0.0%	0.3%	0.0%	0.0%	3.5%	0.0%	0.0%	0.2%
Titchfield	0.5%	1.2%	1.0%	4.0%	2.1%	0.6%	0.0%	0.2%
Fareham Total	65.1%	15.4%	32.7%	64.9%	36.5%	57.8%	8.1%	5.9%
Bishops Waltham	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	0.0%	30.0%
Eastleigh	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.5%
Gosport	1.1%	46.9%	33.6%	1.9%	0.3%	3.9%	0.0%	0.0%
Havant	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	1.4%	0.0%
Hedge End	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	9.2%
Portsmouth	14.1%	21.2%	16.3%	4.9%	0.6%	4.7%	32.2%	8.5%
Southampton	2.8%	0.9%	0.5%	0.0%	4.1%	0.0%	0.0%	6.0%
Waterlooville	0.0%	1.6%	0.0%	0.0%	0.0%	0.6%	8.4%	2.6%
Whiteley	0.0%	9.5%	4.4%	20.5%	45.8%	23.4%	0.0%	8.7%
Wickham	0.7%	0.0%	0.0%	0.5%	0.0%	3.9%	2.1%	1.8%
Outside Fareham	16.2%	4.5%	12.2%	7.3%	12.8%	5.4%	47.8%	24.8%
Other Sub-Total	34.9%	84.6%	67.3%	35.1%	63.5%	42.2%	91.9%	94.1%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey May 2016

Table 5 Base Year Food & Beverage Expenditure 2017 (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2017	42.71	57.70	39.35	51.96	39.99	27.78	49.03	61.40	369.91
Fareham	18.37	6.69	11.80	23.95	2.80	15.00	1.86	2.82	83.30
Portchester	9.23	0.87	0.39	0.26	0.00	0.17	2.11	0.00	13.02
Locks Heath	0.00	0.00	0.00	0.83	9.56	0.42	0.00	0.55	11.36
Stubbington	0.00	0.46	0.28	6.60	0.00	0.31	0.00	0.00	7.64
Park Gate	0.00	0.17	0.00	0.00	1.40	0.00	0.00	0.12	1.70
Titchfield	0.21	0.69	0.39	2.08	0.84	0.17	0.00	0.12	4.51
Fareham Borough Total	27.81	8.89	12.87	33.72	14.60	16.05	3.97	3.62	121.53
Bishops Waltham	0.00	0.00	0.00	0.00	0.00	0.08	0.00	18.42	18.50
Eastleigh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.53	1.53
Gosport	0.47	27.06	13.22	0.99	0.12	1.08	0.00	0.00	42.94
Havant	0.00	0.00	0.12	0.00	0.00	0.00	0.69	0.00	0.80
Hedge End	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.65	5.65
Portsmouth	6.02	12.23	6.41	2.55	0.20	1.31	15.79	5.22	49.72
Southampton	1.20	0.52	0.20	0.00	1.64	0.00	0.00	3.68	7.24
Waterlooville	0.00	0.92	0.00	0.00	0.00	0.17	4.12	1.60	6.80
Whiteley	0.00	5.48	1.73	10.65	18.32	6.50	0.00	5.34	48.02
Wickham	0.30	0.00	0.00	0.26	0.00	1.08	1.03	1.11	3.78
Other Outside Fareham	6.92	2.60	4.80	3.79	5.12	1.50	23.43	15.23	63.39
Other Sub-Total	14.91	48.81	26.48	18.24	25.39	11.72	45.06	57.77	248.38
TOTAL	42.71	57.70	39.35	51.96	39.99	27.78	49.03	61.40	369.91

Source: Table 3 and 4

Table 6 Current Food and Beverage Market Shares 2019 (%)

Centre	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Fareham Borough Central	43.5%	13.6%	31.7%	62.8%	9.1%	65.0%	3.8%	4.8%
Portchester	21.6%	1.5%	1.0%	0.5%	0.0%	0.6%	4.3%	0.0%
Locks Heath	0.0%	0.0%	0.0%	1.6%	23.9%	1.5%	0.0%	0.9%
Fareham Borough West	0.0%	0.3%	0.0%	0.0%	3.5%	0.0%	0.0%	0.2%
Fareham Borough Total	65.1%	15.4%	32.7%	64.9%	36.5%	67.1%	8.1%	5.9%
Outside Fareham	34.9%	84.6%	67.3%	35.1%	63.5%	32.9%	91.9%	94.1%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: NEMS Household Survey May 2016 and Lichfields adjustments

Table 7 Current 2019 Food & Beverage Expenditure (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2019	43.15	57.94	39.51	52.49	40.40	28.08	49.43	62.22	373.23
Fareham Borough Central	18.77	7.88	12.53	32.97	3.68	18.25	1.88	2.99	98.94
Portchester	9.32	0.87	0.40	0.26	0.00	0.17	2.13	0.00	13.14
Locks Heath	0.00	0.00	0.00	0.84	9.66	0.42	0.00	0.56	11.48
Fareham Borough West	0.00	0.17	0.00	0.00	1.41	0.00	0.00	0.12	1.71
Fareham Borough Total	28.09	8.92	12.92	34.07	14.75	18.84	4.00	3.67	125.27
Outside Fareham	15.06	49.02	26.59	18.43	25.65	9.24	45.42	58.55	247.96
TOTAL	43.15	57.94	39.51	52.49	40.40	28.08	49.43	62.22	373.23

Source: Table 3 and 6

Table 8 Future 2021 Food & Beverage Expenditure (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2021	44.65	59.61	40.65	54.32	41.80	29.08	51.04	64.58	385.72
Fareham Borough Central	19.42	8.11	12.89	34.11	3.80	18.90	1.94	3.10	102.27
Portchester	9.64	0.89	0.41	0.27	0.00	0.17	2.19	0.00	13.59
Locks Heath	0.00	0.00	0.00	0.87	9.99	0.44	0.00	0.58	11.88
Fareham Borough West	0.00	0.18	0.00	0.00	1.46	0.00	0.00	0.13	1.77
Fareham Borough Total	29.07	9.18	13.29	35.25	15.26	19.51	4.13	3.81	129.50
Outside Fareham	15.58	50.43	27.36	19.06	26.54	9.57	46.90	60.77	256.22
TOTAL	44.65	59.61	40.65	54.32	41.80	29.08	51.04	64.58	385.72

Source: Table 3 and 6

Table 9 Future 2026 Food & Beverage Expenditure (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2026	48.82	64.37	43.90	59.39	45.71	31.86	55.71	71.10	420.86
Fareham Borough Central	21.24	8.75	13.92	37.30	4.16	20.71	2.12	3.41	111.61
Portchester	10.55	0.97	0.44	0.30	0.00	0.19	2.40	0.00	14.83
Locks Heath	0.00	0.00	0.00	0.95	10.92	0.48	0.00	0.64	12.99
Fareham Borough West	0.00	0.19	0.00	0.00	1.60	0.00	0.00	0.14	1.94
Fareham Borough Total	31.78	9.91	14.36	38.55	16.68	21.38	4.51	4.19	141.37
Outside Fareham	17.04	54.46	29.55	20.85	29.03	10.48	51.20	66.90	279.50
TOTAL	48.82	64.37	43.90	59.39	45.71	31.86	55.71	71.10	420.86

Source: Table 3 and 6

Table 10 Future 2031 Food & Beverage Expenditure (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2031	53.21	69.50	47.40	64.74	49.82	34.79	60.80	77.86	458.11
Fareham Borough Central	23.15	9.45	15.03	40.65	4.53	22.61	2.31	3.74	121.47
Portchester	11.49	1.04	0.47	0.32	0.00	0.21	2.61	0.00	16.16
Locks Heath	0.00	0.00	0.00	1.04	11.91	0.52	0.00	0.70	14.17
Fareham Borough West	0.00	0.21	0.00	0.00	1.74	0.00	0.00	0.16	2.11
Fareham Borough Total	34.64	10.70	15.50	42.01	18.19	23.34	4.93	4.59	153.90
Outside Fareham	18.57	58.79	31.90	22.72	31.64	11.44	55.88	73.26	304.21
TOTAL	53.21	69.50	47.40	64.74	49.82	34.79	60.80	77.86	458.11

Source: Table 3 and 6

Table 11 Future 2036 Food & Beverage Expenditure (£m)

Location	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Total
Expenditure 2036	57.83	75.01	51.16	70.35	54.14	37.79	65.99	84.75	497.01
Fareham Borough Central	25.15	10.20	16.22	44.18	4.93	24.56	2.51	4.07	131.82
Portchester	12.49	1.13	0.51	0.35	0.00	0.23	2.84	0.00	17.54
Locks Heath	0.00	0.00	0.00	1.13	12.94	0.57	0.00	0.76	15.39
Fareham Borough West	0.00	0.23	0.00	0.00	1.89	0.00	0.00	0.17	2.29
Fareham Borough Total	37.65	11.55	16.73	45.66	19.76	25.36	5.35	5.00	167.05
Outside Fareham	20.18	63.46	34.43	24.69	34.38	12.43	60.64	79.75	329.97
TOTAL	57.83	75.01	51.16	70.35	54.14	37.79	65.99	84.75	497.01

Source: Table 3 and 6

Table 12 Food and Beverage Outlets 2018

Centre	Class A3		Class A4		Class A6		Total	
	Number	sq.m gross	Number	sq.m gross	Number	sq.m gross	Number	sq.m gross
Fareham Town Centre	34	6,147	8	2,932	13	1,318	55	10,397
Portchester District Centre	4	292	1	397	3	137	8	826
Locks Heath District Centre	3	490	1	300	1	326	5	1,116
Stubbington	3	303	1	487	3	187	7	977
Park Gate	2	168	0	0	2	236	4	404
Titchfield	2	125	3	738	1	112	6	975
Other	11	2,155	8	2,936	13	1,260	32	6,351
Fareham Borough Total	59	9,680	22	7,790	36	3,576	117	21,046

Source: Fareham Borough Council Centre health check data 2018

Table 13 Food and Beverage Commitments/Proposals

Location	F&B Floorspace (sq.m gross)	Turnover (£ per sq.m)	Total Turnover (£m)
Welborne District Centre (1)	700	£5,000	£3.50
Welborne Local Centre (2)	490	£5,000	£2.45
Total	1,190		£5.95

(1) assumes 30% of total non-retail service floorspace (770 sq.m gross) from revised outline application.

(1) assumes 30% of total non-retail service floorspace (100 sq.m gross) plus public house (390 sq.m gross).

Table 14 Summary of Food and Beverage Expenditure 2017 to 2036 (£M)

Location	2017	2019	2021	2026	2031	2036
Available Expenditure						
Fareham Borough Central	95.45	98.94	102.27	111.61	121.47	131.82
Portchester	13.02	13.14	13.59	14.83	16.16	17.54
Locks Heath	11.36	11.48	11.88	12.99	14.17	15.39
Fareham Borough West	1.70	1.71	1.77	1.94	2.11	2.29
Total	121.53	125.27	129.50	141.37	153.90	167.05
Turnover of Existing Facilities						
Fareham Borough Central	95.45	97.37	99.33	104.39	109.72	115.32
Portchester	13.02	13.28	13.55	14.24	14.97	15.73
Locks Heath	11.36	11.59	11.82	12.42	13.06	13.72
Fareham Borough West	1.70	1.73	1.76	1.85	1.95	2.05
Total	121.53	123.97	126.46	132.91	139.69	146.82
Turnover of Commitments						
Fareham Borough Central	0.00	0.00	5.95	6.25	6.57	6.91
Portchester	0.00	0.00	0.00	0.00	0.00	0.00
Locks Heath	0.00	0.00	0.00	0.00	0.00	0.00
Fareham Borough West	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	5.95	6.25	6.57	6.91
Surplus/Deficit Expenditure						
Fareham Borough Central	0.00	1.57	-3.01	0.96	5.18	9.59
Portchester	0.00	-0.14	0.04	0.59	1.19	1.81
Locks Heath	0.00	-0.11	0.06	0.57	1.11	1.67
Fareham Borough West	0.00	-0.02	0.01	0.08	0.16	0.24
Total	0.00	1.30	-2.91	2.20	7.64	13.32

Source: Tables 5 to 13

Table 15 Food and Beverage Floorspace Capacity 2017 to 2036

	2017	2019	2021	2026	2031	2036
Turnover Density New Floorspace (£ per sq.m)	£5,000	£5,101	£5,203	£5,468	£5,747	£6,041
Floorspace Requirement (sq.m gross)						
Fareham Borough Central	0	307	-578	175	901	1,588
Portchester	0	-27	7	109	207	300
Locks Heath	0	-22	11	104	193	277
Fareham Borough West	0	-3	†	15	28	40
Total	0	255	-559	403	1,329	2,205

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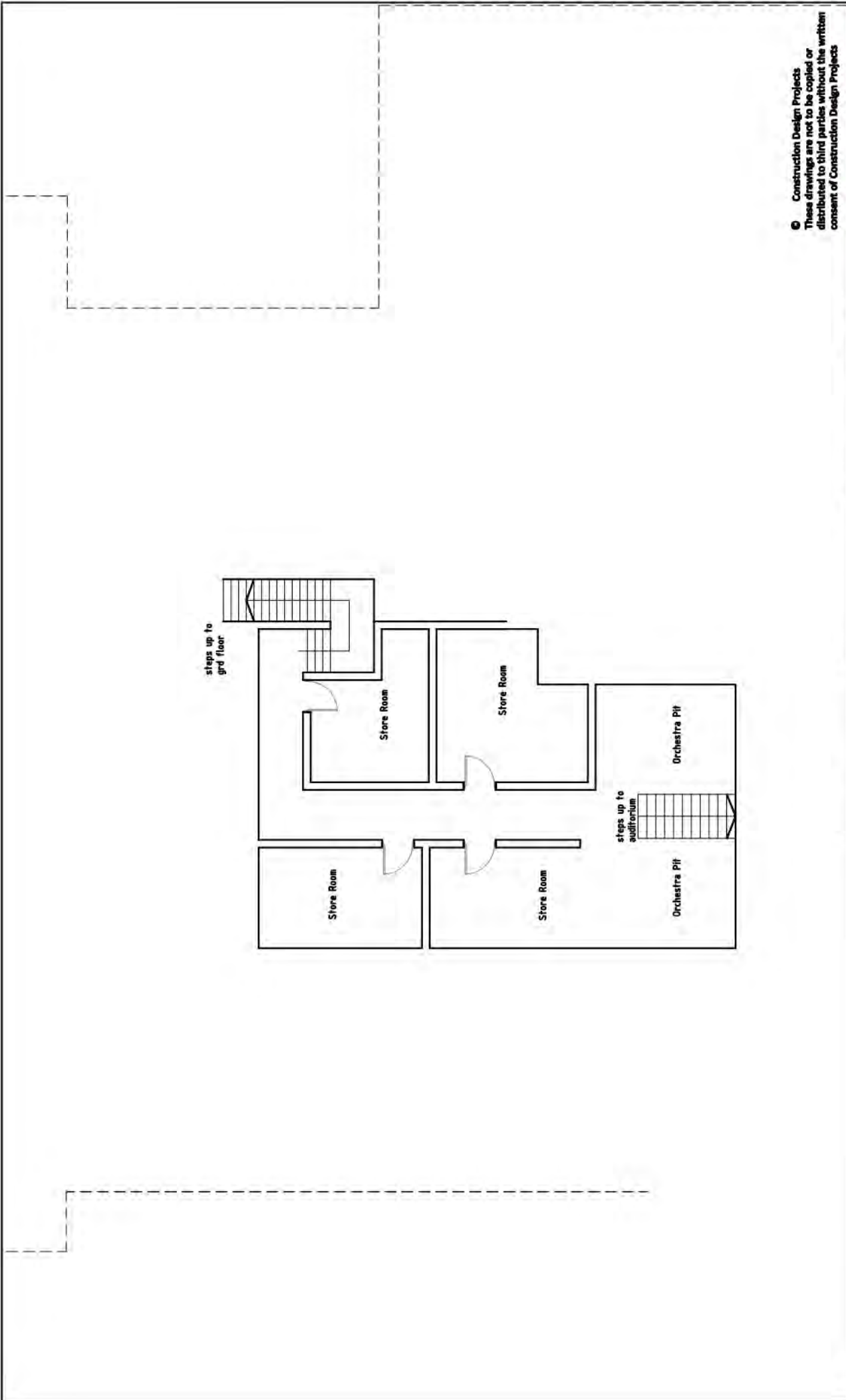


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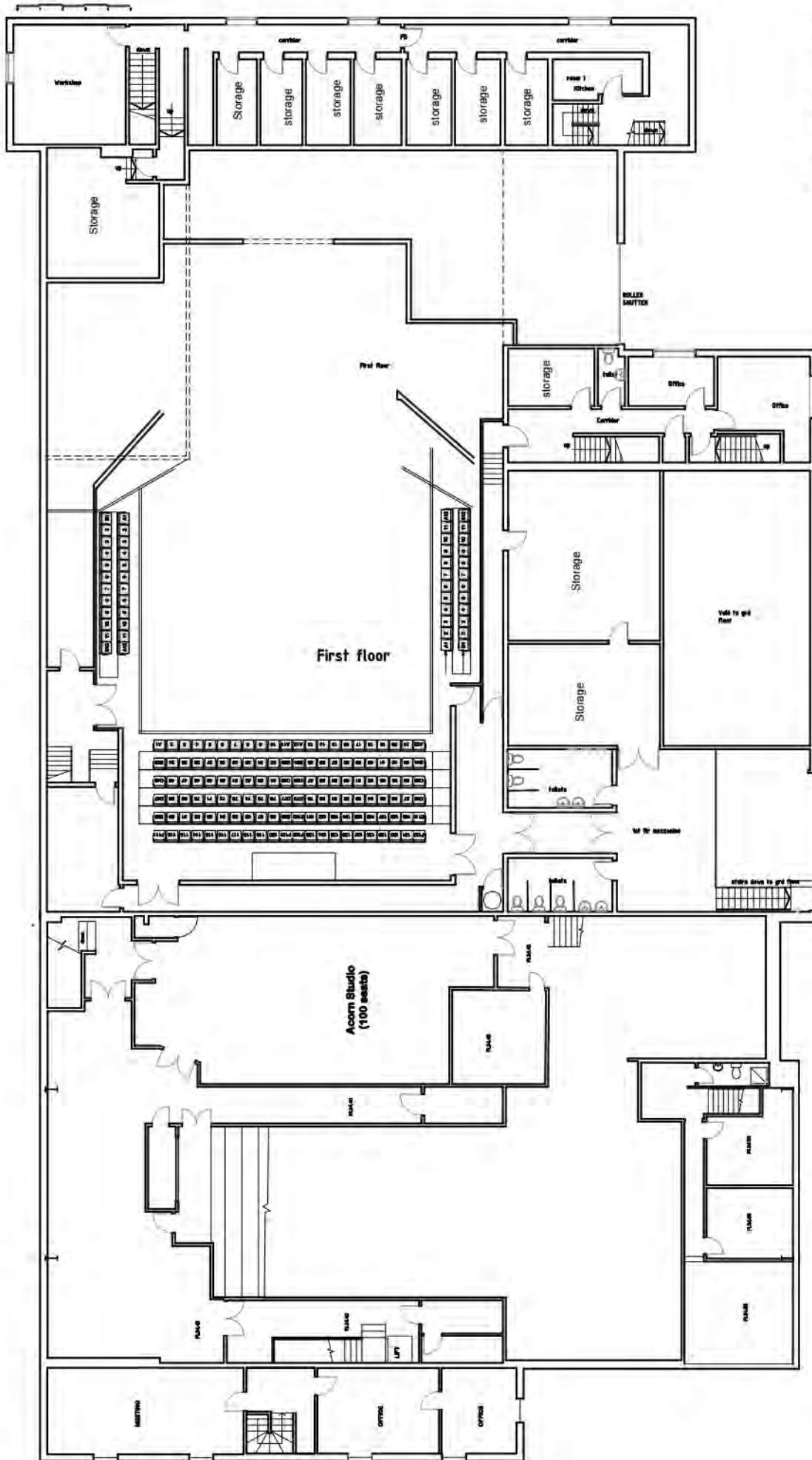


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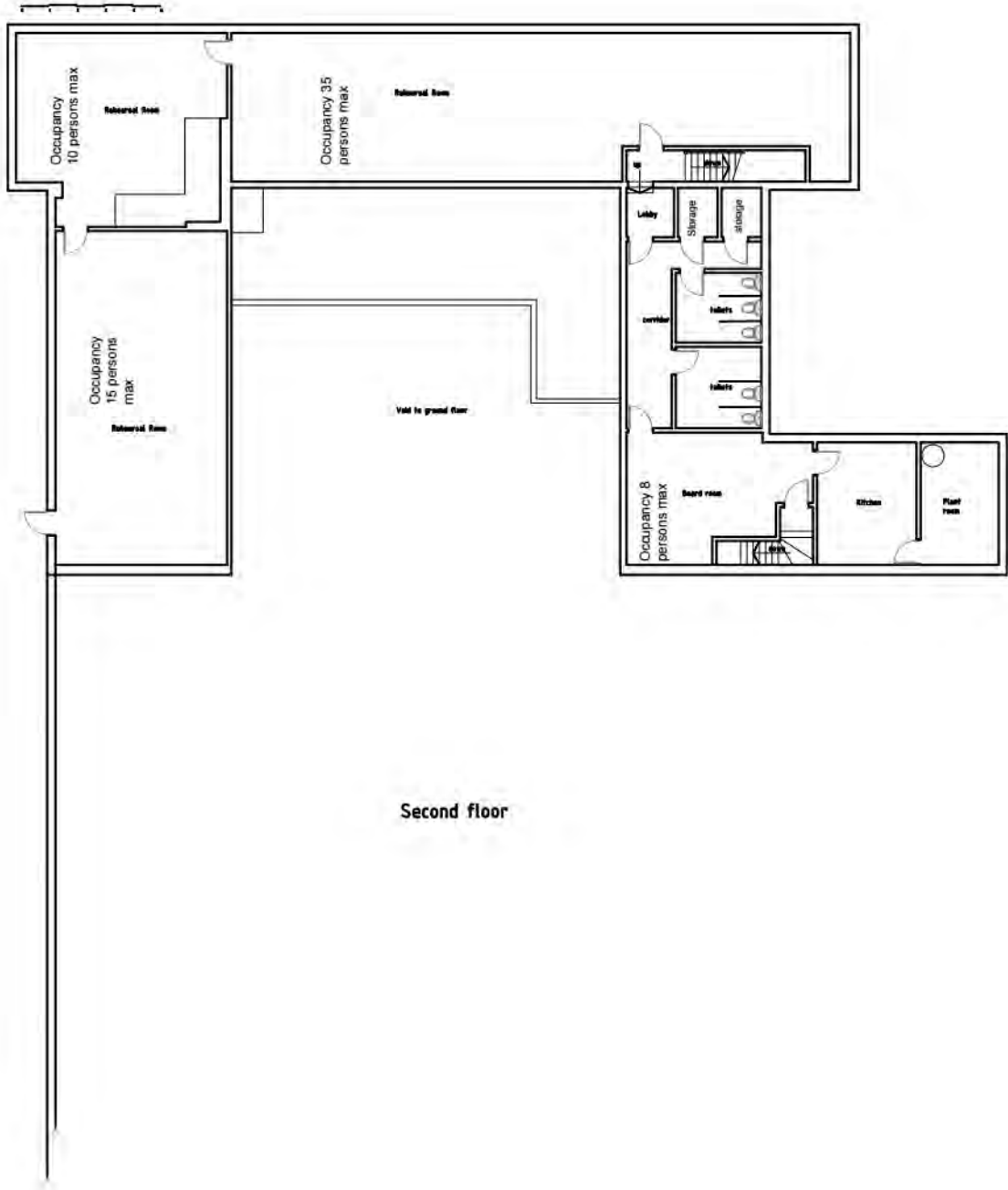
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Titchfield Festival Theatre
 as built layout for Arden Theatre
 1st Floor Survey Arden Auditorium



Second floor

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Titchfield Festival Theatre
as built layouts for Arden Theatre
2nd Floor survey

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Theatres Trust – Statement for Appeal Reference: APP/A1720/C/23/3336046

Site: Titchfield Festival Theatre, 71-73 St. Margarets Lane,
FAREHAM, PO14 4BG

Proposal: The Material Change Of Use Of The Land To Theatre
Use (Sui Generis) And An Engineering Operation To
Excavate And Create An Underground Area Beneath
The Land (Enforcement Notice Appeal)

Appellant: Titchfield Festival Theatre Limited

Planning Authority: Fareham Borough Council

Application: P/24/0007/DA

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1. Introduction

- 1.1 Theatres Trust is making this statement as an interested party in this enforcement appeal.
- 1.2 The interest of Theatres Trust is twofold:
 - i. The application site contains existing land on which there is a theatre.
 - ii. Irrespective of whether a material change of use of the specific appeal site has occurred, and irrespective of the status of the theatre on that site and whether it would constitute a new unit in planning terms or an extension of the existing theatre, theatre use is otherwise (retrospectively) proposed.
- 1.2 Theatres Trust is clear in its position that it does not endorse or support the carrying out of development (including minor works, alterations or changes of use) without the requisite consents being in place, unless those works were demonstrably necessary in the interests of health and public safety and/or for the preservation of a building.
- 1.3 In scenarios where works without consent are necessary we expect the relevant authority to be notified without delay and for retrospective consent(s) to be applied for. Where we become aware of works which have been undertaken without the appropriate consents, we make recommendation to seek regularisation retrospectively.
- 1.4 The undertaking of unauthorised development does not prejudice the position of Theatres Trust in relation to the principle of that development. Our recommendations, having paid due regard to plans, policies and other evidence and submissions, will be the same whether or not development has already occurred.
- 1.5 Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring Theatres Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

- 1.6 There is no statutory duty to notify Theatres Trust of enforcement action. Nonetheless, this site already consists of land on which there is a theatre. Theatres Trust would therefore be a statutory consultee for the purposes of planning applications on this site, but we otherwise also have a legitimate role in our capacity as the national advisory public body with regards to providing specialist advice on the merits or otherwise of theatre developments. We consider that our advice and specialist knowledge would be beneficial in the determination of this appeal.

2. The appeal site

- 2.1 Titchfield Festival Theatre Limited (“the Appellant”) has been in receipt of an Enforcement Notice from Fareham Borough Council (FBC) alleging:

“Without the benefit of planning permission, the material change of use of the Land to theatre use (sui generis); and an engineering operation to excavate and create an underground area beneath the land”

- 2.2 The notice referred to above requires the theatre to:

- i. cease the use of the land as a theatre;
- ii. backfill the excavated underground area beneath the land with a suitable inert material (such as compacted aggregate, soil, or similar) to ground level;
- iii. dismantle the stage
- iv. remove the seating
- v. dismantle the lighting rig and PA or other sound equipment; and
- vi. remove the resultant materials from carrying out steps (iii), (iv) and (v) from the land except to the extent that those materials are solely being stored on the land.

- 2.3 The appellant has submitted an appeal against the served enforcement notice on a number of grounds.

- 2.4 The application site as represented on both the the Appeals Casework Portal and the FBC application portal is, “Titchfield Festival Theatre, 71-73 St. Margarets Lane, FAREHAM, PO14 4BG”.

- 2.5 The appeal site consists of one single building with car parking and service access to its front (south-west elevation) and along one side (the south-east elevation). This building has been within three separate uses and with different ownerships. The appellant refers to those sections as Units A, B and C. FBC refer to them within their Enforcement Report as Areas A, B and C.
- 2.6 Area A is in lawful use as a theatre (Sui Generis).
- 2.7 Area B has historically been within industrial/storage use (assumed B8) but we understand from the appellant this has been utilised for theatre purposes for a number of years, exceeding ten, and therefore theatre use (Sui Generis) could be lawfully established through Lawful Development Certificate application and submission of appropriate information.
- 2.8 Area C has also been within industrial uses (assumed B2 and/or B8) and passed into the theatre's ownership more recently.
- 2.9 A planning application seeking conversion of Area B to a theatre was registered by FBC on 10th May 2019. That application was refused. Theatres Trust was not consulted or notified by the Council of that application. We subsequently wrote to the Council reminding them of their obligations.
- 2.10 Theatres Trust became aware of the development subject to this appeal through press reports. A site visit was made on 19th February 2024 so that the site, the development and the surrounding context could be better understood.
- 2.11 It is noted there are grounds for appeal concerning the validity and serving of the enforcement notice by FDC. Theatres Trust makes no comment or representation on this matter.
- 2.12 It is also noted, as highlighted in paragraph 2.6, that the appellant is claiming that Area B can benefit from an established use for theatre purposes obtained through continuous use over a period exceeding ten years. The onus is on the appellant to properly demonstrate and evidence this, and therefore this is also not something on which Theatres Trust can directly engage with. However, it can be advised that the activities purported to have been undertaken within this section are compatible with ancillary functions routinely undertaken at many other theatre buildings within a formal theatre (Sui Generis) use class.
- 2.13 The concern of Theatres Trust in relation to this case is the principle of

additional (or new) theatre use, and what our advice would have been had this come forward as an application for full planning permission (or, with formal theatre use having been established, what our advice would have been had the applicant approached Theatres Trust for design, operational and architectural advice within our wider organisational function).

- 2.14 With the presence of an existing theatre at this site and the scale and offer of Titchfield Festival Theatre differing from other venues within the district of Fareham and its wider catchment, and having considered wider factors and evidence, the position of Theatres Trust is to **support** the development of Titchfield Festival Theatre and the provision of new or additional theatre at this location.
- 2.15 Our reasons for this support will be further substantiated subsequently within this statement.

3. About Theatres Trust

- 3.1 Theatres Trust is the national advisory public body for theatres, set up by the Government through an Act of Parliament in 1976 to work to promote the better protection of theatres for the benefit of the nation. We are a statutory consultee within the planning systems in England, Scotland and Wales and have an administrative agreement to be consulted on planning applications concerning theatres in Northern Ireland.
- 3.2 Theatres Trust operates as a charity. We do not receive regular public funding aside from a small grant from Historic England to support advice in relation to heritage. In order to maintain our activity and to offer grant funding to theatres, we raise funds through our trading activity and through fundraising from a wide range of industry supporters, including our Patron, Corporate Supporter and Friend schemes. Between 1986 and 1989, the Theatres Trust acquired the freeholds of the Lyric, Garrick and Lyceum theatres from the London Residuary Board, the distributors of the dissolved assets of the Greater London Council. Theatres Trust leases these theatres to commercial operators and the income from these theatres continues to support the core work of the Trust.
- 3.3 Our decision making process is entirely independent of our fundraising and is governed by our overall mission to ensure current and future generations have

access to good quality theatres where they can be inspired by, and enjoy, live performance. This work includes advising to ensure theatre buildings meet the current needs and demands of the theatre industry and the audiences they serve.

3.4 Our Vision states:

“We believe that current and future generations should have access to good quality theatres where they can be inspired by, and enjoy, live performance.”

3.5 Our Mission states:

“We champion the future of live performance, by protecting and supporting excellent theatre buildings which meet the needs of their communities. We do this by providing advice on the design, planning, development and sustainability of theatres, campaigning on behalf of theatres old and new and offering financial assistance through grants.

We promote the quality and design of existing and new theatres and protect important historic theatres so that they can be used as theatres in the future. The Trust also advises to ensure theatre buildings meet the current needs and demands of the theatre industry and the audiences they serve.”

3.6 Theatres Trust is accountable to the Secretary of State for the Department for Digital, Culture, Media and Sport. In association with our role as a statutory consultee within the UK’s respective planning systems we also report annually to the Chief Planners of England and Wales.

3.7 Theatres Trust is a source of free advice for all types of theatres whether new, old or proposed as well as for theatre buildings in alternative use or which are vacant. We also work with all operators or interested parties, from large commercial and West End theatres to small community theatres and voluntary groups. We work with commercial developers and local authorities, as well as the UK and devolved Governments to promote the interests of theatres and cultural provision more broadly within legislation, policy, plans and strategies. Our advice generally covers matters such as:

- capital projects
- planning applications
- campaigning to save or revive a theatre

- placemaking, cultural and local plans
 - fundraising
 - architecture/design
 - heritage and listings
 - maintenance and repairs
 - accessibility
 - environmental sustainability
 - business development
- 3.8 Within the planning system Theatres Trust seeks to objectively respond to planning applications (as well as Listed Building Consents, Advertisement Consents and other types of application) concerning theatres, theatre buildings and proposed theatre use to provide specialised advice to local authorities and ensure the interests of theatres are upheld in decision making. This includes supporting alternative uses where scope for future theatre use is retained, and on occasion complete loss or un-reversible alteration where we are satisfied a facility is genuinely surplus to requirements with robust evidence having been provided. As well as theatre sites we are also frequently engaged on applications concerning neighbouring sites which may impact on theatre use. We contribute to policy consultations, for example ensuring development plans have strong policies for the protection of community and cultural facilities and that where appropriate site allocations either support or protect theatre and cultural use.
- 3.9 One of the main reasons Theatres Trust is cautious in offering support for proposals which result in change of use from theatres or the alteration or loss of theatre buildings, and why we urge strong policies protecting such uses, is because once a theatre building has been lost it is very difficult to subsequently replace them. This is due to the space required to deliver theatres; not just quantum of floorspace but also volume. On the same basis it is challenging to acquire new land to provide new theatre developments, especially for larger capacities, not just because of lack of availability of sufficient land but because they struggle against promoters of more valuable developments in financial terms.
- 3.10 Theatres Trust employs one full time National Planning Adviser to manage and respond to all types of planning casework. Theatres Trust's Board of Trustees also includes a professional planner and a solicitor with experience in planning, who are able to provide additional support and guidance. We also

employ a Heritage Consultant to provide specialist conservation and heritage advice, a full time Architectural Adviser and a full time Theatres Adviser with expertise in theatre management and operations, as well as having access to external specialist advice as required.

- 3.11 As a statutory consultee and expert in planning matters with regards to theatres and theatre buildings we expect significant weight to be afforded to our advice. The important weight of statutory consultees and their expertise and the legal requirements upon decision makers should they depart from such expert views has been emphasised by the High Court in *Visao Ltd v The Secretary of State for Housing, Communities and Local Government* [2019]. Furthermore *Shadwell Estates Ltd. v Breckland DC* [2013] EWHC 12 (Admin) stated "a decision-maker should give the views of statutory consultees... "great" or "considerable" weight. A departure from those views requires "cogent and compelling reasons".
- 3.12 This statement will clearly support and substantiate our position outlined in paragraph 2.12, paying particular regard to the National Planning Policy Framework and the Council's Local Plan as well as supplementary evidence.

4. The development site

- 4.1 There is an existing theatre at this site. It has a main auditorium with a capacity of around 200 seats and a second studio space which can accommodate an audience of around 100. The main auditorium has a large bank of raked seating looking down onto a stage below. This is fairly typical in style and character of smaller community or amateur theatres. The secondary studio theatre has a flexible layout and again is quite typical of 'black box' spaces which can be found at many other theatres.
- 4.2 This part of the theatre has been further developed since it first opened, with an upward extension and new frontage.
- 4.3 The unit behind, Area B, has as we understand it been utilised for a number of ancillary theatre functions. This includes rehearsals, storage and a workshop for theatre activities, as well as use by a local 'Men's Shed' group. If the activities described to us had taken place within a formal theatre building with theatre (Sui Generis) landuse this would not be considered unusual or uncommon; a number have integrated workshops, networks of back of house spaces including laundry facilities and large wardrobes and historically a

number had painting rooms where backdrops would be hung and painted.

- 4.4 The appellant considers that Area B benefits from formal theatre use obtained through continual usage for a period in excess of ten years, although this has not been formalised.
- 4.5 A new auditorium with a stage has been developed within Area B. This has a capacity of around 450 seats. It has its own entrance and foyer (which requires further work and expansion, and we understand a planning application has been submitted on that basis), but is also accessible through Area A. It is served by a bar. If formal theatre use (Sui Generis) can be established within this space, in principle its conversion into an auditorium would be permissible without the need for planning permission.
- 4.6 In addition to the auditorium described in paragraph 4.5, the stage extends into Area C. Area C also contains a number of back of house functions displaced from Area B. Furthermore, an orchestra pit with sub-stage area including further storage and the facilitation of additional stage functionality has been excavated within the rear of Area B and into Area C. There are sixteen dressing rooms. Altogether this area provides a new theatre space. There is additionally a further studio within Area B capable of being utilised for public performances, with a capacity of around 64.
- 4.7 Due to the nature of the works undertaken – both the amalgamation between Areas B and C and the operational development to create the sub-stage area – full planning permission for these works would be required.
- 4.8 We note there is potentially dispute between the appellant and FDC as to whether the new theatre space constitutes a new theatre, or an extension to the existing theatre.
- 4.9 Theatres Trust has considered what in our view the status of the additional theatre would be, irrespective of the formal landuse of Area B. Having paid regard to the floorplans provided to us and the evidence of our site visit, and considering the status, design and function of other theatres around the UK, we have come to the opinion that the new theatre and its supporting facilities constitutes an extension to the existing theatre.

5. Evidence and rationale for the position of Theatres Trust

- 5.1 The reason for the position of Theatres Trust, with regards to this

development constituting an extension to an existing theatre, is that the respective elements of the building are interconnected.

5.2 FDC in paragraph 7.4 of their enforcement report state:

“It should be noted that the Arden theatre which has been created in Areas B & C is capable of being used independently to the existing facility in Area A. For this reason, the unauthorised development at Areas B & C is not considered to be an extension to the existing theatre use at Area A but the introduction of a new self-contained theatre use on the site.”

5.3 We do not consider the Council's position and understanding to be correct. Areas A and B/C are interlinked, or have become interlinked. Whilst there are separate public entrances and foyers serving the respective auditoriums and studios within Areas A and B, it would be possible for members of the public to enter through the existing Area A foyer to access the auditorium within Area B and vice versa. Similarly the main bar serves both Area A and Area B. This is not an unusual arrangement where theatres have multiple spaces within their buildings. There are a great number of theatres which have spaces that can be used independently of each other with only part of the building opened including with separate and distinct entrances and foyers.

5.4 This development is demonstrably consistent with the principles of design and function outlined within paragraph 4.3. This development should therefore be considered as an extension rather than as a new self-contained theatre.

5.5 Theatres Trust considers that an expanded/extended theatre can be appropriate at this location.

5.6 The location of this theatre is designated by the Fareham Local Plan 2037 (2023) as being within the countryside ('outside of the urban areas') and within the district's Strategic Gap. Therefore FDC applies Policy DS1.

5.7 In the context of the appeal site's designation within a rural location, paragraph 89 of the NPPF becomes a relevant consideration. This recognises that sites to meet community needs may have to be found adjacent to or beyond existing settlements, and in areas not well served by public transport. The use of previously developed land is encouraged.

5.8 Part a. of Policy DS1 states that proposals in such locations can be supported. Parts b. – i. outline the criteria by which proposals are assessed.

- 5.9 Part b. supports development which is associated with previously developed land and appropriate for the proposed use. The appeal site is previously developed land. In principle theatre use can be appropriate at this location, demonstrated through there being established theatre use within the same site.
- 5.10 Part c. provides an alternative criteria, where the development is for uses including community and leisure facilities. Theatres more generally, and this theatre in particular given its role supporting amateur and community groups, can be considered to fall within this category (such uses are covered for example within the same paragraph of the National Planning Policy Framework). The caveat for this category is that demonstration is needed to show there is a local need for the facility that cannot be met by existing facilities elsewhere.
- 5.11 The fact that Titchfield Festival Theatre has sought to expand through self-funding, at a time where it is well documented that a number of theatres and other arts and cultural facilities are facing financial challenges, demonstrates that they view an expansion of their offer to be viable. Their current offer is capped by the capacity of their existing main auditorium. We contend that there is a realistic gap in provision within the local area for a capacity of the scale offered at the appeal site, and that it fills a particular role within the local cultural ecosystem. Within Appendix A are details of theatres within the district of Fareham as well as nearby authorities, constituting a realistic wider catchment.
- 5.12 The information within Appendix A shows the capacities of nearby venues and provides an overview of the nature of their offers. This data shows that the new theatre space is of a capacity and form not available within the district of Fareham. In fact, the only venue of equal capacity is the MAST Mayflower Studio in Southampton, approximately 25-30 minutes away by car. The programme of MAST Mayflower Studio's main auditorium is very different to that of Titchfield Festival Theatre, consisting of established comedians, speakers, live music and some professional touring theatre.
- 5.13 On that basis, we consider that it is demonstrable that the extension to Titchfield Festival Theatre would provide an offer which cannot be met by existing facilities elsewhere.
- 5.14 Parts d. to g. of Policy DS1 are not relevant for development of this nature.

- Part h. supports development which provides infrastructure meeting an overriding public need. Paragraph 20 of the NPPF makes reference to cultural infrastructure. Given the lack of theatre provision of the scale offered at the appeal site within the district and wider catchment, it is considered that expansion of Titchfield Festival Theatre can be supported through this policy.
- 5.15 Part i. supports development which can demonstrate a requirement for a location outside of the urban area.
- 5.16 Theatres Trust is keen to ensure that development is sustainable, and well located to meet the needs of communities and to support the vitality of town centres and the wider economy. Whilst the optimal location for theatres would be within designated centres and locations with high accessibility by sustainable modes of transport, we recognise that in some cases local circumstances, constraints and the needs of theatres and their audiences are best met elsewhere. As noted within paragraph 3.9 above, it is challenging to viably and sustainably secure sufficient land for theatre developments of larger scale within designated centres. Therefore, for various reasons, there are a number of theatres around the country located outside of designated centres including within rural settings. A number of such venues are popular and highly successful.
- 5.17 The appellant already operates an established and successful theatre at the appeal site, which clearly attracts sufficient audiences to the extent that it sees it as viable to substantially expand its maximum capacity. That site has its own more immediate catchment which is quite distinct from that of the town of Fareham and the eastern parts of the borough. Therefore there is a requirement for a location outside of the urban area, because a location within the urban area and within a designated centre specifically is not realistic.
- 5.18 Policy DS1 does not require accordance with the full set of criteria. Nonetheless on all criteria which could be applicable to the principle of theatre use at the appeal site it is demonstrable that extension or expansion of the theatre use can be supported. The site reflects the principles of rural development articulated through NPPF paragraph 89.
- 5.19 We would also note that supporting paragraph 3.40 for Policy DS1 states the policy, “seeks to support proposals for new community, leisure, education facilities that meet an identified need which cannot be met by existing facilities. Such facilities could combine several functions and provide useful social and recreational activities.” That description reflects the role of Titchfield Festival Theatre, which has a wider social, cultural and community offer

beyond pure theatre provision.

- 5.20 Therefore, we disagree with and dispute the position of FDC expressed within paragraphs 7.6 to 7.8 of the Enforcement Report.
- 5.21 Paragraph 7.11 of the Enforcement Report refers to main town centre uses outside of the town centre, with a focus on Local Plan Policy R2.
- 5.22 As already stated above, there is unlikely to be available land within one of the district's designated centres to accommodate the offer of Titchfield Festival Theatre. With regards to impact on the town centre, Titchfield Festival Theatre has a very different offer to that likely to be provided by Fareham Live and so in our view the two would complement each other rather than compete (based on the assumed programme of Fareham Live which is likely to be consistent with other venues run by its operator). We have also noted that Titchfield Festival Theatre would have a unique position in the wider market and catchment. Therefore we consider it improbable that it would divert footfall away from the designated Fareham town centre, although it is likely to have a positive impact on other out-of-centre businesses including pubs as well as local centres within its vicinity.
- 5.23 Whilst we acknowledge that the site has poor accessibility by public transport, a desktop exercise shows that the district's primary theatre and performance venue located within the designated town centre of Fareham (Fareham Live) is also poorly served by public transport for the purposes of their likely performance programme. This is particularly the case for communities in closest proximity to Titchfield Festival Theatre, where the final bus services leave Fareham at around 18:30.
- 5.24 We also acknowledge that Titchfield Festival Theatre currently has insufficient car parking to meet local indicative standards. However, the theatre has made efforts to increase provision and we understand a planning application on that basis is shortly forthcoming.
- 5.25 Out-of-centre and rural theatres are not uncommon. Appendix B provides examples of other venues. For example, one of the most notable theatres in Wales – Theatr Clywd – is a complex of four different auditoriums with a maximum capacity of 570, a cinema screen and other community and studio spaces in a rural location outside of Mold (this theatre's catchment also extends into north-west England). The Minack Theatre is a famed venue with

a capacity of 750, accessible by relatively narrow Cornish country lanes. The Nevill Holt Opera House and 1,200 capacity Glyndebourne are within open countryside. Although a rural location in technical policy terms, functionally Titchfield Festival Theatre is only 200 metres from the A27 and a short distance from settlement boundaries (along with there being existing theatre use at the site).

- 5.26 We note the comments of FDC with regards to highways impacts and impacts on neighbouring properties. We have already cited above the efforts of the appellant to improve and regularise enhanced parking provision. We would suggest that there is a role for the respective local authorities (FDC and the highway authority) to proactively seek to address and mitigate potential impacts and risks along St Margarets Lane, and that any reluctance to take reasonable actions should not be used as a reason to unnecessarily refuse development.
- 5.27 With regards to impacts on neighbouring properties, the onus is on the appellant to undertake the requisite surveys and reports and facilitate mitigations in line with paragraph 193 of the NPPF.
- 5.28 Beyond the planning considerations referenced within the report of FDC, we consider that the wider social, cultural and community benefits of Titchfield Festival Theatre are relevant within a planning context.
- 5.29 Paragraph 8 of the NPPF includes a social objective to support strong, vibrant and healthy communities met by accessible services which support communities' health, social and cultural well-being.
- 5.30 Paragraph 97 of the NPPF seeks to provide the social, recreational and cultural facilities and services the community needs. Planning decisions should therefore plan positively for such uses.
- 5.31 Strategic Policy R4 of the Fareham Local Plan 2037 supports development of new or extended community and leisure facilities. As noted previously, we consider the criteria of this policy is largely met. The introductory text for this policy outlines the key role of facilities such as theatres in the health, well-being and education of residents, and the positive benefits of social interaction.
- 5.32 Titchfield Festival Theatre provides a facility for local youth, amateur and

community theatre groups, as well as other community groups. It produces its own work, supporting actors, producers, writers and supporting personnel to develop and learn new skills. It relies on volunteers, enabling people to come together and be active. In turn this reduces loneliness and isolation, improving social and cultural well-being. Its programme provides access to plays and other theatrical events for local people. Its ongoing function and development is to be supported.

- 5.33 The new theatre space within the appeal site is unusually well equipped for an amateur/community theatre. The operational development which has occurred has provided a large orchestra pit and facilitated a revolve and trap within the stage. These are rare for venues of this nature. As such, the development and educational role of the theatre has been substantially enhanced. We would want this aspect to be regularised, along with the wider expansion of the theatre, and consider there are compelling grounds for the sub-stage area to be retained. The facilities within Area C are also very good, for example the number of dressing rooms is high even in comparison with some large professional theatres.
- 5.34 On the basis that continual use of Area B can be established and that theatre use is lawful within that element, the new theatre space could continue to function if it were ordered to remain within Area B with its sub-stage area infilled and link through to Area C closed. However, this would result in the loss of facilities and functionality which have wider cultural and social benefits. The impacts of development of Area C and excavation of a sub-stage area have little or no impact on the theatre's wider setting, including the highway network or the amenity of nearby properties. Therefore, there we consider there is compelling benefit in Area C (or a combined Area B and C) also benefitting from retrospective formal theatre use.

6. Concluding comments

- 6.1 Our position is that expansion of the theatre at this location is acceptable and can be justified and supported through policy and other evidence as we have set out. It is enhancing the local cultural, social and community offer and meets a gap within the local market.
- 6.2 Should expansion of the theatre be deemed acceptable in principle we would also be keen for the sub-stage area to be retained and there would be demonstrable public benefit in doing so.

- 6.3 We are keen to be work positively with the appellant and FDC going forward to ensure Titchfield Festival Theatre is supported, but also to ensure that the theatre understands its obligations and correctly engages with the planning system in future.
- 6.4 Theatres Trust in its capacity as the national advisory body for theatres is also available to provide advice and expert evidence to the Planning Inspectorate in the determination of this appeal.

Appendix A – Theatres within the district of Fareham and neighbouring areas

Theatre	District	Address	Postcode	Programme	Capacity (Main)	Capacity (Second)
Titchfield Festival Theatre (existing)	Fareham	Titchfield, Fareham	PO14 4BG	Amateur	200	100
Titchfield Festival Theatre (extension)	Fareham	Titchfield, Fareham	PO14 4BG	Amateur/In-house productions	450	64
Titchfield Great Barn	Fareham	Titchfield, Fareham	PO15 5RB	Amateur	175	
Ashcroft Arts Centre	Fareham	Fareham	PO16 7DR	Receiving	150	
Fareham Live (under construction)	Fareham	Fareham	PO16 7DB	Receiving	1000	150
Spring Arts Centre	Havant	Havant	PO9 1BS	Receiving	145	
Station Theatre	Havant	Hayling Island	PO11 0EH	Amateur	144	
Groundlings Theatre	Portsmouth	Portsmouth	PO1 3BS	Producing	180	30
New Theatre Royal	Portsmouth	Portsmouth	PO1 2DD	Receiving	667	
King's Theatre	Portsmouth	Southsea	PO5 2QJ	Receiving	1600	
MAST Studios	Southampton	Southampton	SO14 7DU	Producing/Commercial receiving	450	133
NST Campus (Closed)	Southampton	Southampton	SO17 1TR	Receiving	510	30
Mayflower Theatre	Southampton	Southampton	SO15 1GE	Commercial Receiving	2300	

Appendix B – Examples of theatres within rural and out-of-centre locations

Theatre	District	Nature of location	Programme	Capacity
Glyndebourne	Lewes	Rural location, accessible by country lanes	Professional opera	1,200
Kilworth House Theatre	Harborough	Rural location, accessible from A4304	Mixed	540
Minack Theatre	Cornwall	Rural seaside location, accessible by country lanes	Professional, seasonal	750
Nevill Holt Opera House	Harborough	Rural location, accessible by country lanes	Professional opera	400
Pitlochry Festival Theatre	Perth & Kinross (Scotland)	Outside of settlement boundary, accessed from A9	Professional receiving, producing	544 (also secondary studio)
Sterts Arts Centre	Cornwall	Rural location, accessible by country lanes	Mixed	400
Theatr Clywd	Flintshire (Wales)	Outside of settlement boundary, accessed from A5119	Professional producing	570, 300, 250, 120
Thorington Theatre	East Suffolk	Rural location, accessible by track from country lane	Amateur	350
Watermill Theatre	West Berkshire	Rural location, accessible from country lane	Producing/small scale receiving	220