1. This Hearing Position Statement is made on behalf of Eisinger Ltd (c/o Ellandi LLP), owners of the Idlewells Shopping Centre in Sutton-in-Ashfield Town Centre, with reference to the Bolsover Local Plan Examination 2019.

2. It responds to the Inspector’s Draft Matters, Issues and Questions (MIQs) document which has been made available for comment until 4 January 2019; specifically Issue 7 which queries whether the Local Plan is positively prepared, justified and effective in respect of employment. In doing so, the Inspector looks to review the various employment allocations made by the Plan under Draft Policy WC1.

3. This includes the Wincobank Farm, South Normanton site which is currently the subject of x2 planning applications for a retail park and employment development (the development collectively known as ‘Park 38’ - Planning Application Refs: 18/00470/FUL & 18/00471/OUT). These applications were submitted on behalf of Limes Developments Ltd (‘the Applicant’) in September 2018 following the withdrawal of x2 largely similar applications on 21 June 2018 (Planning Application Refs: 17/00498/FUL & 17/00499/OUT) and were pending a decision at the time consultation on the Publication Plan took place (May - June 2018).

4. We are responding to Issue 7: Employment as it specifically queries whether or not it would be appropriate to develop a retail park (alongside a hotel, restaurant leisure and café uses – i.e. other main town centre uses) on part of the Wincobank Farm site (Qs. 154 & 155) –

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1 For the avoidance of doubt, this Statement has been prepared having regard to Para 214 of the Revised National Planning Policy Framework (RNPPF) (July 2018) which confirms that under transitional arrangements, the 2012 National Planning Policy Framework (NPPF) applies to the Local Plan under consideration as it was submitted before 24 January 2019.
when the emerging Plan clearly seeks to allocate the site for B2 and B8 uses with a view to meeting anticipated employment needs over the Plan period\(^2\).

**BACKGROUND TO STATEMENT**

5. This Statement is submitted further to a representation on Ellandi’s behalf in connection with the Publication Local Plan for the Bolsover District in June 2018 (Representation IDs 8584 – 8587).

6. It also follows the submission of a detailed Planning Objection Report in respect of the abovementioned resubmitted planning applications for the redevelopment of the Wincobank Farm site for retail and employment uses (Planning Application Refs: 18/00470/FUL & 18/00471/OUT). This objection has been lodged as we consider that the proposal poses a significant threat to the future vitality and viability of allocated town centres in the sub-region (including Sutton-in-Ashfield).

7. The abovementioned Objection Report is not submitted alongside this Statement as it is acknowledged that the Inspector’s Examination Guidance Note specifically precludes the submission of appendices alongside Hearing Position Statements. It should however be noted that it is highly pertinent to the Questions asked by the Inspector in respect of the Wincobank Farm allocation (namely Questions 153 & 154 in the Inspector’s MIQs document).

8. This is because it includes a series of observations relating to the appropriateness of the development of the Wincobank Farm site for retail and main town centre uses (in addition to B Class Uses) and leads us to conclude that it would be wholly *inappropriate* for the emerging Plan to allocate the site for such uses (having regard to both NPPF 2012 and NPPF 2018 which set out the approach to meeting anticipated needs for retail and main town centre uses over the Plan period). It also includes an assessment of the Applicant’s economic case, informed by a report prepared by Ortus Economic Research.

\(^2\) NB a separate Hearing Position Statement for Issue 8: Retail has been prepared, albeit it should be noted that this largely replicates this Statement owing to the fact the Inspector refers to retail in respect of the Wincobank Farm employment application which is to be dealt with under Issue 7: Employment.
9. The conclusions of the Report can be summarised as follows:

- The Applicant has failed to undertake a robust sequential test in accordance with adopted and national planning policy requirements. This is because the Applicant’s assessment is both incomplete and inaccurate in its assessment of potential sites - sufficient flexibility has not been demonstrated, and potential sites that are clearly sequentially preferable have been dismissed without sufficient investigation. There are sites available in both Mansfield and Sutton that would be suitable for the retail and town centre uses elements of the scheme currently being proposed. Smaller sites are also available in other nearby centres and these would be suitable for elements of the scheme such as the hotel and food and beverage offer and the gymnasium, all of which can be developed separately from the retail park.

- The Applicant’s retail impact assessment fails to present a ‘worst case’ quantitative impact and that the actual impacts on nearby allocated town centres will be significantly higher than set out in the Applicant’s planning submission. Our own detailed assessment of the level of impact experienced by nearby allocated centres (both quantitative and qualitative) concludes that it will be significantly adverse. In quantitative terms, we have concluded that a retail park of the type and scale proposed at Wincobank Farm (19,705 sqm GIA of Class A1 Retail) would divert a very high proportion of its trade from designated town centres in the sub-region (£44.7m of the £65.15m turnover (69%)) including:
  - Sutton-in-Ashfield which would experience an impact of over £8.7m, representing an impact of nearly 10%;
  - Mansfield which would experience an impact of around 5.5% as a result of losing over £12m turnover;
  - Kirkby-in-Ashfield which would lose around £0.74m of its turnover, representing an impact of 5.7%;
  - Alfreton which would lose £3.7m or 7.0% of its turnover;
o Ripley which would lose £1.31m of its turnover (an impact of 7.1%); and
o South Normanton which would lose £0.26m of its turnover, an impact of 9.9%.

There would also be high levels of trade diversion from both Derby and Chesterfield city centres.

- The Applicant’s assessment of the economic benefits of the proposed development are also overstated. The loss of part of this key employment site to retail would significantly reduce the employment-generating potential of the site. It will not create employment opportunities in key growth sectors that have higher levels of GVA as is envisaged through the emerging allocation of the site for B Class uses and for which there is demand (a point which is conceded by the Applicant in its Planning and Retail Statement). It will simply bring about the displacement of existing retail jobs which are currently located in far more accessible and sustainable town centre locations. In brief, there will be a significant opportunity-cost associated with assigning B-class land to a retail and leisure development.

- The proposal will have the effect of increasing car trips to an unsustainable location - the labour force required to serve the retail and town centre uses of the development will be mainly drawn from adjacent districts and it will pull employees out of town centre locations, requiring them to travel to a location which is far less accessible by sustainable transport modes. A major retail development with circa 1,000 car parking spaces will have a far greater level of highway movements in comparison to a B2 or B8 use.

10. Based on the above analysis, the Report concludes that the proposed development fails to meet the overarching objective of the NPPF which is to achieve sustainable development and that there are no overwhelming economic, social and environmental benefits associated with the proposed development which would outweigh the adverse impacts identified.

11. The Planning Objection Report is available to the Inspector upon request. Our previous
Objection Report in respect of the now withdrawn applications (Planning Application Refs: 17/00498/FUL & 17/00499/OUT) was submitted alongside our representations to the Publication Draft Plan in June 2018.

INSPECTORS MIQS

12. In regard to Issue 7, and specifically the allocation of Wincobank Farm, we note that the Inspector has raised a series of Questions. Those of particular interest to our client are as follows:

- Q154. Is the development of a retail park on part of this site appropriate?
- Q155. Would a hotel, restaurant, retail, leisure and café uses be appropriate on this site?

13. These questions, we understand, have been posed in view of the objection to Draft Policy WC1 by Q+A Planning on behalf of the Applicant who argues that the wording of Draft Policy WC1, which limits the development of the listed sites to B Class Uses, is inflexible and therefore not positively prepared, justified, or effective, considering the wording of Paragraph 182 of the NPPF (Representation ID: 8319). Q+A is therefore presumably seeking an amendment to the Plan to allow for retail and main town centre uses to come forward at Wincobank Farm as per the pending applications.

14. In response to Qs 154 & 155 and Q+A’s objection to Draft Policy WC1, we would refer firstly to the Nexus Chesterfield Borough, Bolsover District and North East Derbyshire Retail and Centres Study (April 2018) and the Bolsover Retail and Town Centre Uses Land Availability Assessment (updated March 2018), both of which provide clear evidence as to why a retail park at Wincobank Farm would be inappropriate. The following conclusions are of particular note:

- based on the current market share claimed by Bolsover District facilities and stripping out as yet undetermined applications such as Park 38, there is no capacity for additional comparison goods floorspace across the District over the Plan period:
• capacity for convenience goods floorspace in Bolsover District is limited;
• there is no overriding / pressing qualitative need for the type of retail development proposed at Wincobank Farm as the study area generally benefits from relatively good access to retail venues with a strong comparison goods offer outside of the study area (which have an appropriate role to play in meeting some of the needs of the residents of the study area);
• whilst there would be benefit in improving the range and quality of the comparison goods offer across the smaller town centres (in order to improve the health of those centres, improve consumer choice and reduce the need to travel), most residents within the Study Area are able to access a complementary network of centres which are capable of meeting varied needs;
• that whilst there is comparison and convenience goods leakage from the District (thus implying a qualitative need for improved provision), this issue can be addressed through encouraging a better choice and range of the both comparison and convenience goods within and on the edge of Bolsover’s four town centres (NB this does not include Wincobank Farm which is in an out of town location) - there are sufficient sites that are available, suitable and deliverable to enable the Council to meet its retail needs.

15. Based on the above conclusions (which we find to be robust), it is clear that there is simply no justification for the allocation of part of Wincobank Farm for a retail park (or for allowing for a wider range of uses to be permitted in this location).

16. We would add to this by noting the following:
• that whilst Limes Developments Ltd have objected to the allocation of the site for B Class Uses only (suggesting that this approach is inflexible and therefore not positively prepared, justified, or effective, considering the wording of Paragraph 182 of the NPPF (Representation ID: 8319), it fails to provide any robust justification or evidence as to why other uses should be permitted / supported in this location;
moreover, and in objection to Draft Policy WC5 (Representation ID: 8322), Limes Developments Ltd appears to imply that the Council has relied upon quantitative analysis alone to plan for retail needs in the District and that a more locally based assessment of need would identify ‘qualitative need aspirations’ for comparison goods retail floorspace in the District (and therefore, presumably a need to allocate sites such as Wincobank Farm for comparison goods retail) – these ‘qualitative need aspirations’ are not defined by Q+A in its objection to Draft Policy WC5 and are contrary to independent advice we have received from Savills3 which clearly indicates that a retail park at Wincobank Farm is likely to be occupied by retailers who currently operate in nearby town centres (as opposed to attracting new retailers).

17. It is therefore the case that in the absence of both a quantitative and qualitative need / capacity for a retail park and supporting main town uses at Wincobank Farm (and indeed subdued demand from retailers for new retail floorspace in general), any development in this location will simply lead to the displacement of existing retail provision from elsewhere in the District and the surrounding sub-region (specifically provision that is currently available in sustainable town centre locations or could be provided in or on the edge of such locations). This will lead to significant adverse impacts on the vitality and viability sub-region’s network of allocated centres which is both contrary to NPPF and the Draft Plan’s District’s overarching strategy for retailing and main town centre uses.

18. Finally, it should be noted that the Plan sets out that there is a requirement for 35 ha of accommodation to meet the ‘likely levels on indigenous B8 uses’ (Para 6.6). The 14-hectare site at Wincobank Farm is cited as being key to meeting this requirement. Indeed, the surrounds of South Normanton are seen as crucial for the delivery of B Class employment uses - over a third of the 99-hectare target is to be allocated in the South Normanton area reflecting its strategic importance for these uses - yet only 4.3% of the housing target is

3 Appendix 3 to the Planning Objection Report in respect of Planning Application Refs: 18/00470/FUL & 18/00471/OUT (available upon request).
identified for the village of South Normanton clearly showing it is not envisaged to alter its overall position in the settlement hierarchy in terms of population and services.

19. Moreover, and as indicated above, the loss of part of this key employment site to retail would significantly reduce the employment-generating potential of the site. It will not create employment opportunities in key growth sectors that have higher levels of GVA as is envisaged through the emerging allocation of the site for B Class uses and for which there is demand. It will simply bring about the displacement of existing retail jobs which are currently located in far more accessible and sustainable town centre locations. In brief, there will be a significant opportunity cost associated with assigning B-class land to a retail and leisure development.

20. It is therefore the case that the development of a retail park and associated main town centre uses on part of the Wincobank Farm site is wholly contrary to the objectives and policies of the emerging Plan, not least because it conflicts with the District’s overarching strategy for meeting its objectively assessed need for employment land and retail floorspace.

21. There is simply no justification for the allocation of part of the site for a retail park and other main town uses and it is therefore considered to be entirely inappropriate. Any reference to the retail park in the supporting text should be removed (Para 6.18).