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. 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 8 which queries whether the retail development strategy is positively prepared, justified and effective.

3. This Issue is of importance to our client as whilst we are satisfied that the Council’s retail development strategy is sound and that the evidence that underpins this is robust, it has been objected to by a third party; namely Q+A Planning on behalf of Limes Developments Ltd. Limes Development Ltd has recently submitted x2 planning applications for a retail park and employment development at Wincobank Farm, South Normanton (the development collectively known as ‘Park 38’ - Planning Application Refs: 18/00470/FUL & 18/00471/OUT).

4. Specifically, Q+A has objected to the: “presentative [sic] of a negative quantitative need outcome for comparison goods in the Plan, since this is inconsistent with the qualitative need aspirations and does not reflect a more locally based assessment of need, which

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.

2 These applications were submitted 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).
could be generated if alternative locally based approaches to assessment were used.” (Representation ID: 8322). Q+A has therefore suggested that the paragraphs on quantitative need to be deleted in order for the Plan to be sound (presumably Para 6.35 of the Publication Draft).

5. The following Question is posed by the Inspector in the MIQ document in respect of this matter:

- Q163. Is the Council’s approach to the assessment of quantitative and qualitative need for retail floorspace sound? [Policy WC5]

6. The following question is also relevant to our client and relates to previous representations we have submitted in respect of the emerging Plan:

- Q165. Is Policy WC5 positively prepared and consistent with national policy in respect of the requirement that retail development must demonstrate that it is appropriate in scale and function to its location and the thresholds for Retail Impact Assessments for edge of centre or out of centre developments?

7. By way of context, 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). It should also be read alongside our Hearing Position Statement relating to Issue 7: Employment in which we specifically address the appropriateness of the development of part of the Wincobank Farm site for a retail park and other main town centre uses (namely hotel, restaurant, leisure and café uses).

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Q163. Is the Council’s approach to the assessment of quantitative and qualitative need for retail floorspace sound? [Policy WC5]

8. We find the Council’s approach to the assessment of quantitative and qualitative need to be sound (namely the 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)). These assessments are robust with the
former being conducted very recently by an independent retail consultant (Nexus Planning) and having regard to both quantitative and qualitative need for retail uses in the District.

9. As stated above, we note Q+A has requested the deletion of references to quantitative need in the Plan “since this is inconsistent with the qualitative need aspirations and does not reflect a more locally based assessment of need, which could be generated if alternative locally based approaches to assessment were used”. Not only is this statement unclear, it is factually incorrect as the Chesterfield Borough, Bolsover District and North East Derbyshire Retail and Centres Study devotes an entire section to the qualitative needs of the Study Area. It ultimately concludes as follows:

“In considering comparison goods shopping patterns and potential qualitative deficiencies, it is important to recognise that residents of the Study Area generally benefit from relatively good access to retail venues with a strong comparison goods offer outside the Study Area, such as Sheffield and Nottingham City Centres, and the Crystal Peaks and Meadowhall Shopping Centres. Such destinations have an appropriate role to play in meeting some of the needs of residents of the Study Area. Accordingly, 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), we believe that most residents within the Study Area are able to access a complementary network of centres which are capable of meeting varied needs” (Para 10.5, emphasis added).

10. This statement supports the notion that there is no pressing need for retail development in the District and in our view should be added to the supporting text of Policy WC5 (under the heading Qualitative Need (85 of the Plan) to make clear that the Council wishes to focus its efforts on promoting and improving the range and quality of comparison goods across its town centres (as opposed to allocating new sites for retail development).

11. Moreover, it is unclear as to what is meant by the ‘qualitative need aspirations’ referred to
by Q+A in its objection to Policy WC5 as no explanation is given as to what these aspirations are. We therefore conclude that this objection is unfounded and should therefore be dismissed.

**Q165. Is Policy WC5 positively prepared and consistent with national policy in respect of the requirement that retail development must demonstrate that it is appropriate in scale and function to its location and the thresholds for Retail Impact Assessments for edge of centre or out of centre developments?**

12. The first part of Q165 appears to be in direct response to a further objection to the Plan by Q+A on behalf of Limes Developments Ltd to the suggestion within Draft Policy WC5 that retail development must demonstrate that it is appropriate in scale and function to its location. In this regard, it notes that the requirement to consider scale has not been a national retail policy test for many years (since PPS4 replaced PPS6 in December 2009) and that it was removed from national policy on the grounds that it was simply an ineffective policy test. It goes on to state that town centres have sufficient protection through the requirement for an impact test for edge and out of centre proposals.

13. Our view is that whilst both the NPPF 2012 and RNPPF 2018 no longer make explicit reference to scale as a policy test, it remains within the Council’s gift to introduce locally relevant policy tests where they serve to ensure the vitality of its town centres (the key objective of the NPPF).

14. We do however concede that this test is unlikely to be effective in the context of assessing proposed retail development and that as Q+A suggest, the impact test is more effective in protecting town centre developments. This is why the application of appropriate thresholds is so important.

15. Therefore, and in regard to the second part of Q165, we wish to emphasise that we remain satisfied with the tiered system of local thresholds for retail impact assessments for edge and out of centre developments and consider that they are consistent with national policy. The proposed thresholds are based on a detailed assessment in the Nexus Chesterfield
Borough, Bolsover District and North East Derbyshire Retail and Centres Study (April 2018, Chapter 10) which in addition to guidance contained with Planning Practice Guidance, has had regard to the overall scale and draw of the centres, the number of available opportunity sites and market patterns to establish what scale of proposal would be likely to impact upon the vitality and viability of a centre. It has also had regard to recent appeal decisions and the extent to which the District’s centres are vulnerable to convenience and comparison retail developments of both ‘big box’ retail park destinations and smaller, ‘town centre parade’ style units.

16. The only suggestion we would make to improve Policy WC5 would be for it to be explicit that development proposals should be assessed in terms of their impact on town centres in neighbouring authority areas where trade draw is expected to go beyond that of the Bolsover District boundary.