

Report to Planning Committee 7 July 2022

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Report Summary	
<b>Report Title</b>	Update on pending planning appeal in relation to application no 20/01452/OUTM Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping on Land Off A17, Coddington
<b>Purpose of Report</b>	Following Planning Committee’s decision to refuse the above application, this report is intended to provide an update on the pending appeal against this decision in light of new evidence received
<b>Recommendation</b>	To be noted

## 1.0 Background

Members will recall that this application was considered by the Planning Committee on 3 November 2021 when Members resolved to refuse planning permission, contrary to officer recommendation. The reason for refusal was as follows:

*The site is within the open countryside where development needs to meet the exceptions of Policy DM8 (Development in the Open Countryside). The proposal is a new employment use on agricultural land of a significant scale and does not meet any of the exceptions listed. This would significantly harm this part of the countryside by introducing built form of a significant scale and massing, where none currently exists which would also undermine the strategic approach to employment land allocation and delivery within the adopted development plan.*

*Although the proposal would bring meaningful economic benefits to the District, these are not considered sufficient to outweigh the harm identified or to justify a departure from the development plan. The proposal is contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management Development Plan Document (Adopted July 2013).*

Appended at the end of this report is a copy of the Planning Committee Report (**Appendix B**) that came before Members and the recorded minutes (**Appendix A**) detailing the debate and confirming the resolution of the Planning Committee.

An appeal (reference APP/B3030/W/22/3292692) against the refusal has now been lodged with the Planning Inspectorate (PINS). This appeal was confirmed as valid on 31<sup>st</sup> March 2022 and a start date was confirmed on 9<sup>th</sup> June 2022. PINS have confirmed that the appeal will be heard by the Hearing procedure. Given that there is a deadline of 14<sup>th</sup> July 2022 for the Council's Statement of Case to be submitted to PINS, it has been necessary to target this agenda in order to ensure that Officers are able to provide an update of any Committee comments as part of the statement of case.

## **2.0 Proposal/Options Considered and Reasons for Recommendation**

Since the determination of the application, a draft Nottinghamshire Core & Outer HMA Logistics Study (the Study) has been produced (June 2022). This document has not yet formally been made public but a final draft version of the Study is imminent and key matters emerging from the Study in its draft form and emerging findings have been presented at the Joint Planning Advisory Group (7<sup>th</sup> June, public forum).

This study has been commissioned by Nottinghamshire County Council on behalf of the authorities comprising the Nottinghamshire Core and Outer Housing Market Area (HMA) being Broxtowe, Rushcliffe, Nottingham City, Gedling, Erewash, (Core) plus Newark & Sherwood, Ashfield and Mansfield (Outer) HMA. The purpose of this study is to understand the future demand for strategic warehousing and logistics facilities within the Nottingham Core/Outer HMA area. A summary of the Study has been prepared by its Iceni (the author of the Study) and is attached in **Appendix C**.

Planning Policy have commented on the result of the Study as follows:

*'The Nottinghamshire Core & Outer HMA Logistics Study (the Study) provides convincing evidence that the demand for land suitable for large scale logistics development in the Study area is significantly greater than the available supply. In the Study, three sites in Newark & Sherwood District identified as employment land within the Local Plan are considered potentially suitable for large scale logistics development: NAP2A (Land South of Newark), NUA/E/2 (Land off Stephenson Way/Newark Business Park), and Land off Brunel Drive (G Park / Newark Logistics Park).*

*The area of NAP2A that is intended for employment is not developable until the portion of the Southern Link Road that will access it is constructed. Areas within NUA/E/2 have been developed or have planning permission, meaning that the remaining area is unlikely to be sufficient for large scale logistics development. Planning permission is pending consideration on Land off Brunel Drive (application no 21/02408/FULM), and if approved would remove this land from supply albeit would contribute towards meeting the demand. The outstanding demand in the Study area would still be considerable.*

*The appeal site (the Site) is suitable for large scale logistics development because of its size, its position on the A17 which allows good access to the A1 and the A46 and because the Newark Urban Area could supply much of the necessary workforce. The site is, however, in the open countryside and development of the type and scale proposed would have significant harmful impacts and conflict with the development plan.*

*The Study identifies the area surrounding Newark as an Area of Opportunity which could contribute to addressing the shortfall in provision. The following criteria were used to select Areas of Opportunity:*

- *Good connections with the strategic highway network;*
- *Appropriately located relative to the markets to be served;*
- *Is located in an area where there is a known under-provision of strategic sites; and*
- *Is accessible to labour and located close to areas of employment need.*

*The Study explains that occupations in the industrial and logistics sector are becoming more diverse and average pay is higher than across the overall average across all sectors. Due to increased automation and robotics in the sector and more advanced supply chain processes, many jobs are professional, associate professional and technical roles, typically associated with a highly skilled workforce. This indicates that if the proposed development were to go ahead, it could potentially bring considerable economic benefits for the Newark area.*

*The draft version of the Study shared with NSDC was widely consulted on and as a result of comments received, changes will be made to the draft final version. Conversations with the lead consultant suggest that it is likely that demand is greater and supply more limited, meaning the situation is even more extreme than the [sic] one already described as market failure. In Newark & Sherwood, NUA/E/2 could be removed from the figures due to being partly developed, reducing total supply.*

*The proposed development has the potential to bring skilled employment opportunities and economic benefits, as well as addressing the undersupply of sites for large scale logistics developments. This must be weighed against the unavoidable significant harmful impacts on the countryside and the conflict with the development plan’.*

In summary, taking the mid range demand forecast, for large scale big box/B8 units there is a current supply of 800,000sqm through existing permissions and allocations in the Study Area. However, there is an overall need for 1,486,000sqm to 2040 with some of this demand expected to be met in Newark along the A1 and A46 corridors. As such, the Study provides evidence that there is an undersupply of sites for large scale logistics development in the Study area, including Newark and Sherwood.

Further information is contained in the exempt report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

- App C - Nottingham Core and Outer HMA Logistics: briefing note for Newark and Sherwood