1. This Written Statement has been prepared by Williams Gallagher Town Planning Solutions Ltd (t/a Williams Gallagher) on behalf of our client, P R Kettering Ltd (c/o Ellandi LLP) (‘Ellandi’), owners of the Newlands Shopping Centre in Kettering Town Centre, in connection with the Kettering Site Specific Part 2 Local Plan Examination.

2. It responds to Matter 10 (Town Centres) as defined by the Inspector’s Schedule of Matters, Issues and Questions (‘MIQs’) dated July 2020. [Please also refer to our Written Statements in connection with Matters 1 and 9].

3. It is submitted further to representations submitted on Ellandi’s behalf in connection with the Kettering Site Specific Part 2 Local Plan ('SSP2' / ‘the Plan’) Publication Plan (February 2020).

INSPECTORS MIQs

4. In regard to Matter 10, we note that the Inspector has raised the following Issue:

“Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of town centres.”

5. A series of Questions are subsequently posed by the Inspector (21 no. in total). The Questions of particular relevance to our client (and our subsequent responses) are set out below.

   Question 1 – The JCS identifies a minimum net increase of 12,500 square metres of net comparison shopping floorspace in Kettering which I understand will be provided in the TCAAP and its intended review. What progress has been made on the North Northamptonshire Retail Capacity Update? Is it likely to have any implications for approach to retail provision in the Plan?

6. Our strong view is that any future retail capacity update for North Northamptonshire will have the effect of significantly reducing the Borough’s need for new retail floorspace. This is not least because the latest Experian forecasts (as set out in Experian Retail Planning Briefing Note 17, February 2020) show that spending in physical stores is decreasing at a higher rate than previous forecasts have shown (it also clear that commercial demand for new retail floorspace has been highly subdued for a number of years; demand will have been further curtailed owing to the impacts of Covid-19).
7. Moreover, the opening of Rushen Lakes in 2017 will have had the effect of further reducing capacity in the Borough (owing to the trade draw impacts of this development).

8. It is therefore vital that any references to the 12,500 sqm net figure in the Plan are heavily caveated and that a commitment to updating the Borough’s OAN for new retail floorspace is clearly articulated (including timescales for doing so). To suggest that the Borough has capacity to accommodate 12,500 sqm without such caveats is wholly misleading as it relies upon out of date evidence.

9. So as not to the delay the adoption of the SSP2, we request that this Plan make clear that there is an urgent need to revisit retail floorspace capacity figures and to commit to doing so in the near future.

10. **TCE2 Proposals for a Medium Sized Foodstore**

    Question 4 - What does ‘considered positively’ mean in practice for decision makers? How is the Rothwell and Desborough catchment defined? What is the definition of a medium sized foodstore supported by Policy 12 of the JCS? Has the need for a store been established?

    Question 5 - What is the justification for the floorspace threshold of 2000 square metres of convenience retail? How would a foodstore ‘protect and enhance’ GI corridors?

    Question 6 - Is criteria d covered by other DM policies? Do all the criteria apply? Is an ‘and’ required after the second to last criterion?

11. We remain of the opinion that proposals for a medium size food store serving the Rothwell and Desborough catchment should be required to undertake a retail impact assessment. This is because the evidence base that underpins the identified need for such a food store can no longer be considered reliable. Indeed, the retail study supporting the JCS was published in October 2014 and relied upon household surveys undertaken in 2010/11 – since this time, convenience goods shopping patterns, like comparison goods patterns, have changed significantly.

12. In the absence of an update to the retail capacity study, further qualitative justification is required. There is also a need to consider changes to convenience goods provision in the catchment since the household survey was conducted (the fact that Rushden Lakes does not meet local daily needs is insufficient in this regard). In fact, the Inspector should be aware that there is a pending application for a convenience goods store at Rushden Gateway (Ref: 18/00982/FUL) – this application has been recommended for approval by East Northamptonshire Council and is expected to be heard at East Northamptonshire’s Planning Committee on 10 September 2020.
**TCE5 Application of the Sequential Test**

**Question 11** - Does Policy TCE5 accord with the Framework? Is the reference to Section 2 of the Framework correct?

**Question 12** - What provision is made for the local centres in the SUEs in the JCS? Is the inclusion of what appears to be policy in the supporting text at paragraph 6.20 effective? Is this approach not to require a sequential assessment in the SUEs justified?

**Question 13** - What is ‘small scale’ in terms of criteria a and c? Can ‘immediate neighbourhood’ and ‘neighbourhood significance’ be defined or explained?

13. It is noted that the Council has proposed to amend Policy TCE5 such that it now refers to the correct Section of the NPPF (i.e. Section 7 as opposed to Section 2). We support this amendment as it is now consistent with the NPPF.

14. We also note the Inspector’s comments as regards to Para 6.20 and that these echo our concerns that insufficient clarity is given as to what type of development in local centres as part of the SUEs would be regarded as ‘meeting the day to day needs of resident’s living within the SUEs’.

15. Indeed, as previously articulated, we remain concerned that neither the JCS or the SSP2 seek to define the scale and composition of the local centres that would be considered appropriate for the Borough’s proposed SUEs. Without such a definition, we are concerned that proposals which have the potential to have a significant adverse impact on Kettering Town Centre, or which would be better located in the Town Centre (allowing for a degree of flexibility as is required by the NPPF), could be permitted without the necessary scrutiny.

16. We therefore maintain that the scale and composition of the proposed local centres should be defined and a requirement for an impact and sequential assessment be specified.

17. Finally, and as we have previously articulated, if the Council insists on including developments that would be exempt from the application of the sequential test (which in our view is unjustified as the NPPF only refers to small scale rural offices or other small scale rural development being exempt – Para 88), then it must ensure there is no room for misinterpretation. By this we mean references to ‘small-scale’ proposals must be defined / quantified (for example, proposals for less than 180 sqm).
TCE6 Locally Set Impact Assessment

Question 14 - Does Policy TCE6 accord with the advice at paragraph 89 of the Framework regarding impact assessments?

Question 15 - What is the justification for a locally set impact thresholds and the specific thresholds proposed? What is the reasoning behind the different thresholds in the different towns? What harm is referred to in the final paragraph of the policy?

18. We support the introduction of locally set impact thresholds in the Borough not least because owing to the vulnerability of Kettering Town Centre (and presumably that of other allocated centres in the Borough), development of less than 2,500 sqm (the nationally set threshold) have the potential to have a significant adverse impact of its vitality and viability. It is thus entirely appropriate to set a locally defined threshold.

19. We would be more than willing to work with the Council to provide further justification for such thresholds should this be required.

Heather Arnell
Williams Gallagher
On behalf of P R Kettering Ltd (c/o Ellandi LLP)
9 September 2020