

PLANNING, REGENERATION + INFRASTRUCTURE

GREATER NOTTINGHAM STRATEGIC PLAN EXAMINATION

RESPONSE TO COUNCIL NOTE ON STRATEGIC DISTRIBUTION

Prepared on behalf of
Richborough Commercial
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This document has been prepared and checked in accordance with the Lambert Smith Hampton Quality Assurance procedures and authorised for release.

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1.0 MATTER 2 – SUSTAINABLE GROWTH

1.1 Overview

- 1.1.1 These representations are submitted on behalf of Richborough Commercial in response to the proposed Main Modification to Policy 5 concerning strategic distribution and logistics development.
- 1.1.2 Whilst the modification appears intended to address concerns regarding the Plan's failure to identify sufficient land to meet strategic logistics and distribution needs, it does not resolve the underlying issues identified through the Regulation 19 consultation and examination process. Instead, it introduces a series of criteria that are unsupported by evidence, internally inconsistent and unlikely to provide an effective framework for bringing forward development to meet identified needs.
- 1.1.3 In our view, the proposed modification is not positively prepared, justified, effective or consistent with national policy and therefore fails the tests of soundness set out in paragraph 35 of the NPPF (2023).
- 1.1.4 As a minimum, Policy 5 should be amended to identify the total employment land need for strategic distribution floorspace across the study area at part (f), together with the equivalent need for industrial and warehouse space at part (d). It should also clearly state the residual need for part (f) that will not be met within the study area, or through the Plan, and explain why that residual need remains. The Main Modification does not address this issue.

1.2 Failure to Address the Underlying Soundness Issue

- 1.2.1 The principal issue arising from the Regulation 19 consultation and the Matter 2 hearing session has been the failure of the Plan to identify sufficient land to meet identified strategic logistics and distribution requirements. The proposed modification seeks to introduce a criteria-based approach which appears intended to address this deficiency.

- 1.2.2 However, a criteria-based policy can only be effective where there is a clear understanding of:
- the level of identified need;
 - the extent of unmet need;
 - the contribution made by allocations, permissions and completions; and
 - the residual requirement to be addressed through the policy framework of the proposed plan.
- 1.2.3 The hearing sessions demonstrated that the Councils have not established these fundamental matters with any degree of certainty. Consequently, the proposed criteria-based policy lacks the evidential basis necessary to justify its introduction.
- 1.2.4 It is also disappointing that such a significant policy amendment was first suggested during the afternoon break of the Matter 2 hearing session on Sustainable Growth and then prepared during the hearing adjournment, despite the issues having been raised through Regulation 19 representations in March 2025 and examination submissions over an extended period. The modification should have been subject to fuller consideration and consultation, followed by discussion during the hearing process.
- 1.2.5 The proposed modification introduces notable inconsistencies within Policy 5. Most significantly, the Main Modification seeks to remove the reference in Policy 5(1)(a) to the “utilisation of rail accessibility for Storage & Distribution where feasible”. This is surprising for two reasons. Firstly, rail accessibility was previously identified by the Councils as an important consideration within the site selection process and formed part of the justification for selecting the strategic allocations ahead of other candidate sites. Secondly, rail freight is re-introduced within the proposed criteria, despite evidence being presented through the Regulation 19 representations, the MIQs and the hearing session that the Council’s inclusion of rail freight within the site selection process was misguided and unnecessary. It’s inclusion as a criterion in a windfall policy is therefore not justified.
- 1.2.6 The proposed deletion therefore draws attention once again to the site selection process. It undermines that part of the rationale used to support the allocation strategy and raises further questions regarding the robustness of the site selection exercise. In our view, this

further supports the need for the site selection process to be revisited and for the emphasis on rail freight to be removed from the methodology.

1.3 The Proposed 25 Hectare Threshold

- 1.3.1 The proposed requirement that additional strategic distribution proposals comprise sites of 25 hectares or more is unsupported by the evidence base.
- 1.3.2 Whilst the Logistics Study refers to sites of at least 25 hectares and ideally 50 hectares (paragraph 10.11), it also recognises that smaller sites contribute to meeting warehousing and logistics needs. Several elements of the Councils' committed future supply are below the proposed threshold. Furthermore, as explained through the MIQ response and hearing session, smaller sites are capable of delivering units of approximately 9,300 sqm and can make a meaningful contribution towards meeting identified need. They can also often be brought forward without the need for substantial additional infrastructure, meaning they may therefore be available sooner and delivered quicker to respond to market demand.
- 1.3.3 Expressing the 9,300 sqm floorspace threshold as a site area requires an assumed plot ratio. A 40% plot ratio is often applied in employment land assessments and is derived from the research into plot ratios set out in Annex D of the Government's Employment Land Review Guidance Note 2004. On that basis, 9,300 sqm of floorspace converts to a threshold site area of approximately 2.3 hectares.
- 1.3.4 Given the acknowledged difficulty in identifying sufficient sites of over 25 hectares within the study area, the introduction of a blanket threshold appears arbitrary and risks excluding otherwise suitable and sustainable opportunities capable of assisting in addressing the identified shortfall. Again, this is an issue already raised in relation to the Councils site selection process and identified as a barrier to allocating further sites. To introduce the same threshold within a criteria-based policy has no support in the evidence base.

1.4 Ambiguity of the Proposed Criteria

- 1.4.1 A number of the proposed criteria are ambiguous and provide insufficient certainty for decision-makers.

- 1.4.2 Criterion (i) requires proposals to demonstrate a “clear unmet need” and make a “significant contribution” towards meeting that need. Neither phrase is defined. The plan preparation and examination process has already established the existence of unmet need, and this has effectively been acknowledged by the Councils. There is no explanation as to how a “clear unmet need” differs from unmet need, nor any indication of how a “significant contribution” would be measured.
- 1.4.3 Similarly, Criterion (ii) requires suitable access to the strategic transport network and, “where possible”, rail freight infrastructure. This wording is unclear and inconsistent with the proposed deletion of rail accessibility requirements elsewhere in the policy. The Logistics Study itself places significant emphasis on strategic highway accessibility and did not identify rail-served sites as a fundamental requirement within the study area. The policy therefore provides no clear basis upon which compliance could be assessed.
- 1.4.4 Criterion (iii), requiring a site to be highly accessible to the labour force by a choice of transport modes, suffers from similar shortcomings. No standards are provided in relation to travel times, public transport accessibility or active travel provision. These are matters routinely assessed through the planning application process and the criterion adds little meaningful policy guidance.
- 1.4.5 Criterion (iv), requiring adverse impacts to be made acceptable, is similarly vague. The policy does not identify what impacts should be considered most important, how significance should be assessed or what level of mitigation would be required. As drafted, the criterion provides limited assistance to applicants or decision-makers.

1.5 Spatial Strategy and Sustainable Location Requirements

- 1.5.1 Criterion (v) requires proposals to be located within a sustainable location and be consistent with the overall spatial strategy.
- 1.5.2 These requirements largely duplicate existing provisions within national and local planning policy. Policy 14: Managing Travel Demand of the Submission Draft Local Plan emphasises the need for new development to be located in the most accessible locations, in

combination with the delivery of sustainable transport networks. Criterion 2 of that policy also requires strategic distribution development to have the potential for a rail freight connection, which creates further inconsistency and conflict with the Council's proposed Main Modification to Policy 5.

- 1.5.3 Paragraph 116 of the NPPF (December 2023) seeks to support sustainable transport, which will “allow for the efficient delivery of goods, and access by service and emergency vehicles”. We consider both rail and road freight connections would support this aim. The overarching theme evident within the NPPF is a ‘presumption in favour of sustainable development’. Paragraph 8 of the NPPF (December 2023) states that the overarching sustainability objectives: economic, social and environmental, “need to be pursued in mutually supportive ways”.
- 1.5.4 Furthermore, paragraph 87 of the NPPF (2023) emphasises the need to recognise and address the specific locational requirements of different sectors, including logistics, making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. This is a qualitative as well as quantitative exercise. It is not sufficient for the Plan to demonstrate a numerical balance between supply and need if the sites identified are not aligned with market requirements. In particular, sites intended for strategic distribution must be appropriately located in relation to the strategic highway network, labour markets and key distribution corridors, and capable of accommodating modern operational requirements in terms of scale, configuration and specification.
- 1.5.5 The requirement for proposals to be consistent with the overall spatial strategy fails to address the key issue identified through the examination process: namely that the current spatial strategy has not succeeded in identifying sufficient provision to meet strategic logistics needs.
- 1.5.6 If suitable sites cannot be identified through the application of the current spatial strategy, this suggests that in addition to the shortcomings within the site selection methodology identified above and in our Reg 19 representation, the strategy itself fails to meet identified needs. In those circumstances, it is neither justified nor effective to require future sites to conform rigidly to a strategy that is demonstrably unsound.

1.6 Consistency with National Policy

- 1.6.1 Whilst the examination is being conducted against the provisions of the December 2023 NPPF, planning applications brought forward following adoption will be determined against the current NPPF 2024 and any future successor documents. The proposed modification therefore needs to be considered in that wider decision-making context.
- 1.6.2 The current national policy framework places considerable emphasis on meeting development needs, supporting economic growth and addressing unmet requirements. The introduction of Grey Belt policy in 2024 and the wider direction of national policy emphasise the importance of ensuring that plans provide effective mechanisms for accommodating development where needs are not otherwise being met, which moves away from the 2023 NPPF that provided greater flexibility for LPAs to rely on criteria-based policies. The proposed Main Modification is unlikely to remain effective in this context and risks no longer being in conformity with national policy, and therefore becoming redundant in decision-making, once adopted.
- 1.6.3 In the absence of a sufficient supply of sites to meet strategic distribution needs, there is a significant risk that the Plan will fail to respond effectively to market demand. This would directly undermine the effectiveness of the strategy, as well as its consistency with national policy, particularly in relation to supporting economic growth and meeting the needs of the logistics sector (paragraph's 85-87 of the NPPF 2024).

1.7 Conclusion

- 1.7.1 For the reasons set out above, the proposed Main Modification does not resolve the underlying deficiencies in the Plan's approach to strategic logistics and distribution development. The modification introduces criteria that are unsupported by evidence, internally inconsistent, ambiguous or duplicative of existing policy requirements. It does not provide a robust or effective mechanism for addressing identified unmet need and fails to adequately reflect the realities of the strategic logistics market.

- 1.7.2 Accordingly, it is considered that the proposed Main Modification fails each of the four tests of soundness. It is not positively prepared, is not justified, is not effective and is not consistent with national policy.
- 1.7.3 The Inspectors are therefore respectfully requested to reject the proposed modification in its current form and require the Councils to undertake further work to establish an appropriate, evidence-based mechanism for addressing strategic logistics and distribution needs across the plan area.
- 1.7.4 The first step should be to revisit the site selection methodology and spatial strategy to determine whether additional sites can be identified and allocated to meet logistics and distribution needs. Only once that exercise has been fully explored, and if a residual need remains, should consideration be given to an NPPF-compliant criteria-based policy.