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Planning. Design. Economics.

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Date 12 October 2011
Our ref 30245/02/JF/RD/1935010v1
Your ref

Dear Patrick

Core Strategy - Additional Evidence Base on Retail and Town Centre Matters

Thank you for your letter dated 22 September 2011. We thought it would be helpful to provide a response ahead of our meeting on 13th October at your offices.

First and foremost we must impress upon the Council that the owners wish to invest in South Gloucestershire and play an active part in helping to deliver transformational change and create new jobs and wealth in the Cribbs/Patchway area. The current policy position doesn't provide a basis on which to plan for such investment hence the owners' participation in the Core Strategy process.

As you know, the concerns of the owners in relation to the Core Strategy and the inadequacy of the evidence base were first outlined in our representations to the Proposed Submission Draft in August 2010. Now, fourteen months on, we still don't have an agreed position with the Council or enough clarity about the timetable or process by which these matters will be resolved.

We hope that a clear route forward will be identified at our meeting but irrespective of the position we find ourselves in on policy CS14 and CS26, significant doubts remain about whether the Core Strategy will proceed to EIP in the timescales currently anticipated. The on-going delay and uncertainty is now hindering major investment coming forward in a timely fashion and this is a cause for concern to the owners.

Since we submitted the representations in August last year, we have engaged with your colleagues at some length in respect of the following:

- 1 The question of the quantum of retail floorspace and other growth at The Mall and Cribbs Causeway more generally (i.e. principally in relation to Draft Policy CS14);
- 2 The 'masterplanning' of the Cribbs/Patchway area and the role of The Mall and Cribbs Causeway in that process, including a potential future role as a 'town centre' (i.e. in relation to Draft Policy CS26).



Your letter suggests that these, as well as the distribution of floorspace are separate issues in planning terms but we disagree. The delivery of the required infrastructure and non-value generating uses (such as some community uses) that is sought by the Council to create the new neighbourhood is dependent on the generation of value from commercial development. The level of commercial growth that can be supported at The Mall and the role that The Mall can play in the masterplanning of the wider area are inextricably linked. Furthermore it is of fundamental importance to the owners that there is a viable development proposition that relates to the requirements of existing and prospective tenants which in turn reflect the needs of the shoppers they serve. Without a viable proposition, investment and the creation of a new neighbourhood will not occur in a planned fashion with a new town centre as its heart.

In terms of the distribution of floorspace, we note that your letter suggests this will be clarified in the post Submission changes to the Core Strategy. However, this does not address our more fundamental concerns about the future role of The Mall, the quantum of floorspace that should be provided there and how this is reflected in the policy framework.

With these matters in mind, we comment below on the particular issues you raise in your letter.

The Role of The Mall and Cribbs Causeway

Your letter makes a distinction between 'local needs' which are described as being those arising from within South Gloucestershire's administrative boundary and regional/sub-regional needs which are described as being for 'higher order comparison goods.'

The owners are concerned about the validity of this distinction for several reasons:

- The South Gloucestershire District boundary is an administrative one and is essentially arbitrary when considering retail need and how that need should be met;
- It is not the case that needs arising from within the catchment area are necessarily 'local', or that it is 'local' shopping facilities that are required to meet that need and if this is the Council's view it suggests a misunderstanding of the role of The Mall. For example, the needs arising from the local catchment area may be for higher order comparison goods or for everyday comparison goods and The Mall serves the needs of both.
- The Town Centre and Retail Study from April 2010 identified a strategic deficiency in the network of centres and suggested that this can only be filled by growth at Cribbs Causeway (see paragraph 7.18 of RTP). This analysis informed the recommendation that 30% of the identified capacity be assigned to the Cribbs Causeway area (based only on an analysis of local area expenditure in South Gloucestershire) yet this was not embraced within the draft Core Strategy.

Your letter acknowledges that the evidence base originally prepared by RTP ignores the wider role that The Mall and Cribbs Causeway plays in the retail hierarchy beyond the administrative boundary and therefore fails to plan properly for its future role. This renders the Strategy unsound as it is currently drafted.

As you know, NLP has undertaken further work to fill the gap in the evidence base relating to The Mall and Cribbs Causeway. That work, submitted to the Council in December 2010, concluded that 50,000 sqm net of additional retail floorspace should be allocated to The Mall. In response, Hollis



Vincent produced a review on the Council's behalf. That review was clear in its conclusions: that South Gloucestershire should provide recognition of the unique role performed by The Mall (perhaps by designation as a town centre), and should provide guidance on the quantum of floorspace that should be provided. The Holliss Vincent review suggested a range of 30,000 – 40,000 sqm to 2026. Whilst we welcomed the fact that the concerns we had raised over the soundness of the Strategy had been acknowledged in their evidence base report we provided a further response as the quantum recommended by Hollis Vincent were not justified from their own analysis and should have been higher.

We note that the Council now considers that further work is necessary before a decision can be made about whether further floorspace can be supported over and above that required to meet 'local needs'. We acknowledge that the Council has a Duty to Cooperate and paragraph 46 of the draft NPPF contains pertinent policy guidance which the Council wishes to respond to. In terms of the technical work the only additional requirement this places on the Council is to extend the capacity work that has already been undertaken recently in order to test cross-boundary impacts.

It is of some considerable concern therefore that some 9 months after the submission of our additional evidence base work, the receipt of advice from Hollis Vincent only a few months ago and the very short timescales now faced ahead of the revisions to the Core Strategy in December 2011 that the Council intends to commission a whole new piece of work examining both capacity and impact.

Your letter suggests that the outcome of the impact work will inform whether the Council considers it can or should support further floorspace at The Mall beyond 'local needs'. This is a cause for much concern amongst the owners as it suggests the Council may not support growth in the future. This appears to cut right across the upto date evidence base that has been prepared to date on behalf of the Council and the progress that we thought we had made to date on these issues with you. We trust that the Council is not contemplating the possibility of such a scenario as this will strike at the heart of Core Strategy proposals for this area and undermine them.

It is not clear from your letter whether this work can be or is intended to be concluded before the publication of the revisions to the Core Strategy in December or indeed the EIP. Much is made in your letter about Duty to Cooperate and we would expect therefore that the results of this work would be included in the December revisions in order that all interested parties are able to comment in the usual way. Your letter doesn't explain how you intend to liaise with other neighbouring authorities or indeed with stakeholders such as ourselves. We would like to discuss this further at our meeting.

The owners consider that without a proper policy framework for the future role of The Mall, as recommended by NLP and the Council's own consultants RTP/Holliss Vincent, the Core Strategy policies will not reflect the evidence base and so will not be found sound.

We have been at pains to seek an agreed position in order that we can then remove our objections and support the Council at EIP. If as now seems increasingly likely, we cannot reach such an agreement we must protect our position in every way possible and pursue our objections.



Location of the 'Town Centre'

We were very surprised to note in your letter that a new 'town centre' could be provided in a number of ways. This is directly at odds with the supporting text to draft Policy CS26 and paragraph 12.18 which clearly confirms the Council's ambition for a town centre at The Mall/Cribbs Causeway. It is on this basis that we have embarked on a masterplan exercise working closely with your colleagues to show how this might take shape. We hope you appreciate our concern at reading this comment when the Council's position has been set out clearly since 2010.

The Mall at Cribbs Causeway is a location with a critical mass of retail and other activity, supports a range of uses including leisure activities and also has an existing bus station providing public transport connections. It is already a focal point of the surrounding area and the activities of The Mall are deeply embedded in the local communities that it serves. This view is shared by RTP in the Town centres and Retail Study paragraph 7.93 which states:

"Cribbs Provides an opportunity to accommodate a large proportion of the identified floorspace need in South Gloucestershire. The configuration of The Mall, surrounding car parking and the retail warehouses all provide options to enable the creation of a town centre which is supported by a public transport system and improved linkages between existing office and residential areas a new proposed areas of housing growth."

With all of this in mind, the viability and deliverability of locating a town centre elsewhere in the Cribbs/Patchway area is seriously questioned and would make no planning sense whatsoever.

Other implications arising from the draft NPPF

As we refer to above, your letter refers to the duty to cooperate as outlined in the draft NPPF – and the implications of this for planned growth at The Mall/Cribbs Causeway which could have impacts on centres outside your administrative boundaries. We have commented on the implications for the technical work that is required and our concerns over timescales above.

The requirements relating to the duty to cooperate are one part of the guidance in the draft NPPF. The document as a whole sets out the Government's agenda for a proactive, responsive and positive planning system. As you will be aware, NLP made representations on the owners behalf on the implications of the NPPF for the Core Strategy (our letter is appended).

The NPPF Core Planning principles make it very clear that local planning authorities should create a positive long term vision for the area, and one which takes account of the needs of residential and business communities. In terms of plan making, the NPPF states that these should be prepared on the basis of objectively assessed needs being met – it is of significant concern to the owners of The Mall that the approach suggested by South Gloucestershire appears to be one seemingly dominated by a desire to control rather than plan positively to create jobs and wealth to provide a new future for this part of the Northern Fringe.

We are seeking reassurance from the Council that it is committed to planning positively for the future of The Mall and the wider Cribbs Causeway in order that this important asset can continue to fulfil its role both in South Gloucestershire and in the wider sub-region.



We do acknowledge and appreciate the constructive approach that is being taken by the Council in respect of the John Lewis and Dorothy Perkins extension proposals and seek reassurance that the more strategic matters will also be dealt with in a constructive and positive fashion.

Taking Matters Forward

The owners remain very concerned about the soundness of the plan. It appears that there is much work to be done and the timescales for achieving this along with the required consultation are challenging. It is not clear that this can be achieved before the EiP.

The owners consider that consultation on changes to the Core Strategy arising out of the additional evidence base work being commissioned should be incorporated into the December consultation on proposed changes, or that a clear alternative plan of action should be identified as a matter of urgency which provides the owners with reassurance that there is a prospect of reaching an agreed position before the EiP, and that the requirements in respect of consultation and the Duty to Cooperate can be met.

In summary, the owners retain serious doubts over the soundness the Core Strategy and remain concerned about the Council's response to this and whether a positive policy framework will be achieved in the Core Strategy.

The Mall and Cribbs Causeway are of considerable importance to the local and regional economy and we have prepared economic impact studies to show just how significant this is. Its existing role is recognised in the Core Strategy and it is an entirely reasonable expectation in planning terms that it continues to perform this role. With real growth in consumer expenditure in the catchment area this means it must grow and in doing so it can play a full part in driving forward transformational change in the Cribbs/Patchway area.

If the certainty needed is not provided by the policy framework, the owners will consider other ways in which this can be achieved to allow them to bring forward much needed investment.

We look forward to meeting with you on Thursday of this week, where we can discuss these issues in more detail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ruth Diggle'.

Ruth Diggle
Senior Associate Director

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