



Matter 1 (Legal Compliance /Procedural Matters) - Question 2

Representation number 3913217

NLP on behalf of Cribbs Mall Nominee (1) Ltd and Cribbs Mall Nominee
(2) Ltd and J T Baylis

(2) Is the Core Strategy (CS) in general conformity with the National Planning Policy Framework (the Planning Framework) or, if not, is it possible to introduce modifications without detracting from the Council's overall strategy for South Gloucestershire?

1.1 The answer to this question is structured in terms of:

- 1 The Core Strategy as submitted in March 2011
- 2 The Core Strategy Post Submission Changes December 2011

Core Strategy as Submitted March 2011 (incorporating Proposed Changes December 2010)

Overall Structure and Approach

1.2 The Core Strategy is not explicitly based on the presumption in favour of sustainable development, which is a requirement of Local Plans under the new NPPF. However, this is not surprising given the document was issued in advance of the publication of the NPPF. That said, the structure of the Core Strategy lends itself to such an approach, given its six key themes: Responding to Climate Change and High Quality Design, Managing Future Development, Tackling Congestion and Improving Accessibility, Managing the Environment and Heritage, Maintaining Economic Prosperity and Providing Housing and Community Infrastructure – these themes mirror the three dimensions of sustainable development set out in paragraph 7 of the NPPF. In general terms, therefore, it should be possible to introduce modifications to make it clear that the Core Strategy is based on the presumption in favour of sustainable development without undermining the overall structure of and approach the Council has taken to its Core Strategy.

Strategy and Policies

1.3 The strategies contained within the Core Strategy for growth and development (i.e. for housing growth, meeting retail needs etc) need separate consideration in respect of whether they conform to the NPPF.

- 1.4 Turning to those more detailed policies, the comments in these written submissions are restricted to those key policies that the owners of The Mall are concerned with: primarily policy CS14 and Policy CS26.

Identifying and meeting development and business needs

- 1.5 The key parts of the NPPF that should be considered in the context of whether these policies conform are (and this is not an exhaustive list):
- 1 The presumption in favour of sustainable development – i.e. that all development that is sustainable should go ahead without delay (Para. 15).
 - 2 This presumption in favour is a “golden thread” running through plan making and decision taking. Paragraph 14 confirms that for plan making, this means (a) that LPAs should “positively seek opportunities” to meet the development needs of their areas and (b) that Local Plans should meet objectively assessed need, unless the adverse impacts of doing so would “*significantly and demonstrably outweigh the benefits.*”
 - 3 Paragraph 17 bullet 3 – which confirms that planning should “*Proactively drive and support sustainable economic development... Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...*”
 - 4 Paragraph 19 – The planning system should do “everything it can” to support sustainable economic growth and “significant weight” should be placed on the need to support economic growth.
 - 5 Paragraph 20 – that LPAs should plan “pro-actively” to meet the development needs of business.
 - 6 Paragraph 23 bullet 6: which states that it is important that retail needs are met in full and are not compromised by limited site availability.
 - 7 In terms of plan making, that LPAs should set strategic policies for the provision of, inter alia, retail development and should “*plan positively*” for the development and infrastructure required in the area (paragraph 157 bullet 1). In the light of this, LPAs should use its evidence base to assess the need for land and floorspace for all types of development
- 1.6 The overall message running through the NPPF is that the presumption in favour of sustainable development must be followed. Local Plans should be aspirational but realistic (paragraph 154) and should objectively identify needs and then plan to meet those needs, with flexibility to adapt to change, unless “any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits” (paragraph 14). The onus is on the Council to proactively drive sustainable economic growth, if the plan is to conform with the NPPF and so be found to be “sound.”

- 1.7 Policy CS14 of the submission version of the Core Strategy fails to do this in that it does not seek to meet the need for additional retail floorspace as identified by the evidence base. Our representations to the March 2010 Core Strategy and the December 2010 Proposed Changes explain the reasons why we consider this to be the case, and so we do not repeat those submissions here. The Council has subsequently proposed Post Submission changes that address this deficiency (and thus make the strategy sound and bring it into line with the NPPF), and we comment further on this below.
- 1.8 In respect of Policy CS26, we do not consider that the policy as drafted in March 2010 and as proposed to be changed in December 2010 reflect the needs identified in the evidence base, again for the reasons set out in representations already submitted which we do not repeat in full here.
- 1.9 In short, the submission version does not provide sufficient clarity on the future role of Cribbs Causeway generally and The Mall specifically, and neither responds to the requirement to identify and meet the needs of business, or to explore the ways in which business and more specifically retail development in this area can contribute to the creation of a sustainable community. The submission version is therefore not in conformity with the NPPF.
- 1.10 The Council has published Post Submission Changes in December 2011, including amendments to policies CS14 and CS26, and we now give our response to the Inspector’s Question in respect of this version of the CS, and specifically we comment on the extent to which the Post Submission changes bring the Core Strategy into line with the NPPF.

Core Strategy incorporating Post Submission Changes – December 2011

Overall Structure and Approach

- 1.11 Our comments in respect of the overall approach taken in the CS are as per paragraph 1.3 above.

Strategy and Policies

- 1.12 Taking each key policy in turn, we deal with CS14 first. Policy CS14 has been amended, following on from the production of additional evidence base work, explicitly to identify and then meet objectively assessed retail need. This provides much greater certainty for landowners and other investors and provides clarity over the future role of The Mall, something which the owners have sought throughout the passage of the Core Strategy. This amended version of the policy is in general conformity with the NPPF, particularly with respect to the aspects of the NPPF highlighted earlier in this statement,

relating to doing “everything it can” to support sustainable economic growth, making “every effort” to identify and meet the needs of business, and planning positively for sustainable development.

- 1.13 In respect of Policy CS26, we consider that this requires some limited amendments in order to for it to conform to the NPPF (see Matter 3 and previous representations on behalf of the owners, most specifically the need for this policy to demonstrate how retail needs are being met).
- 1.14 By failing to provide clarity on the provision of retail development, the policy does not demonstrate how it will meet the needs of business that have been identified. It is acknowledged that it is not necessary for the Core Strategy to set this out in detail (that will be for the SPD) but the broad parameters should be clarified in order to provide certainty. This is necessary to ensure the plan complies with the tests of soundness set out in paragraph 182 of the NPPF, and specifically that it is effective i.e. deliverable.
- 1.15 The owners representations to Post Submission Changes to Policy CS26 in February 2012 were submitted prior to the publication of the NPPF. However, by adopting the changes suggested in those representations, Policy CS26 would generally conform to it. This is because the changes would ensure that the points raised in 1.14 are dealt with.