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Our ref 30245/02/JF/HP/4523691v2
Your ref Respondent ID: 3913217

Dear Sir/Madam

Consultation on the Inspector's Further Main Modifications to the South Gloucestershire Core Strategy

We write in respect of the above consultation on the Inspector's Further Main Modifications to the Core Strategy and understand that these comments are to be passed to the Inspector for consideration before finalising his report during May 2013.

We write on behalf of the joint owners of The Mall: Cribbs Mall Nominee (1) and Cribbs Mall Nominee (2) Ltd and JT Baylis. The joint owners comprise Capital Shopping Centres (CSC) (now renamed Intu Properties plc), Prudential Assurance Company Limited and J T Baylis. The joint owners each have other assets in the Cribbs Causeway area and it should be noted that these representations relate to the joint ownership interest at The Mall only.

Our representations deal with the following documents:

- 1 Inspector's Further Main Modifications (March 2013)
- 2 SGC Further Additional Modifications (March 2013)
- 3 SGC Sustainability Appraisal Report (March 2013)

The joint owners agree in principle that the plan is capable of being made sound providing a number of modifications are made. However, before we consider the Inspector's Further Main Modifications, we would like to express our concern that our previous representations to the Draft Main Modifications (MOD4, Respondent No. 3913217, 15 Nov 2012) have not been taken into account. Unlike the Inspector's Draft Main Modifications, the 'alternative' put forward in our previous representations is sound as it provides for objectively assessed development needs and infrastructure requirements to deliver the Council's Vision for the CPNN (Policy CS26 and EiP Library Refs: EB32, EB63, EB65, EB22/2 and PMS13). The Council also promoted the 'alternative' position in their own representations to the Draft Main Modifications (16 November 2012, ref: PCD6/postexamination).



We stand by this position. The Inspector's Further Main Modifications do not reflect this alternative, instead move further away from it, and therefore it is our opinion that the Inspector's Further Main Modifications are fundamentally flawed and do not meet the tests of soundness as set out in paragraph 182 of the NPPF. The modifications render the plan unsound and vulnerable to challenge. We urge the Inspector to reconsider our "alternative" in these circumstances.

Having set out this fundamental position, we set out below our comments on the proposed Further Main Modifications only, as requested.

Main Mod Ref No. MM14 (Policy CS14 and supporting text)

The joint owners **object** to the policy as set out in Appendix C of the Inspector's Further Main Modifications published in March 2013.

The policy as worded in the Draft Main Modifications (October 2012) does not positively plan for the evidenced retail need in the sustainable locations and therefore risks unplanned, speculative out-of-centre provision coming forward. The Council may well find this difficult to resist given the clear and uncontroversial evidence on need to 2026 and, if so, this would result in significant planning harm. This risk would be especially high prior to the Policies, Sites and Places DPD being adopted (not due for adoption until late 2015 at the earliest) but by no means would it be eliminated after adoption of that DPD, as it is clear from the evidence, that DPD will not be able to provide for a large proportion of the need in the town and district centres.

The Further Main Modifications (March 2013) states that additional provision will be delivered through this DPD or a replacement Local Plan (para. 9.26, 9.28 and 9.30). The new reference to a 'replacement Local Plan' creates even more uncertainty on the timescales under which, and by what mechanism, this policy will be delivered and developed further (para. 9.30). This continues to fly in the face of policy objectives in Policy CS26 and the work being undertaken on the CPNN SPD to deliver the vision of well planned transformational change at the CPNN. The policy as currently worded provides no certainty whatsoever over the distribution of floorspace therefore encouraging speculative unplanned disparate out of centre development coming forward. The uncertainty over the timescales in which this position will be clarified will prevent new development and infrastructure coming forward to start the transformational change of the northern part of the CPNN, delaying much needed investment and the creation of much needed new jobs.

Paragraph 9.30 of the Further Main Modifications states that "..., any additional retail floorspace provision in out-of-centre locations will be **considered** against national policy guidance in the NPPF having regard for the sequential approach and retail impact tests" (our emphasis). If the Inspector decides to include this modification in his final report, we request that the word 'considered' is replaced with the word 'assessed' to remove any ambiguity on this matter. This is without prejudice to our contention that the policy as proposed is fundamentally unsound.

Main Mod Ref No. MM22 (Policy CS26)

The joint owners **object** to the policy as set out in Appendix F of the Inspector's Draft Main Modifications (October 2012), which now includes the deletion of para. 9.12 as set out in the Inspector's Further Main Modifications (March 2013).



The Inspector's reason for the deletion is that this paragraph is "*Premature in reflecting Council's longer term ambitions to re-designate CC/Mall as a town centre*". We strongly object to this. It is short sighted given the plan period runs to 2026 and results in the plan being very 'negatively prepared' and therefore unsound.

The Council's vision for the CPNN and The Mall/Cribbs Causeway is clearly set out in evidence submitted to the EIP (EIP Library Refs: EB32, EB63, EB65, EB22/2 and PMS13). Paragraph 12.19 provides a factual and evidenced account of the current position at Cribbs Causeway in terms of the physical and spatial legacy, traffic dominated movement patterns and how the Council positively plan to address these matters. We therefore request this paragraph is reinstated. Whilst we do not agree that reference to the ambitious and forward thinking vision of SGC to transform The Mall/Cribbs Causeway into a town centre is in anyway premature (Policy CS14 does not allow for this as part of this Core Strategy), such a concern could easily be addressed by removing the reference to 'a town centre' at the end of the paragraph, instead of deleting the paragraph in its entirety, which is wholly unnecessary. We therefore suggest the paragraph reads as follows, if considered necessary:

"12.19 Development at Cribbs Causeway will address the poor physical and spatial legacy of out of town retailing and large scale warehousing in the area, in particular the traffic dominated movement patterns, isolated land parcels, lack of diversity of use, and the lack of legibility and cohesion to space and built form. The objectives within the area are to provide a focus of development on new sites and through the redevelopment of existing sites that reinforces cohesion and provides activity to street and spaces, to promote pedestrian and cycle movement around and through the area, and achieves within the area a balanced mix of uses, spaces and built form, commensurate with a town centre."

The NPPF (para. 14) clearly states at the heart of the NPPF is a presumption in favour of sustainable development which for plan making means that local planning authorities should positively seek opportunities to meet the development needs of their area. SGC is seeking to do exactly that in relation to meeting retail need through new development in the district. The deletion of reference to the transformational change of Cribbs Causeway to deliver this need and improve the environment in the CPNN is in direct conflict with the 'positively prepared' (it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements), 'justified' (it is the most appropriate strategy), 'effective' (it is deliverable over the plan period) and 'consistent with the NPPF' (it would enable the delivery of sustainable development) tests of soundness. It is therefore unsound.

SGC Sustainability Appraisal (SA) Report (March 2013)

No SA assessment has been carried out in relation to further main modification MM14 (Policy CS14) and MM22 (Policy CS26). In respect of MM14, this is apparently due to the modification being for clarification only. The modification (additional reference to 'replacement Local Plan') is considered to not alter the principles of the policy and therefore does not impact on sustainability objectives. No reason is given for not assessing MM22. We assume this decision has been made for the same reason.



The objections made in relation to the October 2012 SA, including our own preliminary assessment of the 'alternative' position are still relevant and set out our position on this matter. For the reasons given in the opening paragraphs of this letter, the sustainability of the policy as amended by the Further Main Modifications is plainly further diminished.

Conclusion

The Draft Main Modifications (November 2012) and Further Main Modifications (March 2013) are fundamentally flawed and do not meet the tests of soundness as set out in paragraph 182 of the NPPF. These modifications would give rise to serious ramifications for the future planning of the SGC area, render the plan unsound and vulnerable to challenge.

Yours faithfully

**Hayley Phipps**

Associate Director

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|-----|-----------|---|------------------------|
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