

# Pre-Hearing Briefing

## Bristol Alliance Limited Partnership

### Policies, Sites and Places Plan Examination

February 2017

#### Introduction

1. This Briefing Note sets out additional written representations in connection with the South Gloucestershire Council Policies, Sites and Places Plan ('PSP Plan'). It has been prepared by Turley on behalf of the Bristol Alliance Limited Partnership.

#### Previous Representations

2. Turley made representations to the Policies, Sites and Places Plan Proposed Submission consultation on behalf of the Bristol Alliance Limited Partnership in September 2016 (PS/82/1).
3. We are pleased to note that South Gloucestershire Council has accepted our comments in relation to emerging Policy PSP31 'Town Centre Uses' within its Suggested Modifications Policies, Sites and Places Plan (November 2016).
4. Following the publication of the Suggested Modifications, we made further representations in January 2017 in response to the obvious discrepancy between the modifications set out at SM36 of document OS1 (modification of the wording of paragraph 7.65) and the text at Paragraph 7.65 of document OS1a.
5. To ensure consistency with Core Strategy Policy CS14 (and between Document OS1 and OS1a), we suggested that reference to The Mall should be included within the text at Paragraph 7.65 of document OS1a.
6. Subject to receiving clarification regarding the above, we confirmed that our client no longer intended to appear at the Hearing Session in relation to emerging Policy PSP31 scheduled for 22 February 2017.
7. We understand that the Council intends to clarify at the forthcoming Hearing Sessions that the June 2016 Policies, Sites and Places Plan, Policy PSP31 (as submitted) contained an error at Paragraph 7.65, in that it did not list "Cribbs Causeway/Mall".
8. The Council confirmed that Suggested Modification SM36, as set out in OS1, is the intended form of wording and that the error in drafting is unfortunately also present in OS1a. The Council has communicated to us that this issue has been raised as a discussion point by the Inspector appointed to examine the PSP Plan.

9. On the basis that it has been confirmed that the Council's view is in line with our representations submitted on 12 January 2017 and that the PSP is proposed to be modified accordingly, our client's position is as stated previously: we will not be attending the Hearing Session scheduled for 22 February 2017.
10. It has since been brought to our attention that NLP, acting on behalf of Cribbs Mall Nominee (1) Ltd, Cribbs Mall Nominee (2) Ltd, Baylis Estates Ltd and John Baylis Ltd has objected to the modification and description of The Mall in the PSP Plan and raised further objections to the emerging policy.
11. This briefing note responds to NLP's Pre-Hearing Statement dated 13 January 2017, submitted on behalf of The Mall (PS/207/1 and 207).

### **Inspector's Issues and Questions – Response to Question 10 (b)**

12. Question 10 (b) of the Inspector's Issues and Questions asks:  
  
*“Likewise, having specific reference to the same evidence, is the Council's decision not to allocate sites to meet the identified need for additional retail floorspace beyond 2021 justified and consistent with national policy?”*
13. The NLP submission argues that the Council's decision not to allocate sites to meet the identified need for additional retail floorspace beyond 2021 is inconsistent with national policy and unjustified. NLP then deviates from the main point of the Inspector's question and recommends that all of the residual comparison floorspace capacity (identified for the period to 2026/7) should be directed to The Mall at Cribbs Causeway.
14. Allocating 18,000 sq. m. of comparison goods floorspace to an out-of-centre location would be in clear conflict with the Core Strategy. Policy CS14 is clear and unambiguous: town centre uses will, without exception, be directed into existing defined centres. This approach accords fully with the town centres' first principle embodied in the National Planning Policy Framework (NPPF).
15. The objective of Policy PSP31 is to detail how the identified retail need will be accommodated in town and district centres; its role is not to change the meaning of CS14 by allocating residual floorspace to out-of-centre locations. Planning policy in South Gloucestershire would be contradictory and internally inconsistent if the allocation proposed by NLP were confirmed.
16. Directing any floorspace to an out-of-centre location will be potentially harmful to established centres in the region and fail the sequential test. It would also allow The Mall, together with the surrounding retail parks at Cribbs Causeway, to eclipse Bristol City Centre and become the dominant retail and commercial destination in the region.
17. We have highlighted this critical issue on behalf of the Bristol Alliance in objections submitted to various applications for the expansion of out-of-centre retailing at Cribbs Causeway/The Mall. Allocating residual floorspace to this out-of-centre location at The Mall would transform the retail landscape and diminish the role of the City Centre, contrary to planning policy at all levels.
18. Contrary to the views expressed by NLP, we maintain that the capacity is best left unallocated and would be better directed to support the role of Bristol City Centre, in accordance with the town centres' first principle embodied in the NPPF.

### **Proposed Modification SM35**

19. With reference to proposed modification SM35, we are pleased to note that the Council has accepted our comments in relation to Policy PSP31, in that the proposed wording in OS1 removes the word 'primarily' from Provision 1 of the policy.
20. We disagree with NLP's assertion that there is no need to alter the wording of the policy. As stated in our previous representations, the deletion of the word 'primarily' ensures that the overall policy approach (of CS14 and PSP31) is consistent, unambiguous and in accordance with national planning guidance.

### **Proposed Modification SM36**

21. As previously stated, we are pleased to note that, with reference to proposed modification SM36 (document OS1), the Council has accepted our comments in relation to Policy PSP31 supporting text paragraph 7.65, and removed the reference to 'the retail parks'.
22. In its representations, NLP attempts to distinguish The Mall from other retail parks mentioned in Paragraph 7.65. The Mall is a Regional Shopping Centre occupying an out-of-centre location. In combination with adjacent retail parks and superstores, it functions as a major, cohesive out-of-centre shopping destination. The exclusion of The Mall from PSP31 paragraph 7.65 would make the status of this retail location potentially ambiguous. This is not the intention of Policy CS14.
23. We therefore consider that the proposed modifications to Paragraph 7.65 in OS1 as proposed by the Council are correct, and ensure that the overall policy context is consistent.
24. We welcome the Council's intention to clarify at the Hearing Session the error in document OS1a, which incorrectly omits The Mall from the reasoned justification at Paragraph 7.65.

### **Recommendations**

25. We disagree with NLP's response to the Question 10 (b) of the Inspector's Issues and Questions. The suggestion that all of the residual identified comparison floorspace capacity (to 2026/7) should be directed to an out-of-centre location at The Mall at Cribbs Causeway is inconsistent with CS14 and national planning policy. We maintain that the capacity is best left unallocated and would be better directed to support the role of Bristol City Centre, in accordance with the town centres' first principle embodied in the NPPF.
26. We agree with the Proposed Modification SM35. The deletion of the word 'primarily' ensures that the overall policy approach (of CS14 and PSP31) is consistent, unambiguous and in accordance with national planning guidance.
27. We agree with Proposed Modification SM36. Changes to Paragraph 7.65 in document OS1 now omit the term 'the retail parks' for effectiveness and consistency with Policy CS14. We welcome the clarification from the Council that the text of Paragraph 7.65 of document OS1a should be amended to reflect that in document OS1.