

Policies, Sites and Places (PSP) Plan - Main Modifications Representations Form

12th June – 24th July 2017

The Main Modifications (including reference code) are available to view in on the consultation website at www.southglos.gov.uk/PSPmodifications

Representations should only be made on the **Main Modifications** and should be made using the form below. A guidance note for completing this form is available from: www.southglos.gov.uk/PSPmodifications. Completed forms should be returned to:

Email:	planningpolicy@southglos.gov.uk
Post:	South Gloucestershire Council Department for Environment and Community Services Strategic Planning Policy & Specialist Advice Team PO Box 1954 Bristol BS37 0DD

Representations should only be submitted once i.e. by email or by post.

All representations must be received by no later than 24th July 2017 at 7pm.

Receipt of your representations will be acknowledged.

Please note that all representations must refer to the relevant Main modifications reference.

PART ONE- YOUR DETAILS

Please be aware that anonymous forms cannot be assessed by the Inspector, therefore representation forms **must** include your details below.

The information collected as part this consultation will also be used by the Council in accordance with the data protection principles in the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Some of the data may be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the response form, in accordance with the Freedom of Information Act 2000.

Should you wish to make more than one representation, please submit a separate form for each in Part Two below clearly stating which Main Modification you wish to comment on.
(N.B. You only need to complete Part One (Your Details) once)

In circumstances where there are individuals/ groups/ organisations who share a similar view, it would be helpful if individuals/ groups/ organisations make a single response. It would also be useful if the group/ organisation state how many people the submission is representing and how the comment was authorised.

Your Details	Your Agent's Details (If applicable)
Reference No (if known*):	Reference No (if known*):
Title: Mr / Mrs / Miss / Ms / Dr / Other:	Title: Ms
Surname:	Surname: Hill
Forename:	Forename: Jenny
Organisation / Company: Cribbs Mall Nominee (1) Ltd, Cribbs Mall Nominee (2) Ltd, Baylis Estates Ltd and John Baylis Ltd (freehold and leasehold owners of The Mall at Cribbs Causeway)	Organisation / Company: Lichfields
Address:	Address: 14 Regents Wharf All Saints Street London
Postcode:	Postcode: N1 9RL
Contact No:	Contact No:
Email:	Email:

*If you have been contacted by post, you will find your reference number at the top of the letter under 'Our Ref'

PART TWO - YOUR REPRESENTATIONS

Please use a separate form for each representation.

Q1. To which main modifications does this representation relate?

Main Modification Reference:
(e.g. MM14)

MM20

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPmodifications.

Q2a. Do you consider the Main Modification is legally compliant

Yes No

Q2b. Do you consider the Main Modification is sound?

Yes Yes, with minor changes No

Q3. On what grounds do you consider the Main Modification is unsound? Is it because it is not:

- Positively Prepared?
- Justified?
- Effective?
- Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the Main Modification legally compliant or sound. Please be as precise as possible.

Your suggested change should have regard to the test you have identified at Q3 above where this relates to soundness. You should state why this change will make the Policies, Sites and Places Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

We have previously made representations throughout the preparation of the DPD and appeared at the Examination. Our comments have not been taken on board in proposed amendments to the DPD.

Proposed amendment to part 1) of policy PSP31

The submission draft wording of Policy PSP31 states that "*development proposal(s) for main town centre uses will primarily be directed to town and district centres, identified on the Policies Map...*" accords with national policy and the Core Strategy. The wording acknowledges that town centre locations are the first preference, and the policy correctly sets out the approach that will be taken to edge and out of centre development proposals. There is therefore no need to remove the word "primarily" from this sentence. The proposed modification is not required to make the policy consistent with national policy or with adopted Core Strategy policy.

Proposed amendment to para. 7.61

The proposed changes to the wording of para. 7.61 are not sufficient to address our previous concerns that the PSP DPD is inconsistent with the NPPF as it has failed to meet the identified needs in full. One of the key tests of soundness is whether a plan has been positively prepared based on a strategy which seeks to meet objectively assessed development requirements. As currently drafted, Policy PSP31 does not meet this test.

In only allocating needs up to 2021, the PSP fails to meet one of the core planning principles of the NPPF.

The decision for the Plan to not fully meet the objectively assessed needs over the Plan period is contrary to national policy. 2021 is now only four years away, and in only identifying sites for development in the immediate short term, the Plan is clearly at odds with the NPPF.

The Topic Paper states (para. 4.2.4) that significant uncertainties with the retail need post 2021 were considered to exist at the time of the Core Strategy's adoption (2013) which could make allocation through the PSP unrealistic. However, the Policies, Sites and Places plan has been drafted on the basis of the existing retail evidence base which informed the Core Strategy and underpins the identification of floorspace required. There is therefore no justification to ignore the post 2021 requirements.

Having identified the needs of the District over the plan period, the Council should seek to identify sites to fully accommodate the requirements. In this respect, the plan has not been positively prepared, as the Council has only sought to meet the short term needs to 2021. Waiting until the new Joint Spatial Planning document for the West of England, or a new Local Plan to replace the Core Strategy and this PSP, does not accord with the NPPF guidance. This creates uncertainty for investors and operators, including our client.

The purpose of the South Gloucestershire Retail Capacity Study 2014 was to check that the assumptions made about the capacity of each centre to accommodate growth are reasonable for inclusion in the PSP. The Study assessed the physical capacity of each of the defined centres to accommodate additional retail floorspace.

The 2014 Study states (para. 3.1) that:

"The Core Strategy requires the provision of 34,000 sq.m of additional comparison goods floorspace to meet the District's needs up to 2026/27 in accordance with the retail hierarchy as set at Policy CS14. The Council has proposed that 17,000 sq.m of comparison floor space is allocated to the defined centres (proposed distribution shown at Appendix 1) in the Policies Sites and Place Plan (PSP) with the remainder identified as a residual to come forward in accord with retail policy." (our emphasis)

The Study identified what floorspace each of the defined centres could accommodate, thereby leaving a residual floorspace requirement that needs to be located elsewhere.

Para. 23 of the NPPF explicitly emphasises that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Therefore, if the work undertaken by the Council's consultants has not identified sites within the existing centres that can accommodate these needs fully, alternative locations should be sought.

Logically, in seeking to fully allocate sites to meet the identified need for retail floorspace over the Plan period, in the absence of any further sites within the existing centres, sites that have been demonstrated to comply with the sequential test should be the preferred location.

As set out in our earlier representations (Representations to the Pre-Hearing Statement, January

2017), The Mall at Cribbs Causeway is the preferred location for the residual floorspace need identified over the Plan period. The site is suitable and available to accommodate additional floorspace. At this time we requested that after part 3) of Policy PSP31, the following should be added in order to make Policy PSP31 sound and consistent with national policy:

"In addition to the above, the residual identified comparison retail floorspace need to 2026/7 should be directed to The Mall at Cribbs Causeway."

We would reiterate that this would be a positive change to the PSP, actively meeting the locally generated needs and is the most viable and sustainable option. The Mall is an important established retail and transport interchange location providing for the needs of the South Gloucestershire community. It has been proven to provide a highly complementary, rather than competing, retail offer to the other centres in the District.

The shopping centre is already situated at the heart of the Cribbs Patchway New Neighbourhood (CPNN), a major housing growth area where 5,700 new houses are planned over the next 10-15 years in South Gloucestershire. Allocating the post 2021 retail floorspace need to The Mall would coincide with the growth of this major housing area, and help to meet the needs of these new local residents.

An application was submitted by our clients in December 2014 (LPA ref. PT14/4894) for an extension to The Mall at Cribbs Causeway. The application received a recommendation for approval at South Gloucestershire Council's Development Control (West) Committee on 3 November 2016, subject to referral to the Secretary of State. The application is subject to a Call-In Inquiry in September 2017.

In making the recommendation for approval, the Officer's report and independent consultants commissioned by the Council confirm that the proposed development satisfies the sequential test, as set out in the NPPF. As noted above, this concurs with the Council's local plan evidence base (South Gloucestershire Retail Capacity Study 2014) which did not identify sequentially preferable sites within the existing centres that could accommodate additional retail floorspace.

The Mall at Cribbs Causeway is an available and suitable site that should be allocated, as demonstrated through the planning application. The need identified in the Council's evidence base is to meet the needs of residents within South Gloucestershire, and not the needs of a wider catchment area. The Mall is an established centre within an emerging community. An extension to the centre represents the most sustainable location to accommodate the residual floorspace needs, and this accords with the NPPF requirement that local plans must be prepared with the objective of contributing to the achievement of sustainable development.

As suggested in our earlier representations, a possible outcome of not allocating the unaccounted and locally derived floorspace at The Mall would be opening the Council up to risk of speculative floorspace grabs from unsustainable out of centre locations in an ad hoc and piecemeal fashion. Such propositions could be difficult to defend if Policy PSP31 remains as drafted as there are no sequentially preferable sites identified to accommodate this need, and the need must be met. It is incumbent upon the Council to plan positively, in accordance with the requirements of the NPPF.

The Council's approach would not meet the identified need and would not represent a positive and proactive approach to plan making. It would not conform to the requirements of the NPPF and would create uncertainty for the future of town centres in the district as well as The Mall and risk other out of centre proposals coming forward in less suitable locations.

Proposed amendment to para. 7.65

Main modification MM20 seeks to amend the wording of para. 7.65 of the supporting text to Policy PSP31. As previously drafted, this states:

"As set out in the Core Strategy Policy CS14, the retail parks at Cribbs Causeway, Longwell Green and Abbey Wood Retail Park will be treated as out of centre, with no separate notation on the Policies Map."

Main modification 20 suggests that this should be amended to:

"As set out in the Core Strategy Policy CS14, Cribbs Causeway/Mall, Longwell Green and Abbey Wood Retail Park will be treated as out of centre, with no separate notation on the Policies Map."

Although notionally a small difference, it is incorrect for The Mall at Cribbs Causeway to be treated in the same way as the retail parks. The Mall is an established shopping centre that provides an extensive range of shops, services and restaurants, and functions as a centre serving the needs of the local population in this part of South Gloucestershire, which is very different from the role of retail parks.

The Core Strategy distinguishes between The Mall and the retail parks at Cribbs Causeway (para. 9.26) and states that *"new communities are to be developed in the area and will require the provision of additional retail facilities. The Council will undertake a review of the scope for permitting some additional development at this location to support the Mall consistent with the need to maintain the vitality and viability of other centres."*

As set out in previous representations, The Mall should be allocated to accommodate the residual retail floorspace needs, and this should be included within the text of Policy PSP31.

Amending the wording of para. 7.65 of the PSP, as suggested by proposed modification SM36, would be inconsistent with the principle of directing further retail floorspace to The Mall, as set out in the Core Strategy.

Please continue on a separate sheet if necessary

Q5. Please indicate which, if any, of the following you wish to be notified about.

- the publication of the recommendations of the independent Inspector
- the adoption of the Plan

Please indicate as appropriate

Signature:

JENNY HILL


Date:

20 July 2017

Thank you for your time to complete and return this representation form.
Please keep a copy for future reference.

All representations must be received by no later than 24th July 2017 at 7pm.