

THE NATIONAL RETAIL PLANNING FORUM

Chairman: Mr Chris Brearley CB, DL

Alan C Scott
National Planning Policy Framework
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Dear Alan,

Consultation comments on the draft National Planning Policy Framework

1. The National Retail Planning Forum is a cross-sector organisation, involving major retail firms, investment institutions, property development companies and planning consultants, as well as local government. It aims to be a focus for improving understanding between private and public sectors of planning and its impact on retailing, which it does through a programme of research and collaborative events.
2. We welcome the general approach of brevity in the draft National Planning Policy Framework.
3. We very much welcome continued support for the Town Centres First approach shown in the Framework.
4. We also welcome the emphasis on pro-active, positive planning and the Government's strong support for a plan-led system, where plans will provide positively for the growth we need and there is a presumption that applications will be determined in accord with the development plan, both to allow those that are in accord and to refuse those that are not, unless there are strong reasons for overriding the plan.
5. There is a need for more clarity in the Framework. The group includes many experienced planners in both public and private sectors; they share the view that the clearer the policies contained in the Framework are, the less they will be tested through appeal. Omissions may be given a weight which was not intended.
6. We are concerned that the NPPF could unintentionally be read as diluting town centres first policy. In many cases small changes in wording will make a big difference to how the Framework will be interpreted, and are all that is required to avoid such confusion.
7. It is important that adequate transitional arrangements are in place, especially for Town Centre policies, which are heavily evidence-based. Even where appropriate

core strategies are in place, these currently rely on PPS4, as originally instructed. The draft Framework leaves some gaps; in particular some Local Planning Authorities have begun to assemble the evidence bases required following the shift in emphasis to forward planning with the introduction of PPS4. They need to know whether they can take some comfort that these are sufficiently robust. Similarly Local Planning Authorities want to know that their existing Town Centre strategies are in conformity.

8. There are good, clear economic reasons for the emphasis on Town Centres; the Framework should explain this. A very brief rationale either at the start of para 76 or as bullet point within the core planning principles of para 19 would strengthen and clarify the sequential approach, e.g.

Cities and towns are key economic drivers for local economies and beyond because of their scale and density of development, as well as the accessibility to labour, support services, infrastructure and markets that they offer, characteristics which facilitate productivity gains and enhance economic performance.

9. The definition of Town Centre needs clarification, particularly the phrase 'other main town centre uses' used in the glossary definition, which might be replaced by 'arts, culture, tourism, entertainment and the more intensive sport and recreation uses'. The definition may be more appropriately integrated within para 76, where point 5 covers many of them. The definition of Primary Shopping Area also needs clarification. It would be useful to explicitly define the Sequential Approach in the glossary; para 77 refers to it and para 78 at present partly defines.
10. We are concerned over removal of offices from the list of town centre activities, as shown in the Impact Assessment (section B2). Offices add to the critical mass of activities in town centres and add to economies of agglomeration and synergy between uses that town centres provide. For example, the presence of large employers can provide the demand which enables town centre activities such as retail to be viable.
11. Market signals are usually in conflict with the Town Centre first approach: out of town development is inevitably quicker and cheaper and so preferred by developers. Even with the current policy in PPS4 the vast majority of new completions and two-thirds of new consents are for out-of-centre sites, mostly new supermarkets and extensions. This highlights the need for a strong policy. Some members are sufficiently concerned about the non-implementation of the 'town centres first' policy to suggest a presumption AGAINST out-of-centre retail development.
12. We are concerned the need to consider ten years' impact is too long (para 80); it is easy to use to justify any development by assuming spend will rise in the long term. Once a scheme has been approved the impact is generally apparent soon after completion. PPS4 states that assessment of impact should focus on the first 5 years after implementation of a scheme, while the Planning for Town Centres Practice Guidance states 1-2 years after likely completion of a scheme is the most appropriate time frame; we agree with this. In some cases additional assessment of

longer term impact may also be appropriate, such as where retail development is an early stage in a phased scheme. There is also some contradiction here with the need to meet demand in full expressed in para 20 and para 76 (point 5).

13. Allocation of sites alone, as per para 76 point 5, is not enough. Local Authorities need to be pro-active in assembling and marketing town centre sites. They should pro-actively engage in discussions with landowners and developers and use CPOs where necessary to ensure a scheme can be brought forward. This needs to be made explicit; the 'solutions' mentioned in para 74 are too vague. Other aspects of Town Centre strategy, such as parking and accessibility should also be mentioned, to be formulated in consultation with local businesses. Previous guidance on car parking in town centres suggested that car parking linked to a new town centre development could be more generous if the car park were to serve not only the store, but provide parking for the town centre as a whole.
14. We are concerned over the future of the existing Planning for Town Centres Practice Guidance document. Our concerns are driven by a desire from retail developers for Local Planning Authorities to treat applications even-handedly, in the same way as housing market assessments. We are not seeking to restrict localism, but rather to stop wasteful arguments over data and ensure a level playing field.
 - a. Some form of guidance for operating the sequential and impact tests is clearly needed. The existing document should be used until new guidance produced.
 - b. It is important that any guidance has appropriate recognition from the Planning Inspectorate, so it needs to come from DCLG directly or else a broad-based organisation such as NPRF but with DCLG endorsement, rather than there being competing documents. Otherwise much effort will be wasted in arguments over data and methods, especially as centres are competing for developments. While any guidance should not be overly prescriptive on data or methods as each situation is different, there is a need for robust, timely and comparable statistics for retail planning.
 - c. There is already a lack of retail and town centre planning expertise in Local Authorities, so detailed guidance is required for officers to give good advice to Planning Committee members, if good quality decisions are to be made. It will be also important to encourage the development of relevant skills and expertise within Local Planning Authorities, most appropriately by pooling resources and having a shared specialist or specialist team.
 - d. It is not clear whether the existing guidance should be followed for the impact test. While we do not expect this to appear in the NPPF, some clarification is needed.
15. We are concerned over the phrase 'needs met in full' in para 76 (point 3):
 - a. This is effectively meaningless, as forecasts are very inexact. Even if such need could be predicted it may not be appropriate for e.g. historic town centres. Nevertheless, future provision of sites should, like housing, be in detail for the first 5 years and for broad areas for each 5-year period thereafter.

- b. Leisure demand is particularly problematic here – it would be very hard to predict needs for 15 years time.
 - c. This is potentially a large loophole, especially as para 78 removes the need for developers to show flexibility in their formats. This is perceived as a weakening of policy.
 - d. Similarly the requirement only to ‘prefer’ town centre sites in para 78 can be read as a significant weakening of policy. We suggest this is changed to ‘require’.
16. When assessing the economic sustainability of a town centre development, consideration of the broader economic impact on the whole centre is needed, as well as that for the development itself. To give an extreme example, a proposed refuse incinerator near the edge of a centre might in itself be sustainable, but would have significant negative impact on the rest of the centre.
 17. Para 88, which requires local authorities to ensure that ‘developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport can be maximised’, is oblique and seems separated from the rest of the town centres policy. Is it alluding to offices in town centres? Some examples would help. Perhaps this rationale for choosing town centres as preferred locations for high trip-generating uses, whether shops, offices or leisure, needs to be more explicit, and appear in the Town Centres section.
 18. We have concerns over large numbers of cases about indeterminacy, and the legal challengeability of the presumption in favour. Successful town centre retail development is a long process and needs certainty and clarity. Major developers will not invest in town centres if they suspect that their efforts are likely to be reversed by out-of-centre stores in the meantime.
 19. It should be made clear that the presumption in favour does not over-ride NPPF policy on Town Centres, so that Local Planning Authorities feel able to set policies for their own areas. Although the document is intended to be read as a whole, realistically Planning Committee Members will not always do that, and will give more weight to the front of the document. There is a need to balance short-term growth with long-term needs, particularly as many districts are constrained.
 20. An increase in applications or approvals doesn’t necessarily lead to an increase in completions. Currently there are plenty of good proposals, but finance is limiting. There is a need for joined-up working with BIS & Treasury to ensure plans are actually deliverable.
 21. There is confusion over para 126. As currently worded there is concern it will open the door too wide for the extension of existing units. The list of uses mentioned seems partial and open to interpretation and appeal. More clarity is needed, certainly for retail. We are particularly concerned about ‘quasi garden centres’ which, in effect, end up as large out of town shopping centres.
 22. Realistically, the growth in other forms of trading such as internet shopping means that the growth in need for floorspace seen over the past decade will not continue

in the next one. New retail development will mostly involve relocation of need from existing floorspace. Policy needs to recognise this.

23. Finally, we are concerned that the NPPF would loosen up the Government's Town Centre First policy in the absence of any evidence from the last 5 years of either completions or new planning consents for the growing amount and proportion of new floorspace that is not in town centres. The need for statistics to enable monitoring of policy effectiveness remains.

Yours sincerely,
Chris Brearley CB, DL
Chairman, NRPF,
19th October 2011