

NRPF retail-led regeneration and PPS6 event – Local Government House – 19th September 2008

Attendees

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Discussion points

General comment on PPS6 revisions

The motivation behind the proposed revisions to PPS6 is good but the detail of the drafting causes concern.

Most developers run balanced portfolios. A concern would be that if the town centre focus is weakened the balance of these portfolios will shift towards more edge/out of town development.

A consideration of need is still there. The 'gateway' into this is the sequential assessment. The difference now is that the policy is town centre's first rather than town centres only.

Concern among some local authority planners is that wording will give us problems further down the line. There may well be a period of uncertainty now.

LAs have to operate with greater tightness of wording. However the wording of the PPS revisions appears somewhat imprecise. How does it fit with Core Strategy documents? At the regional level SERA is already taking a more proactive approach. There is a concern that given the rather vague wording of the proposed revisions, proactive plan-led planning may suffer.

Planners would like greater overlay of IMD with retail planning in order to be clear that regeneration projects are addressing areas of real deprivation.

The document has been drawn up in a very different economic climate to previously and this will be likely to have most impact at least in the short/medium term.

The impact test

CLG has tried to tread a difficult line from the current quantitative assessment. However, there is concern with the new paragraph 3.19 of the revisions to PPS6, concerning the impact test, which is very complex. Policy as drafted appears to have loopholes which lawyers acting on behalf of some retailers may exploit. In addition, use of the term 'will include' which refers to the impact considerations, is not exhaustive and therefore leaves itself open to further discussion and debate at a local level.

Paragraph 3.19f which refers to 'significant adverse impact' on a town centre justifying refusal will in practice make refusal more difficult as it includes greater flexibility. This will help developers/retailers using barristers who can argue against the view of the local planning authority.

There may be a need to restrict the areas included in any assessment – the alternative would be a very long retail assessment or to 'scope' it a la EIA. It does give Las greater power. But we don't want more planning by appeal.

Some of this is not new. As an example LB Wandsworth already look at qualitative impacts too. However there is a concern about how to 'balance' different impacts e.g. 300 jobs v. 7% trade diversion. It will be important to consider where the trade diversion is coming from i.e. how active are the centres concerned?

Need to reinforce the plan-led approach

PPS6 revisions represent a missed opportunity in terms of plan-making and reinforcing Regional Spatial Strategies, Core strategies and local documents. This affects the balance of the document. To reinforce a local plan-led approach there may be scope to re-define the core strategy. Also missed from the document is the need to balance out of town and edge of town centres.

Are the changes really modest or do they have major implications for regeneration?

However through another reading, It could be argued that the revisions place more emphasis on plan-making process e.g. applying tests in the absence of a scheme.

Availability of evidence and statistical information

Development control staff will have most concern about the availability of statistics to make decisions e.g. on land values. This may involve more employment of consultants to carry out assessments.

The revisions have the aim of moving away from a 'tick-box' approach to encouraging a more considered approach – but how do you measure qualitative impact– does clear evidence exist?

Expanded definition may lead to more edge of centre development.

Impact on retail-led regeneration and aims of the USM project

From USM perspective it is pleasing that there is now greater debate. The proposed revisions to PPS6 show that regeneration is now seen as more important.

Important to look at evidence in the community strategy etc. How market failure is demonstrated will be important and linking this with local authority core strategies to encourage investment outside of town centres there will be a need to take into account retail mix, income,

A background to this debate is the under-resourced nature of planning and local authorities more generally.

Panel question – does the revised PPS6 allow us to undertake more retail-led regeneration?

A sub-question was: how would we want to re-write the PPS6 revisions?

Panellists

Ian Anderson – CBRE

Dave Wood- Sandwell MBC

Bill Boler – USM project

IA – in many cases the revised guidance is a welcome move away from tick box consultation. At the moment the debate is on quantitative turnover impact. Planning should be concerned with more than this though. However, the detail of the new guidance will be crucial. It will be important to be aware of possible loopholes. The intention is laudable e.g. the opening paragraphs of the revision show this but the accompanying guidance needs to be drafted in a form similar to local planning documents (i.e. very precise) to be robust enough. Retailers that safeguard town centres may be concerned due to unintended consequences e.g. does the draft sufficiently recognise the greater work involved, additional cost, greater complexity, etc. in town centre projects. Developers that have balanced portfolios may shift their priorities towards short-term profitability away from long-term gain. It will theoretically be easier to undertake retail-led regeneration but may lead to more planning by appeal so may slow the process down.

Dave Wood – there are lots of good intentions in the proposed revisions which must be seen as part of the evolution of policy. However, the drafting needs tightening up. Must be recognised that the new approach will also have resource implications. Town centre retail and regeneration schemes have a long timescale and complexity, something which is not recognised in this draft. Also, the balance between the development plan aspects and DC aspects needs more work –with greater emphasis given to development planning. The devolution agenda can be seen clearly in the revisions but what is the role of

the development plan in this? Also the role of RSS needs to be strengthened in terms of the balance between centres. The region also has a role in deciding whether strategy is concentrating on existing centres or planning new ones. This could be given greater emphasis in the draft.

Sandwell MBC is aiming to remodel an existing community. This must be led by plan-making. There is a need to bring this PPS in line with other PPS docs e.g. 12 on development plans. Doing more to structure a plan-led approach should restrict DC debates later down the line. The 'hook' should be in the local authority's core strategy and other DP docs not in the DC process. There is now a greater spatial role for core strategies to map future need. If there are too many ways that planning applications can challenge the process it may dilute the plan-led approach. Plans may be challenged by changing market conditions. Plan-making process allows a debate once and not continually through the DC process. The retail industry should be more involved in the plan-making process. Maybe this is not encouraged enough in guidance.

Bill Boler – see this as an opportunity to join up planning more with other parts of LA – e.g. impact test will require greater joint-working between economic development, regeneration, planning, highways, etc. There is also a need to join up various assessments e.g. worklessness test, economic assessment etc. with the impact test. There is also a need to flag up the involvement of the private sector in LSPs. And all this must be better joined up. Agree that plan-led process is the key. Revisions should acknowledge this and not make it redundant

Should some tests apply only if town centre is **not** deprived – i.e. is there a need for thresholds? The analysis needs to get beneath data on new jobs and ask how far they will affect unemployed people. Questions should be asked of town centre retail investors to measure whether they will help deprived areas and not all weight should be placed on investors **in** deprived areas outside of t/cs.

Debate in response to opening remarks

Town centre developers get hit harder already than out of town. We do not want this to be made worse by the new guidance.

Problem is that many Supplementary Planning Documents on S106 contributions are out of date e.g. town centre developers aren't being asked enough to contribute specifically to deprived areas e.g. through employment-related projects.

Planning is a political process and how far an authority requires planning contributions will vary e.g. not all will push this agenda.

Can retailers say they'll employ unemployed people and in practice not do this? There is a need for close monitoring of delivery. It is possible to include monitoring agreements but can we check this is a realistic objective?

Do discussions on Section 106 agreements arrive too late? Often this represents a political discussion and related to local need more generally- with visible transport improvements often winning out. Not that many S106 agreements focus on less visible employment, business support, etc. improvements. An

example is LB Greenwich's GLAB scheme on local employment works well. See <http://www.greenwich.gov.uk/Greenwich/Working/GLLaB/> for more information.

B&Q run the academy as part of its CSR process. But there are only a handful of such retailers that do this. Can we take this out of the S106 process. The Strategic Infrastructure Levy (SIL) may be an opportunity to do this. And can add value to regeneration. But may be run regionally/London-wide and less related to local schemes.

There is a need to link to the PPS4 on planning for economic development which is due for publication soon.

Can we widen regeneration through the revised PPS to include supply chains, supporting local business etc.? Developers should have guidance on this aspect and would be more likely to do it. The more that it's in policy the more they will do it. Would be good if this call could come from national government.

The earlier that regeneration issues are flagged up the more likely they will be taken on e.g. in terms of land purchase etc.. The 'Merton Rule' is a case in point as sustainability issues have been taken on board and now form part of the developer's fixed cost model.

The 'supporting local businesses' concept is a difficult one. New large retailers move into an area and raise land values which means local businesses sell out or get pushed out by their freeholders who may want to cash in on this effect- not by new retailer. It is important to have the strategy for when a new brand retailer moves into an area to support the 'anchor' local shops.

Suggestions for the new PPS 6

Re-draft para 3.19 of the revisions on the impact test to set out the fundamental principles that all retail must take account of with regards impact. There is a need to avoid long discussions over individual applications. It will be necessary to look at language and weighting. The revised PPS could draw out an 'exceptions policy' which could include deprived areas.

It should be possible to include thresholds with regard to when the impact test should be carried out - but this should be done only through local core strategies. These cannot be set nationally. The new PPS could state that local authorities will set thresholds.

What do we mean by deprived? There are different categories of this e.g. areas suffering from poor transport links which will not necessarily be retail-deprived. Also what of pockets of deprivation? Is IMD enough?

Concluding remarks

CLG would like any best practice examples to support changes that people want as part of responses to the revisions.

There will be an event on the wider PPS 6 at Local Government House on 9th October