

8 September 2017
Delivered by email

Dudley Council
Council House
Priory Road
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Dear Sirs

BLACK COUNTRY CORE STRATEGY ISSUES AND OPTIONS CONSULTATION

We write on behalf of our client, ALDI Stores Ltd, in response to the current Black Country Core Strategy Issues and Options consultation. Our client has a number of existing and planned stores across the Black Country area and is a major employer in the region. ALDI has a particular interest in the Black Country Core Strategy in light of ambitious future investment plans across the four local authority areas.

Representations relating to those questions considered most relevant to our client are set out below. A completed copy of the standard consultation response form is also attached.

Question 2

Do you think that the key evidence set out in Table 1 is sufficient to support the key stages of the Core Strategy review? Yes/No; If not, what further evidence is required and, if there are any particular issues that should be taken into account in considering development on any particular sites or in any particular areas, please provide details.

Table 1 indicates that a 'Retail Capacity Study' and 'Town Centre Uses Study' will form part of the updated evidence base supporting the Core Strategy Review. Our client strongly agrees that the Core Strategy Review must be informed by new retail evidence.

The retail policies of the current Core Strategy are based on evidence dating from 2009. Given that so much has changed in terms of retail provision since this date, the household shopping surveys on which the policies are based are of limited use. New and up to date retail evidence, based on a new household shopping survey to identify existing patterns of retail expenditure, is therefore essential.

The new Retail Capacity Study must consider both quantitative and qualitative factors regarding need. Without doing so, there is a danger that the study will fail to pick up issues relating to the geographical distribution of facilities and areas of under provision. The evidence base should also include a full health check assessment for higher order centres.

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The consultation document states that the retail evidence will inform the Draft Plan stage, which is currently due to be consulted on in September 2019. On this basis, the Preferred Spatial Options stage would be prepared without the benefit of an updated retail and town centre evidence base.

Reference to Table 1 indicates that the evidence base relating to all other major topic areas, excluding waste, is programmed to be completed at either Issues and Options or Preferred Spatial Options stage. Given that the existing retail evidence base dates back to November 2009, our client would like to see the new evidence prepared at an earlier stage to inform the Preferred Spatial Options stage.

Question 4

Do you consider the employment land requirement identified for the Black Country up to 2036 in the EDNA is appropriate and in line with national guidance? Yes/No; If not, please explain why they are not appropriate and in line with national guidance.

We do not wish to comment directly on whether the employment land requirement identified in the Economic Development Needs Assessment (EDNA) is appropriate. We would, however, emphasise the importance of the Core Strategy Review being sufficiently flexible when it comes to the future use of existing employment areas.

Paragraph 3.29 of the Issues and Options document does recognise that *“there may be a limited number of existing employment areas which are unlikely to be ‘fit for purpose’ and could be considered for redevelopment to alternative uses, especially housing”*. In order to promote economic growth, the Core Strategy Review must not protect employment land that has no realistic prospect of coming forward for such uses. Equally, flexibility is required in relation to the reuse of existing premises/land that is no longer suitable for employment use.

Any assessment of employment land should not focus entirely on the need for, and protection of, solely B-class uses. It should also recognise the importance of other forms of economic development, including retail. The Core Strategy Review should therefore allow sufficient flexibility for the reuse of employment sites, where appropriate, for retail purposes, in order to support the sub-regional economy, through local and inward investment.

Question 6

Do you agree that the key issues set out in Part 3 are the key issues that need to be taken into account through the Core Strategy Review? Yes/No; If not, what other key issues should be taken into account?

The key issues set out in Part 3 reflect the main strategic challenges that need to be addressed in the Core Strategy Review. Key Issue 1, updating the evidence base, will be fundamental to ensuring that the other matters identified are addressed.

Taking Key Issue 4 for example, Paragraph 3.31 notes that the primary evidence base informing the Core Strategy's retail and centres policy framework dates back to November 2009. Given the dynamic nature of retail and centres, this evidence is now significantly out of date. As set out above, it is important that this work is undertaken at an early stage to ensure that it can effectively feed into the review of the Core Strategy.

It is also noted that a number of the 'Key Issues' identified are interlinked. Referring to Key Issue 4, it is clear that policies to support strong and competitive centres will be influenced by other areas of the Core Strategy Review. This includes the commitment to delivering significant levels of housing and employment growth. The location of new housing and employment growth will directly affect the demand for retail provision over the plan period.

Paragraph 23 of the NPPF makes it clear that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In doing so, the NPPF makes it clear that needs for retail (and other main town centre uses) must be met in full. The retail need for the Black Country area must therefore be met, even if there is a requirement for new centres (potentially as part of new settlements) or provision in out of centre locations (where the necessary tests are met).

Question 8

Do you think that the Core Strategy spatial objectives remain appropriate? Yes/No; If not, what alternatives would you suggest and how might these changes impact on individual Core Strategy policies?

Paragraph 4.7 of the Issues and Options document recognises that, following the completion of the evidence base summarised in Table 1, some of these objectives may need to be amended. The changing role of centres is provided as one such example. We would support the need for the spatial objectives to be revisited when the necessary evidence base is in place.

It is, however, noted that the first objective refers to focussed investment and development in comparison shopping and other specific town centre uses within the four Strategic Centres. No reference is made to convenience retail. There remains a need to support the provision of convenience food retailing within and adjoining Strategic Centres (and potentially outside those centres, in out of centre locations) in order to meet demand from the existing and future population.

Question 9

Do you agree that Policies CSP1 and CSP2 should be retained and updated to reflect new evidence and growth proposals outside the Growth Network? Yes/No; If not, what changes do you think should be made to Policies CSP1 and CSP2 in response to new challenges and opportunities?

We agree that both Policy CSP1 and CSP2 should be updated and amended to reflect new evidence and the required level of growth over the plan period. As it stands the figures provided in each policy are based on out of date evidence, for example, retail evidence dating to 2009.

Greater emphasis should be placed on the provision of new convenience floorspace to serve the Strategic Centres and Regeneration Corridors. An updated Policy CSP2 should also reflect the need for sufficient convenience floorspace to be provided in order to serve the new growth proposals outside of the Growth Network.

Question 11a

Do you support Strategic Option 1A? Yes/No; If yes, please explain why. If no, do you support Option 1B? Yes/No; If yes, please explain why. If you support the release of further employment land for housing, what should the characteristics of these employment areas be?

On the basis of the opportunities and challenges set out in the Issues and Options document, Strategic Option 1A is, in principle, the most realistic and deliverable approach to meet the required need over the plan period.

Question 25

Will there be any new social infrastructure requirements necessary to serve large new housing developments? Yes/No; If yes, please explain the type and scale of any new social infrastructure required.

Paragraph 5.7 of the Issues and Options document notes that new housing may in some locations create a need to expand health, education and other community services. It continues by stating that as options

for the location of major new housing allocations develop through the review process, so will decisions about the need for any such facilities and their locations.

Whilst not strictly 'social infrastructure', it is important that the Core Strategy Review provides flexibility for the market to deliver sufficient convenience retailing, in the right locations, to support the significant planned housing growth.

Section 6 Review of Existing Core Strategy Policies and Proposals

Table 3 of the Issues and Options document provides an overview of the extent to which the Core Strategy policies may change as part of the review process. The table recognises that Policy CEN1 to CEN7 will most likely be subject to major change in most cases, with criteria and thresholds likely to be reviewed based on new and emerging evidence.

Our client supports the commitment to review the relevant retail policies, and the recognition that they will require major change. This must be based on a new retail evidence base, which is prepared at an early stage of the review process.

Question 49a

Is there still a need for existing Policy DEL2 in order to manage the release of poorer quality employment land for housing? Yes/No; If no, please explain why.

There remains a need for a policy to provide appropriate criteria to assess the release of employment land to other uses.

Question 49b

If yes, should this policy be used to assess the release of employment land to alternative uses, other than housing? Yes/No; If yes, please explain why.

Policy DEL2 currently relates specifically to the balance between employment land and housing. The Core Strategy Review, and Policy DEL2 specifically, should recognise that schemes for uses other than housing could also be appropriate. This could include other employment generating activities, such as retail.

Question 57

Do you support the proposal to merge Policy CEN1 and Policy CEN2, given that both policies focus on the overall strategy in the Black Country, including the hierarchy of centres? Yes/No; If you have any comments on Policies CEN1 and CEN2 please provide details.

We would have no in principle concern with Policy CEN1 and CEN2 being merged. Our client is more concerned with the content of the policy as a whole.

Question 58

Do you think there is any evidence to suggest that the hierarchy of centres is not appropriate going forward in the context of the regeneration strategy? Yes/No; If so, please provide details.

The hierarchy of centres currently set out in the Core Strategy is appropriate in principle, e.g. the identification of strategic, town and local/district centres. The existing Core Strategy is, however, too prescriptive as to the level of development which can be brought forward in, or on the edge of, any of the

particular centres. This policy, which only supports proposals considered proportionate in scale to the centre they are in, was based on the national policy at the time (which predated the NPPF).

The concept of trying to dictate at plan level the scale of development appropriate within individual centres in order to safeguard a given centre hierarchy, is no longer supported by national guidance. National policy now requires Local Authorities to plan positively, to support development within town centres and to promote competitive town centres, without specific reference to the potential effects of development in 'Centre A' or 'Centre B'.

Question 59

Have all the appropriate centres within the Black Country been identified? Yes/No; If not, please specify additional centres.

The centres included in the hierarchy should be objectively reviewed as part of the Core Strategy Review. The retail evidence base, which should underpin the relevant policies, must clearly identify a consistent set of parameters for assessing the status of individual centres. This should be applied across the four Local Authorities in an objective way.

Question 60

Is there evidence to suggest that identified centres are no longer performing as a centre or at their identified level in the hierarchy? Yes/No; If yes, do you agree that they should be moved / removed within or out of the hierarchy? Please explain why.

This should be revisited to take account of the updated retail evidence base.

Question 61

In addition to para 4.33 of the current Core Strategy should the revised Core Strategy include criteria for the creation of new centres that might be needed as a result of any additional housing identified through the plan? Yes/No; Any further comments?

It is difficult to set out specific criteria in the Core Strategy to guide any potential new centres. The Core Strategy should, however, recognise that new strategic housing developments/urban extensions may require well located new centres to serve them.

Question 64

Is there a need to set targets for convenience retail floorspace in the Core Strategy? Yes/No; Any further comments?

No, there is no need to set targets for convenience retail floorspace.

The retail evidence base assesses capacity for new retail floorspace based on population and expenditure projections. This information should be reviewed regularly in light of the particularly dynamic nature of the retail sector. Such assessment of 'need' should never be considered as targets, the likely consequence of which would be to introduce 'need' into development management decisions, contrary to national policy.

Question 74

In the context of the 'centres first' strategy, should the threshold approach be reviewed to consider the appropriateness, scale and impact of development in and on the edge of Strategic, Town, District and Local Centres? Yes/No; Please explain why.

The approach taken to the application of thresholds in defined centres in the current Core Strategy is overly complicated and confusing. It is too prescriptive and is predicated on outdated national planning policy, which was concerned with directing development of particular scales to 'appropriate' centres within the defined hierarchy. This approach is no longer supported by national policy.

As currently worded, even schemes of a relatively modest scale within (and on the edge of) certain designated centres would exceed the local threshold for an impact test. Given that the Core Strategy is based on meeting the need for town centre uses in accordance with the sequential approach, issues of adverse impact should not arise. It is also important that planning policies are positive and promote competitive town centre environments.

The various thresholds set out for different types of centres should be deleted, instead relying on those set out in national guidance (applying to schemes over 2,500 sq m). It is for individual Local Authorities, when preparing their own Local Plans, to justify departures from that threshold.

Question 76

Is the approach set out in Policy CEN6 appropriate in the context of supporting local community needs? Yes/No; Please explain why.

The threshold approach and reference to 200 sq m is arbitrary and unjustified. In general terms, there is no justification for adding an extra layer of protection to locations which are not identified as designated centres through the Core Strategy. The policy should reflect the NPPF and the definition of town centres set out in Annex 2.

Question 81

Do you agree that the approach of strong control over out-of-centre development is still appropriate in the context of the strategy to ensure the vitality and viability of the Black Country Centres? Yes/No; Please explain why.

The Core Strategy currently takes the approach that out of centre development is an inherently undesirable form of development. In the context of the NPPF there is a need to take a positive approach to sustainable development in plan making and decision taking. There are now only two development management tests for retail development – the sequential assessment and impact. Subject to meeting the necessary tests, there is no reason why out of centre development should not be welcomed.

Given the significant requirement for new housing across the Black Country, there is a requirement for a less rigid approach to be taken to meeting the need for future retail provision. Whilst there is general support for a town centre first policy, it is important to ensure that at the local plan level identified needs can be accommodated and delivered within or adjoining designated centres. Currently there is a tendency for town centre boundaries to be tightly drawn and reluctance by Local Planning Authorities to extend centres to allow new retail development.

Question 82

Is 200sqm (gross) an appropriate scale of development above which the impact tests should apply? Yes/No; Please explain why.

The 200 sq m threshold is not appropriate and is far too low. The threshold is arbitrary and is not based on empirical evidence.

As it stands, the application of a 200 sq m threshold would be triggered by virtually all convenience retail schemes. We also object to the application of the threshold to what would be very modest extensions to

existing stores, even if the extension was ultimately to provide a small increase to circulation or welfare space, rather than actually increase the retail/sales floorspace per se.

We would recommend that a strategic level document such as the Core Strategy defaults to national policy in terms of thresholds for applying the impact test. If individual Local Authorities can justify lower thresholds through a robust evidence base, the relevant local plan is the appropriate vehicle for setting such thresholds.

Question 87

As shopping, leisure and other commercial trends continue to change, should the revised Core Strategy have a policy to reallocate out-of-centre attractions that are no longer viable for town centre uses for alternative uses such as for employment uses or housing? Yes/No; If no, please explain.

Such a policy would be unduly prescriptive. It should be for the market to dictate, rather than planning policy, how such sites would be reused. Other policies set out at a national and local level provide the basis for the assessment of such schemes.

Question 90

Do you support the proposed changes relating to managing transport impacts of new developments? Yes/No; If no, please explain why.

Our client has concerns relating to some elements of the proposed changes to managing transport impacts. In particular, any requirements for measures such as electric vehicle charging infrastructure must be carefully worded and acknowledge potential issues of viability/practicality.

Question 117

Do you agree with the proposed approach to updating and amending Appendix 2 and Tables 2 and 3 of the existing Core Strategy? Yes/No; If not, what alternative approach would you suggest?

The Core Strategy is a strategic level plan and should not be unduly prescriptive. It should set out broad areas, with local plans then setting out detailed policies and allocations. There needs to be a clear relationship between the two levels of policy. We would therefore recommend that the Core Strategy contains less detail than currently set out in Appendix 2.

Yours sincerely

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Director

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