

Our Ref: 38/15

12 March 2017

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Dear Madam

TELFORD AND WREKIN LOCAL PLAN - EXAMINATION IN PUBLIC
PROPOSED MODIFICATIONS K24/18 AND K24/19 – POLICY NO'S EC1, EC5 AND EC8

I write on behalf of the Southwater Event Group (SEG) in relation to the Council's Proposed Modifications to Policy No's EC1, EC5 and EC8 (with associated paragraphs) of the Submission Version of the Local Plan. The Proposed Modifications were sent to me, by the Council, under cover of a letter dated 3 March 2017. The letter indicated that the Proposed Modifications were to be presented to the Inspector in the week beginning 6th March 2017.

I should, firstly, express SEG's disappointment that these Proposed Modifications are being submitted without SEG having the opportunity to consider and discuss them with the Council beforehand, as had been promised.

Please accept this letter, then, as representing SEG's views of the Proposed Modifications, and the effect that the Modifications might have on the development of Telford Town Centre.

As a preliminary to the comments that SEG wish to make in relation to the Proposed Modifications to Policy No's EC1 and EC8, it is relevant to bear in mind the National Planning Policy Framework (NPPF) guidance on 'Ensuring the Vitality of Town Centres' and, in particular,

Para. 23, which indicates 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,"

and that, in order to achieve this, local planning authorities should (amongst other things),

- *Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres."*

The Submission Version of the Local Plan does not echo these aspirations, but does indicate in Policy EC5 that the Council wishes to support development that reinforces Telford Town Centre's role as a sub regional shopping centre by directing main town centre uses to Telford Town Centre.

Telford Town Centre is unlike traditional town centres where various main town centre uses may be juxtaposed, and are often in competition, one with another. Telford Town Centre is compartmentalised into strict land use areas, with little scope for the introduction of other uses in each 'use' area. This has resulted in retail uses being restricted to the PSA only, and that has led to the PSA being occupied by, largely, national traders, with little opportunity for the 'individuality' that the NPPF refers to. It does not operate so as to create a competitive economy, and is likely, if it fails to develop an individual identity, to militate against the development of Telford Town Centre as a sub-regional centre.

Telford Town Centre's PSA has difficulties, at present, due to the business model adopted by the Town Centre operators and the recent removal of the major anchor store from the original extent of the PSA.

SEG are very keen for the Town Centre to develop in a fashion that will attract customers both from Telford itself, elsewhere in the Borough, Shropshire and the wider sub-region. In order to do this a positive and flexible approach to retail provision needs to be adopted. SEG feel that the Proposed Modifications to Policies EC1, EC5 and EC8 are likely only to perpetuate the current restrictive organisation of the Town Centre by creating unnatural protection for the PSA and its operators, and will not produce the individuality, customer choice or diverse retail offer that the NPPF talks of.

Turning, then, to the Proposed Modifications in detail:

1. Proposed Modification to Policy EC1 – Action Number K24/18

SEG welcome the acknowledgement in the Proposed Modification to Policy EC1 that 'main town centre uses' will be encouraged in that area of the Town Centre that is also included within the Central Telford Strategic Employment Area. They remain concerned, however, that retail uses - a specified (and possibly the most important) 'main town centre use' - are excluded from the concession.

SEG do not accept that retail development, as a matter of principle, should be restricted within the Town Centre to just the area of the Primary Shopping Area (PSA). It is fully accepted that there may be site specific, or use-specific, reasons why certain retail activity should not be permitted, but strongly believe that the Proposed Modification to Policy EC1 should allow for retail development (which, of course, would include Use Class A1, A3, A4 and A5 uses and some sui generis uses) on sites within the Town Centre in addition to the PSA.

SEG do not believe that the Modification to Policy EC1 should include a limitation on retail development outside the PSA. If the area of land that falls within the Council's Central Strategic Employment Area also falls within the Town Centre, it should be able to accommodate, as a matter of principle, a full range of main town centre uses.

The issue of whether or not retail uses that fall within the Town Centre but outside the PSA should be permitted is discussed further in the comments relating to the Proposed Modifications to Policy EC8, and the supporting paragraphs to Policy EC5, below. The comments, however, are equally as pertinent to that area of the Central Strategic Employment Area that is situated within the Town Centre, and which is now referred to in Policy EC1.

2. Proposed Modification to Para. 4.2.2 which is a supportive paragraph to Policy EC5 – Action Number K24/18.

The Proposed Modification to Para. 4.2.2 indicates that, should demand for additional convenience floorspace emerge, the Council will support such proposals within the PSA of the Town Centre in the first instance.

The PSA already has permission for retail development that covers the majority of its operational area other than car parking. There is no indication of where additional floorspace - presumably new floorspace over and above that which is already permitted rather than the replacement of floorspace that is already permitted - would actually be accommodated in the PSA.

The retail offer in the Town Centre needs to be diversified and become more responsive to the shopping needs of the Borough and the Sub-region. The restriction of new retail floorspace to just the PSA and not the Town Centre, will not achieve this.

3. Proposed Modification to Policy EC8 – Action Number K24/19

Proposed Modification K24/19 would add a paragraph to Policy EC8 that would read:

“..... the Council will only support proposals for retail development (Use Class A1) in Telford located outside or on the edge of the Primary Shopping Area where suitable sites cannot be identified through a sequential test.

Again, the limitation of retail uses to the PSA, rather than the Town Centre, is the focus of the policy, but that limitation has not, to date, created a retail offer that is responsive to the needs of the population in the Borough or Sub-Region. The Proposed Modifications may protect the interests of the two major landowners in the PSA, but that does not necessarily create a Town Centre that serves the needs of the population that would like to use it.

It is unusual for a PSA to have exclusive rights to retail development in a town centre. PSA's are defined in Annex2: Glossary to the NPPF as,

“Defined areas where retail development is concentrated.”

The PSA is not defined in the NPPF as an area that is retained exclusively for retail development, nor as having exclusive rights to retail development within a town centre.

Para. 24 of the NPPF says that local planning authorities,

“should require applications for main town centre uses to be located in town centres.....”

The NPPF does not suggest that retail development should be limited to the PSA only, or to an edge of PSA location. The Proposed Modification, then, conflicts with the NPPF.

Para. 24 of the NPPF says that,

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.”

The NPPF, then, suggests that a sequential test should be applied to applications for any main town centre use (including retail) only where they are proposed outside an existing centre. It does not suggest that applications for retail development, should be restricted to the PSA only, or that a sequential test should be begin with the PSA, as the Proposed Modification suggests.

Proposed Modification K24/19 then goes on to suggest that,

“Proposals for retail, leisure and office space in edge or out of centre locations will require the submission of an impact assessment where.....”

and then three floorspace thresholds are set out.

However, para. 26 of the NPPF says that,

“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set, floorspace threshold.”

An impact assessment is, then, as far as the NPPF is concerned, necessary for retail, leisure and office developments only when an application relates to sites outside of town centres. It does not indicate that an impact assessment should be required for edge of centre sites, and is clearly not referring to sites that are on the edge of a PSA.

The Proposed Modifications to Policy EC8, and particularly the limitation of retail development to the PSA, are in conflict with the NPPF. In SEG’s view they are unlikely to achieve the aims of the NPPF for town centres or the aims for Telford Town Centre set out in the Local Plan.

Conclusion

In SEG's view the Council should be making Modifications to Policy No's EC1, EC5 and EC8 that will encourage retail development in the Telford Town Centre, as well as all other main town centres uses and residential. The restriction, even 'in the first instance,' of retail development to the PSA only, will not allow the Town Centre to reach its potential. If retail development is not permitted in the Town Centre generally, or if the current restrictions on retail development are maintained, the residents of Telford will be deprived of certain retail outlets that will not, or cannot, locate in the PSA, and the Town Centre will be deprived of vitality, competitiveness, diversity and individuality, all matters that would assist its claim of being a sub-regional centre.

Yours faithfully

Clive Roberts
On behalf of the
Southwater Event Group