

Objection Refs Nos: 10/22 and 10/23

Main Matter 5

Statement

Retail Policies

Colchester Borough Council

Focussed Local Plan Review

Independent Examination

Statement by Neil Waterson BA (Hons) DipTP MRTPI AIEMA of Bidwells LLP

On behalf of

Schroeder UK Property Fund

1. Introduction

- 1.1 My name is Neil Michael Waterson, I hold a Bachelor of Arts Degree in Town Planning and a Post Graduate Diploma in Town Planning from Oxford Brookes University. I am a Member of the Royal Town Planning Institute and an Associate Member of the Institute of Environmental Management and Assessment and have 13 years professional experience in the planning sector. I am currently a Senior Planning Associate at Bidwells in Cambridge. I have extensive experience of both retail planning issues and promoting sites through the Local Plan process. I am familiar with Colchester and the retail planning issues within the Borough having acted as planning consultant to the owners of the Turner Rise Retail Park, Colchester for 10 years.
- 1.2 Following representations lodged on behalf of Schroeder UK Property Fund to the Focussed Local Plan Review in relation to the retail policies (CE1/CE1a and CE2b), these further representations are intended to supplement our previous submissions by providing specific consideration to the Inspector's questions in relation to this matter. In doing so, we have sought to respond only to those questions of relevance to Schroeder UK Property Fund's Interests and which are related to our original representations. I would reiterate our previous objections to Policies CE1/CE1a and CE2b and request that these views be taken into account as written representations.

2. Questions

5.1 Any comments on the Inspector's proposed approach to the Centre Hierarchy?

- 2.1 Whilst we understand the reasons for the Inspector's approach, we are nonetheless concerned that the inability to consider changes to the centre hierarchy or its interpretation will have implications for the soundness of the retail policies within the Plan in general. There are a number of inconsistencies with the NPPF within the centre hierarchy and the supporting text. Excluding consideration of these issues would undermine the soundness of the other retail policies since they need to be interpreted within the context of Policy CE1/CE1a.
- 2.2 It is considered that, as a minimum, the Inspector should consider how the detailed wording can be adjusted to ensure greater consistency with the NPPF in terms of the application of the sequential test without fundamentally altering the Centre Hierarchy itself.

5.5 Is the approach proposed to local thresholds (applying within some centres and seeking to avoid competition with Colchester town centre) justified as an exception to the NPPF by local circumstances or evidence?

- 2.3 The approach proposed to local thresholds is not consistent with Government Policy within paragraph 23 of the NPPF and has not been justified by the Council as an exception to the NPPF. The Council's Retail Study update 2013 (Ref: ED18) confirms that Colchester Town Centre is a vital and vibrant centre with a strong and diverse retail offer including a higher proportion of comparison retailers and a lower proportion of vacancies in comparison to the National average. No reasoned justification has been provided as to the need for such an approach in the context of the performance of centres within the hierarchy.
- 2.4 Moreover, the requirement for development within the District Centres to avoid competition with the Town Centre is also inconsistent with Government Policy within paragraph 23 of the NPPF which seeks to promote competitive town centres that provide consumer choice. The NPPF makes clear that the relevant consideration in considering proposals for new retail development is whether they would lead to 'a significant adverse impact' on existing centres and this should be the requirement which is referred to in the Council's retail policies.

5.6 If not justified, would the deletion of the changes to CE2b in the Focussed Review (together with part of an existing sentence in the policy) as proposed in MAJ15 and MAJ16 in CD23 make CE2 consistent with NPPF?

- 2.5 It is considered that the proposed changes to policy CE2b as proposed in MAJ16 would make the policy itself reasonably consistent with the NPPF. However, the Policy clearly needs to be read within the context of the preceding retail policies (CE1/CE1a) and the subsequent explanatory text. As such, the proposed changes to the policies and supporting text need to be considered holistically to ensure the approach within the Plan is both consistent within itself as well as the NPPF.

5.8 Consistent with my approach to avoid considering any matters that relate to any element of the spatial strategy of the overall development plan, should I be excluding any detailed consideration of these changes since they relate to the hierarchy of centres?

- 2.6 It is considered that it is appropriate to give detailed consideration to these proposed changes. The purpose of the Review is to bring the Council's Plan into line with the NPPF as far as possible in advance of the Full Review of the Local Plan. In this

regard, we would stress that the approach set out within Table CE1a and the text at the top of page 20 in particular is clearly not consistent with Government guidance within the NPPF which seeks to focus town centre uses within existing centres (including District Centres).

- 2.7 Moreover, the text on the top of page 20 provides interpretation of the Council's hierarchy and how the sequential test will be applied within this context. As such, the text relates more to matters of detailed policy interpretation rather than merely to the spatial strategy. Failure to consider these proposed changes and their compliance with the NPPF would have implications for the interpretation of Policy CE2 and mean that any changes to policies CE2a and CE2b are undermined by the inconsistencies of this Policy text (page 20) with the NPPF.

5.9 If some element of this paragraph is appropriate to consider as part of the Focused Review, are the proposed changes consistent with NPPF or are any local variations justified by local circumstances/evidence? In particular, the following questions arise:

- **The Focussed Review maintains the existing policy that such edge of centre locations are to be preferred to locations in the Urban Gateways and Urban District Centres. Is this locally justified?**

- 2.8 The approach proposed is not consistent with Government Policy within paragraph 23 of the NPPF and has not been justified by the Council as an exception to the NPPF. No reasoned justification has been provided within the Council's evidence base to justify such an approach in the context of the performance of centres within the hierarchy or their capacity to accommodate future development needs.

5.10 If the text in the Focussed Review is not justified, would possible proposed change MAJ14 in CD23 make this paragraph sound? Should it say town centres or simply *centres* consistent with the first sentence?

- 2.9 It is considered that the proposed changes to the text on page 20 as proposed in MAJ14 would help to make this text more consistent with the NPPF but that there would still be some inconsistencies. The text currently requires the sequential test to be applied to developments for main town centre uses within the District Centres. This approach is not consistent with paragraph 27 of the NPPF which makes clear that this should be applied to developments outside of existing centres only. This approach is therefore unsound and should be addressed as part of this focussed review.

- 2.10 To ensure consistency with the first paragraph and the NPPF the text should refer to centres rather than just the town centre since the NPPF makes clear that references to town centres within the NPPF refer to all centres. The Council's objective of ensuring that Colchester Town Centre remains the focus for the majority of new development for town centre uses can still be fulfilled by requiring the scale and nature of development to have regard to the centre hierarchy. Policy CE1 already incorporates text in this regard and, if necessary, similar text could also be added to Policy CE1a (text at the top of page 20) to further emphasise this. This approach has already been advocated within our previous representations.

(1,319 words)