



Practical Implications of New Town Centre Policy

‘Planning for Prosperous Economies?’

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CB Richard Ellis

- 9 Strong Retail and Leisure Planning Team
- Public and Private Sector
- Advised on over 10msqft of retail & leisure floorspace in the last 2 years
- Previous Review on the Effectiveness of PPS6
- Linked with representations / comment on new draft
- Engaged in both Town Centre & Out of Centre

The Practical Implications of New Town Centre Policy

- Briefly review changes suggested in the draft PPS4
- Review implications:

1. In 'Plan Making'
2. For 'Development Control'

... relevant to all town centres and particularly
Historic Town Centres

Where are we Now?

PPS6 (2005) update of PPG6

- Shift of emphasis
 - PPG6: Development Control
 - PPS6: Enabling Development
- 10 Years of 'Town Centres First'
- '*Positive & Proactive*' Plan Led system to accommodate growth
- But still only 40% Retail within Town Centres / Edge of Town Centres
- Only 30% within Town Centres

The Government's Main Objectives

- A Plan-led approach to sustain and enhance the vitality and viability of centres
- Focus retail and other development at locations accessible by means of transport other than the car
- Promote competition to ensure a wide range of shops, services and facilities for people to enjoy.
- BUT!
- ... a blunt tool
- ... unintended consequences
- Particularly for historic towns ...

'A Review of a Review'

- New Partial Review of PPS6 July 2008
- Greater 'sophistication' and 'flexibility'
- Away from 'Tick box' procedure of current approach
- Promote devolution & empowerment of LPAs
- Review suggested finalised around March 2009

BUT ...

- New document '*Planning for Prosperous Economies*' May 2009
- Includes merger of PPS6 / PPS4 & elements of PPS7 & PPG13
- Published with draft guidance 'daughter paper'

Business as usual ...

'... it is not about revisiting the fundamentals of the policy'

'... about improving the effectiveness of our policies ...'

'... refining the framework ...'

'... offering greater guidance and clarity ...'

In a Nutshell – ‘The Old System’

1. Need:

- quantitative Need
- easy to apply
- an anorak’s dream
- but unintended consequences

2. Scale

- rarely applied in decision making

3. Sequential Test

- been a key gateway for 10+ years

4. Impact

- qualitatively and quantitatively based
- but rarely scientific
- focus on ‘procedure’ not necessarily ‘outcome’

5. Accessibility

- usually left to the Transport Assessment

In a Nutshell – ‘The New System’

1. Plan Making

- Need
- Sequential Assessment
- Enhanced Impact Assessment

2. Development Control

- Sequential Assessment
- Enhanced Impact Assessment

EC20: The Enhanced Impact Test

Considers **POSITIVE** and **NEGATIVE** 'impact' judged against:

- Effect on carbon dioxide emissions / climate change
- Development plan
- Proposed public / private investment
- Proposed scale of the development
- Trade of existing town centre operators
- Vitality and viability

If fails the sequential assessment or '**significant adverse impact**' shown then '**normally**' a refusal
BUT if '**some impact**' outweighed by wider economic social and environmental benefits eg:

- Promotion of Development Plan policies
- Benefit deprived areas
- Employment
- Promotion of physical regeneration

... then Local Planning Authorities should consider proposals favourably

EC20: The Enhanced Impact Test

Has a broader focus but potentially complex.

- **Emphasis on economic, social and environmental**
- **Identification of Key Impacts: where these are negative and 'significant' will 'normally' justify refusal eg Development Plan, Investment & Vitality and Viability.**
- **But where 'some' but not 'significant' impact allows wider impacts to be considered eg employment / regeneration**
- **+ve and -ve factors 'in the balance'**
- **Potentially help historic towns take charge of their own destiny**

Implications for Plan Making:

- Requires LPA's to define priorities in plan making
- Assess 'need'
- Test options to meet 'need'
- ... Or face the consequences?

1. Assess 'need'

- Not just 'expenditure capacity'
- Social
- Diversity

2. Decide on Priorities

- Sustainable
- Economic
- Social

... may vary from town to town and could be very different in Historic Towns

3. Allocate Sites & assess their impacts

- 'Town centre first' not necessarily 'town centre only'
- Impact to be assessed on same basis as development control

... may vary from town to town and could be very different in Historic Towns

4. Prepare for scrutiny!

- PPS12: evidence base
- Robust Retail Assessment
- Evidence of 'Option Testing'
- Paper-trail of considering alternative strategies
- Including Sustainability Testing?
- Including Social Impact Testing?
- Including Viability testing?

For Development Control

1. Need to 'scope' proposed 'impact assessment'

- Like an EIA?
- Determine those issues to be included
- Scope 'out' not 'in'!

2. Agree priorities

- Should be 'plan led' linked with Council's Retail Study
- Agree +ve and -ve factors
- Economic
- Sustainability
- Social

3. Agree definitions

- Significant adverse impact?
- Acceptable Impact?
- Weight of wider economic, social and environmental benefits?

4. Agree key indices

- Assessment date
- Turnover
- Population
- Expenditure
- Efficiency

5. 'Agree to disagree'?

Business as usual?

- Re-emphasis of 'plan led'
- Re-emphasis of 'positive planning'
 - Or face the consequences?
- Re-emphasis of 'town centres first'
- 'Need' remains in Plan Making
 - But also 'buried' in Development Control!

But some fundamental changes:

- Planning evidence base now fundamental
 - Set Priorities
 - Be prepared for scrutiny!
 - Opportunities to distinguish historic towns
- Sequential replaces need as 'gateway'
 - But again, opportunity for sensitivity in historic areas
- New enhanced 'impact assessment'
 - But potentially complicated! (Para 3.19 draft PPS6)
 - Needs careful scoping similar to EIA
 - Flexibility supports setting priorities, which may benefit historic towns

- Greater sophistication on 'impact' welcomed
- Factors which exist in Historic Town should be weighed more in the balance

BUT:

- Guidance in daughter paper interpreting EC20 critical
- Otherwise clarification of interpretation:
 - **through appeal decisions considered by the SoS**
 - **via the Courts challenging those decisions!**
- Danger if we get wrong is 'Planning by appeal'
- Hardly devolutionary!



QUESTIONS