

**BAE PENSION FUNDS TRUSTEES
LIMITED**

**KIRKLEES LOCAL PLAN HEARING
SESSIONS**

HEARING STATEMENT SESSION 7

CONSULTEE/ AGENT ID 1059166

**SPECIFIC COMMENT ID
PDLP_SP187**

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1.0 INTRODUCTION

- 1.1 This Statement Is submitted on behalf of BAE Pension Funds Trustees Limited (BAE). BAE is the owner of Great Northern Retail Park in Huddersfield. On 14 December 2016, representations were submitted on behalf of BAE in relation to Policy PLP13 of the Kirklees Local Plan Publication Draft 2016.
- 1.2 The Inspector issued Examination Guidance Notes in relation to the forthcoming hearing to examine the soundness of the Kirklees Local Plan. Attached to these Notes was a Stage 1 – Initial Hearings statement, setting out “*Matters, Issues and Questions*” (MIQ’s) for the hearing. This Statement on behalf of BAE concerns Matter 7, Retail Needs & Delivery, as set out in the MIQ’s.
- 1.3 Jonathan Best will appear at the hearing in relation to it.

2.0 HEARING STATEMENT – MATTER 7

2.1 The Inspector identified the Issue subject of Matter 7 as follows:-

Does the Plan set out a positively prepared strategy for the delivery of retail development, which is justified, effective and consistent with national policy?

2.2 Specific reference is made to Section A of Policy PLP 13, as well as PLP17, PLP18. Six questions were identified (a-f) by the Inspector. This section of the Hearing Statement responds to these six questions in order to address the Issue subject of Matter 7.

a) Is the assessment of future retail floorspace needs in the Council's Retail Capacity Study Update (2016) (LE36) soundly based and justified? Should these figures be identified in the Plan?

2.3 Paragraph 1.01 of the Kirklees Retail Study 2014 states that it will “*act as the evidence base to assist in the formulation of future development plan policy, as well as providing baseline information to assist in the determination of planning applications for retail development*”.

2.4 Question a) concerns the Kirklees Retail Study Update 2016 (the Retail Study). This was re-issued in September 2017 (LE36.1), and includes the most up to date/ revised figures on retail need. It should be read alongside the 2014 Study.

2.5 The methodology of the Retail Study follows a standard approach to assess the need for new retail development through the plan making process. BAE has accepted the content of it. Unless the content of the Study is otherwise demonstrated to be flawed, then it should be considered to be an adequate, up to date and relevant part of the evidence base for the Plan.

2.6 The NPPF confirms the basis on which Local Plans should be prepared. They should be aspirational but realistic, and plan positively for the development required in an area. LPA's should set out strategic priorities to deliver the provision of retail, leisure and commercial development based upon adequate, up to date and relevant evidence.

2.7 Accordingly, it is considered that the figures in the Retail Capacity Study Update setting out needs for retail development in Kirklees should be included in the Plan. Paragraph 23 of the NPPF confirms that it is important that needs for retail and other main town centre uses “*are met in full*”. To do this, the full needs identified in the Retail Study should be set out in the Plan.

- Table 5.4 of the Study¹ sets out the Quantitative Need for Convenience Goods Floorspace in Kirklees. It states that the residential capacity was £49.23m in 2016 which will rise to £108.38m by 2031.

¹ LE36.1

- Table 5.25² states that the Quantitative Need for Comparison Goods Floorspace in Kirklees equated to -£54.04m in 2016. However, this was forecast to rise to £30.03m by 2021 and £342.14m by 2031.

2.8 These are substantial needs which should be met within the Plan.

b) Is there capacity in defined centres, on edge of centre sites or within existing urban areas to accommodate this scale of retail growth over the Plan period? If not, how/where will retail growth be accommodated? Are there implications for Green Belt boundaries and locations?

2.9 Policy PLP17 states that “Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district”. PLP13 confirms that it is a Principal Town Centre in the Shopping Centre Hierarchy.

2.10 Huddersfield is within survey zone 1 of the Retail Study; zones 2, 5, 6 and 7 surround it. Table A below, derived from Tables 5.27, 29, 33, 35 and 37 of the Retail Study, show that the forecast comparison goods retail capacity of these five zones alone will be £185.93m by 2031. The equivalent figure for convenience goods is £75.03m³. In total there is £247.93m retail capacity identified by 2031.

Table A – Retail Capacity 2031 Zones 1, 2, 5, 6 & 7

Zone	Convenience Goods	Comparison Goods	Total
1	-£13.03m	158.69m	£145.66m
2	£74.98m	£13.54m	£88.52m
5	-£21.32m	£1.50m	-£19.82m
6	-£1.52m	£5.13m	£3.61m
7	£22.89m	£7.07m	£29.96m
Total	£62.00m	£185.93m	£247.93m

2.11 We have noted above the importance of meeting such needs in full. However, only two sites are identified for town centre uses in Huddersfield. Both are mixed use sites (Site MX2101 Land east of Southgate; and MX1906 Land north of Trinity Street) with limited retail floorspace.

2.12 Accordingly, there is no evidence to demonstrate that there is capacity in Huddersfield, a Principal Town Centre which is to be the principal focus for high quality comparison retail goods, to accommodate the forecast scale of retail growth in the zone that it falls within/ surround it, over the Plan period.

2.13 To avoid the need to accommodate new retail development within the Green Belt, new shopping uses that cannot be accommodated in or on the edge of town centres should be directed to alternative suitable locations. Retail parks, such as Great Northern Retail

² LE36.1

³ Tables 5.6, 8, 12, 14 & 16

Park at Leeds Road, provide existing retail units and, as acknowledged at paragraph 9.8 of the Local Plan, provide an “*important role*” in the retail offer. Further retail development offers the potential for linked shopping trips and access by a choice of means of transport.

- 2.14 NJL Consulting Limited, on behalf of Coal Pension Properties Ltd, has suggested the designation of such retail parks as “*commercial centres*”. Retail and other town centre uses could be directed to such locations in order to meet the needs identified in the Retail Study. For these reasons, the suggested “*Commercial Centres*” designation is supported by BAE.

c) *Do Policies PLP 17 and 18 provide sufficient clarity regarding the role of the forthcoming Area Action Plans and the delivery of retail growth in Huddersfield and Dewsbury town centres?*

- 2.15 Having identified substantial needs for shopping floorspace in the Retail Study, we would expect the Local Plan to identify the principal locations where such needs will be met. As noted above, Sites MX2101 and MX1906 are the two retail allocations in Huddersfield, but these are mixed use allocations where limited retail floorspace is envisaged. In light of this, we do not consider that the Local Plan generally, or Policy PLP17 specifically, provides sufficient clarity regarding the role of the forthcoming Area Action Plans and the delivery of retail growth. This reinforces the importance of identifying other locations as Commercial Centres for retail development.

d) *What quantum of retail development is anticipated on the mixed use allocation sites within Huddersfield town centre? (Sites MX1906 and MX2101)?*

- 2.16 BAE has no comment on this matter.

e) *Is the list of defined centres and their role and function, as set out in Policy PLP 13 (section A), appropriately framed and justified? Is the hierarchy consistent with the role of Huddersfield and Dewsbury as outlined in Policies PLP 17 and 18?*

- 2.17 Whilst no objection was made to the list of defined centres, and the role and function of them, in December 2016, the responses to the Inspectors questions above clearly point to a Local Plan based upon a hierarchy that is unable to accommodate the needs identified in the evidence base for it – namely in the Retail Study. Accordingly, the Inspector is correct to question whether the Shopping Centre Hierarchy is appropriately framed and justified.

- 2.18 We would expect an allowance to be made for some “*windfall*” retail sites to meet the identified needs - as some schemes will always come forward through the development control process. However, taking such windfall sites into account, the Local Plan should identify sufficient sites to ensure that the forecast shopping needs are met full. It is the significant scale of the deficiency in Kirklees, between the identified needs in the Retail Study and the site allocations, that leads us to conclude that Shopping Centre Hierarchy is has not been appropriately framed and justified.

- 2.19 Accordingly, it is considered that the hierarchy should be adjusted to ensure that it is better suited to meet identified needs. In the context of the NPPF, Policy PLP13 should facilitate the delivery of sufficient retail development to meet, in full, the retail needs in Kirklees generally, and Huddersfield, particularly. This requires sufficient suitable sites to be allocated. Residents of the Borough should not forego necessary shopping facilities due to limited site availability within defined town centres.
- 2.20 As noted above, paragraph 9.8 of the Local Plan acknowledges the “*important role*” of the retail park offer in meeting the shopping needs of residents. We consider that larger retail parks, such as Great Northern, should be designated as Commercial Centres.
- 2.21 GNRP is a large park, 14,530sqm⁴ that is situated in a sustainable enhances the location close to Huddersfield Town Centre. The retail offer of it, based upon a minimum unit size of 929sqm attractiveness of Huddersfield as a place to shop. The Park has benefited from recent investment and is the subject of a current planning application to enhance circulation, egress and catering provision. Accordingly, GNRP would be a sustainable location to accommodate retail requirements that form part of the needs of the Borough that were identified in the Retail Study. Designating GNRP as a Commercial Centre would be an appropriate way to direct suitable retail development which cannot be met in the defined town centres, in a sustainable form (accessible by a choice of means of transport and encouraging linked shopping trips).
- 2.22 Traditional centres would remain the focus for new retail development. Accordingly, defining Commercial Centres would not undermine the vitality and viability of such existing centres. However, it would help meet the identified needs. Accordingly, Policy PLP13 should be amended to include the provision of Commercial Centres at locations such as Great Northern Retail Park.
- 2.23 In conclusion, the policy as it is worded does not take proper account of commercial centres. Therefore, by virtue of the reason above the way that proposals to extend or alter existing floorspace at such centres should not be dealt with in the same manner as other ‘out of centre’ development.
- f) What additional Local Centres are anticipated to be delivered over the Plan period?
- 2.24 BAE has no comment on this matter.

⁴ Excluding mezzanines

3.0 CONCLUSION

- 3.1 The Local Plan should identify the figures from the assessment of future retail floorspace needs contained in the Council's Retail Capacity Study Update (2016) (LE36). Huddersfield is the Principal Town Centre where comparison goods shopping is directed. However, only two sites are allocated for retail development within it – both as mixed use sites. Accordingly, we consider that it is not demonstrated that there capacity in defined centres to accommodate this scale of retail growth over the Plan period.
- 3.2 In order to meet the identified needs in a sustainable form, new retail development that cannot be accommodated on suitable and available sites within or on the edge of defined town centres, should be directed to other sustainable urban locations to minimise the need for such development to be accommodated in the Green Belt. Existing retail parks should be designated as “*commercial centres*” in Policy PLP13.
- 3.3 We conclude that the Plan does not set out a positively prepared strategy for the delivery of retail development, which is justified, effective and consistent with national policy.