

SPP Review - Call for Ideas

Contact Details

Name : Katherine Sneed	Organisation : Jigsaw Planning on behalf of ASDA Stores Limited
Telephone No : 07860757873	Email : Katherine@jigsawplanning.co.uk
Address : PO Box 2844, Glasgow G61 9DG	

Introduction

These comments are submitted on behalf of ASDA Stores Limited who welcomes the opportunity to comment on the 'Call for Ideas' stage of the SPP Review.

ASDA operate 564 retail outlets and 26 depots across the UK providing communities with high quality goods and services at an affordable price. They employ over 175,000 colleagues across the UK.

ASDA have 55 stores and two distribution centres across Scotland employing approximately 20,000 colleagues, making ASDA a major national employer.

The majority of their stores are located in town centres, district centres or at edge of centre locations. Their on-going development programme is helping to revitalise cities and towns throughout Scotland. Their stores play an integral role in the communities they serve – creating new jobs and stimulating the economy.

As a major user of the planning system, ASDA welcomes the review of the SPP. ASDA were clear in supporting the Scottish Government's commitment to providing shorter, clearer and more focused national planning policy when the SPP was first prepared. The SPP should be a source of direction and it is crucial that it is regarded as a live document that is able to be updated regularly and efficiently.

Having worked with the SPP since its publication in 2010, we have outlined a number of comments where solutions or changes could be made to further clarify and encourage sustainable development. We trust these will assist the Scottish Government.

SPP Review - Call for Ideas

Policy Subject/s : **General Comments**

What works? Why?

ASDA continue to support the condensed and consolidated nature of the SPP, making it easier and faster to understand the current planning policy.

The outcomes at the end of the SPP are focused and ASDA supports in particular the statement that planning authorities should be informed by the underlying economics of development.

The format of the SPP is well structured and clear.

What doesn't work? Why?

With the outcomes in mind, it would be beneficial if the SPP went further to promote the role that the local authority has in supporting economic growth. The SPP could strongly emphasise the flexibility needed by local authorities to respond to changing economic conditions, project viability and wind-fall opportunities that arise.

Planning authorities are keen to seek private sector contributions to facilitate development through supplementary planning guidance, however there is a trend for these to be used to generate blanket policies which affect all developments rather than linking more directly to the tests set out in Circular 3/2012 e.g. that developer contributions must be necessary to mitigate impacts of the development to which they relate.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The SPP should more strongly promote the role that the local authority has in supporting economic growth. The SPP could emphasise the flexibility needed by local authorities to respond to changing economic conditions, job creation, improvements and local infrastructure upgrades, and wind-fall opportunities that arise.

The SPP emphasis more strongly the role of developer contributions and the link to the tests in Circular 3/2012.

SPP Review - Call for Ideas

Policy Subject/s : **Determining Planning Applications (paragraphs 24 - 27)**

What works? Why?

Planning processing agreements and their continued use.

What doesn't work? Why?

This section of the SPP relates to the use of conditions and planning agreements in granting planning permissions.

There is still evidence of planning authorities using conditions to restrict the development of mezzanine floors or the sale of certain goods without justification. This is only appropriate where a retail study or assessment supports the condition. The SPP should make it clear that conditions restricting the sale of certain goods or the format of units, including the development of mezzanine floorspace, should only be used where demonstrated necessary by means of a supporting Retail Impact Assessment or Council-commissioned Retail Study.

ASDA support the mechanism of developer contributions where justified and reasonable however in some cases Councils can be unrealistic in their approach and aspirations; this can ultimately lead to questions over the viability of a scheme.

The development sector has brought about a large amount of infrastructure delivery and this is appropriate where legible to the proposed development with which it is related.

ASDA recommend that Councils are forced to ensure there is a programme for implementing infrastructure improvements as a result of developer contributions within short timescales. At present this can often be 5 or 10 years from the payment of the monies and there are concerns that this negates the relevance to the scheme with which it is associated. A shorter period with defined timescales would be more appropriate otherwise the immediate impact of the development is not resolved at the point the development comes into use.

ASDA has experience of the S75 process functioning quickly and effectively as a method of seeking developer contributions where the LPA is engaged and are willing to accept the applicants drafting the agreement. However ASDA would support an option to vary the terms of a S75 agreement through the exchange of letters rather than a deed of variation, which can add time and cost to the process.

ASDA would support the increased use of draft head of terms for S75 agreements prior to committees to speed up the process post committee and to allow the decision notice to be issued in timely manner. This also ensures an open and transparent process for 3rd parties during the application process.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

LPA's need to review applications in the round and not simply focus on one element of policy.

Please return this proforma to sppreview@scotland.gsi.gov.uk

SPP Review - Call for Ideas

More emphasis should be given to material considerations (but not at the expense of good planning judgement) but recognition should be made to the local economic circumstances and a clear assessment should be made of how the proposal can provide sustainable economic growth in the community it is proposed. Job creation, investment, reuse of vacant sites, infrastructure improvements and spin off benefits should all be assessed clearly in the decision making process for all development. A balanced view can then be taken of the benefits against any detrimental impacts.

The SPP should make it clear that conditions restricting the sale of certain goods or the format of units, including the development of mezzanine floorspace, should be used where demonstrated necessary by means of a supporting Retail Impact Assessment or Council-commissioned Retail Study.

ASDA recommend that Councils are forced to ensure there is a programme for implementing infrastructure improvements as a result of developer contributions within short timescales.

ASDA would support an option to vary the terms of a S75 agreement through the exchange of letters rather than a deed of variation, which can add time and cost to the process.

ASDA recommends that the SPP strongly encourages the increased use of draft head of terms for S75 agreements prior to committees.

SPP Review - Call for Ideas

Policy Subject/s : **Sustainable Economic Growth (paragraph 33)**

What works? Why?

ASDA supports this section of the SPP which emphasises that planning authorities take a positive approach to development, with the recognition that development proposals can contribute to economic growth through job creation, reuse of vacant sites, investment in local communities including spin off benefits of utilising local labour and companies throughout the build and operation of the development, upgrade to local infrastructure etc.

What doesn't work? Why?

ASDA would welcome the continued and improved tie in of the planning process with the economic development teams at Councils. The viability of a development is critical to its delivery and therefore planning teams need to be fully aware and engaged with the wider pressures of delivering development such as job creation, business rates payments and, in the case of retail developments, the newly introduced Public Health Supplement which all add to the viability assessment. In essence local authorities need to make sure that their region is still an attractive place in which businesses want to invest.

ASDA support a considered and fair approach to development delivery, reflecting the key indicators of development viability. A critical ingredient to better decision-making would come from an enhanced understanding of development viability.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

The SPP needs to more strongly emphasis the role of the local authority to have an understanding of economic drivers and that they should be realistic in their approach and aspirations; otherwise this can lead to questions over the viability of a scheme.

Recognition should be given to the importance that the retail sector plays in delivering sustainable economic growth in Scotland. Retailers such as ASDA deliver long-term physical and social regeneration to community through their new store development programme. There is a role for the SPP to strongly encourage planning authorities to promote and recognise the role retail has to play, at present there is still inconsistency across Scotland.

Due regard should be given by local authorities to planning applications which promote the employment of local people and enhance local competitiveness and economic performance. A clear priority should be given to making more jobs accessible to deprived communities during both the construction and operation phase. In deprived areas more local and accessible jobs need to be provided. Retailers such as ASDA can and do provide major opportunities for sustainable economic growth and regeneration contributing to the successful functioning of the local, regional and national economy.

SPP Review - Call for Ideas

Policy Subject/s : **Economic Development (paragraphs 45 - 51)**

What works? Why?

ASDA supports the basis of this section of the SPP of removing unnecessary planning barriers and providing scope for expansion and growth.

What doesn't work? Why?

There is an emphasis in paragraph 46 related to the use of the development plan to identify a range of sites for various purposes. However ASDA has experience of local authorities allocating sites for development which have inherent difficulties, such as servicing or access problems which make them unattractive and unsuitable to developers. The SPP should encourage local authorities to be realistic when allocating sites to ensure they meet the requirements of developers, are viable, available and suitable.

The SPP should emphasise greater flexibility to cater for circumstances where an area of land previously allocated in the development plan has no realistic possibility of use in that particular market. This would allow local authorities to act more proactively in their response to changing economic circumstances and wind-fall development proposals. The timescales of delivering LDPs needs to be condensed along with better use of SPGs to reflect changing economic circumstances of the local and national economy.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

Whilst ASDA do not dispute that a plan led system is still appropriate, the SPP should encourage Councils still to be open to new sites coming forward and the economic benefits that that can bring and be reactive to changing circumstances facing both the local economy and the community within it

SPP Review - Call for Ideas

Policy Subject/s : **Town Centres and Retailing (paragraphs 52 - 65)**

What works?

See below

What doesn't work?

See below

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

ASDA supports the sequential approach and recognises the success it has had revitalising many towns and cities across Scotland, however there is the potential to refine it further.

Firstly ASDA considers that it is inappropriate for the sequential approach to apply to extensions. The nature of an extension is to provide increased choice and range of goods to customers, improve the circulation space or provide additional complementary services at an existing location. To seek to separate this additional floorspace from the existing store is counterproductive to the benefits it is proposed to bring. This was concluded in the recent decision by the Supreme Court for the Tesco Stores Ltd vs Dundee City Council case where Lord Reid stated:

“The words “the proposal” which appear in the third and fifth of the list of the criteria which must be satisfied serve to reinforce the point that the whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer. It is worth noting too that the phrase “no suitable site is available” appears in Policy 46 of the local plan relating to commercial developments. Here too the context indicates that the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve.”

Therefore, bearing in mind the need for flexibility and realism to which Lord Reid refers in para 28, the sequential approach is inappropriate for extension proposals given they are derived from a developers’ market requirement for additional facilities.

Secondly, there needs to be a degree of adaptability to changing circumstances and settlement patterns. For example town centres that have had substantive housing development added onto their peripheral areas may no longer be appropriate for new retail uses. Therefore retail on the periphery of a town may ease congestion and convenience for this new peripheral housing.

In terms of other changes, ASDA considers there is a strong case for introducing a local

Please return this proforma to sppreview@scotland.gsi.gov.uk

SPP Review - Call for Ideas

Competition Test as set out in previous consultation responses. Such a test would restrict supermarkets already present in local markets from setting up an additional store; encouraging a diversity of provision over time. In effect, such a test would limit the ability of a supermarket to monopolise the 'permits' to trade in particular local markets.

ASDA has recently been increasingly aware of situations where communities much in need of a supermarket development and permission has been granted to a retailer who now have no intention to develop the site. As a result other developers are cautious about investing due to a lack of quantitative requirement for a further store. The quantitative turnover is essentially 'banked' and it is the community that is losing out. Extant permissions are regularly renewed to prevent competitors investing which stymies development in the settlement and prevents further investment in the local community. Local Authorities should fully appraise the economic viability of projects proceeding if there has been excessive delay in signing the S75 agreement post committee, no intention to implement consents and continued renewal of permissions. The SPP should encourage planning authorities to recognise this problem and give flexibility for additional floorspace to be granted where appropriate

SPP Review - Call for Ideas

Policy Subject/s : **Parking policies (paragraphs 171 – 173)**

What works?

ASDA supports the consistent approach to parking standards that the SPP provides. These maximum standards should be maintained.

What doesn't work?

Whilst ASDA seek to comply with the maximum parking standards, there are many cases where local authorities seek an over provision or a level up to the SPP maximum standards in urban areas with access to public transport. They often utilise their own out of date minimum standards or seek to ensure the maximum standards have been achieved. ASDA understand that providing less than the maximum standards remains within policy, however often local planning authorities require the maximum figure to be the number of spaces required within a development.

Whilst we need to understand the issues, we ask that comments focus on the possible solutions.

What changes and/or solutions could be made to the policy to focus it on sustainable economic growth and to emphasise place making?

To provide an insufficient number of car parking spaces for an operators business model will only seek to impact on the level of returns of the project (e.g. if an ASDA store was to provide insufficient car parking then the store will be less attractive to shoppers). Therefore the applicant is best placed to know the amount of parking required. As long as the developer remains within the maximum standards set in the SPP, local planning authorities should not dictate their own perception of the minimum number of car parking spaces required. This must be emphasised in the revised SPP. Providing additional unnecessary parking on sites could constrain its operation and is an unnecessary construction cost to the developer and may further compromise the viability of a scheme in the current economic climate.