

To: PLANNING AND ENVIRONMENT COMMITTEE		Subject: Scottish Executive Consultation Draft: Scottish Planning Policy 8 Town Centres.
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 16 November 2005	Ref: FGMcN/38/01	

1.0 Purpose of Report

- 1.1 To inform Committee of the proposals included in the Scottish Planning Policy 8 Town Centres: Consultation Draft (Draft SPP8) and to recommend a response to the Scottish Executive.

2. Background

- 2.1 Draft SPP8 sets out the Scottish Executive's policy for town centres and the key issues which contribute to their economic growth and enhancement. When finalised the new guidance will replace National Planning Policy 8: Town Centres and Retailing (NPPG8) which was issued in 1998. Views on Draft SPP8 are to be sent to the Scottish Executive by 11 November 2005. The full text of Draft SPP8 is available on the Scottish Executive web-site.

3. Sustainability Implications

- 3.1 The approach adopted in Draft SPP8 is consistent with sustainable development principles by focusing on maintaining and enhancing town centres as the principal location for all town centre land use developments and allowing access to these land uses by a variety of transport modes.

4. Key Points

- 4.1 This report highlights some of the main changes from the previous guidance (NPPG8), comments on their significance, and the key points recommended for inclusion in a response to the Scottish Executive.
- 4.2 The key points recommended as a response to the Scottish Executive are attached to this report as Appendix 1.

5. General Impressions

- 5.1 The Draft SPP8 is significantly reduced in the scale and detail of guidance compared to NPPG8. It is a much more slimmed down strategic document. The Draft SPP8 no longer contains advice on a Glossary of Terms or the useful supplementary guidance on particular types of retail and leisure developments such as district shopping centres, retail warehouse parks, factory outlet centres and commercial leisure proposals. There is therefore concern that these omissions may lead to retail/commercial leisure planning applications being handled inconsistently with a variety of interpretations and approaches being adopted.
- 5.2 The title of the document Town Centre may not fully reflect the contents of the guidance. The document deals with retail and leisure issues outwith the town centres – edge of centre and out

of centre locations. It would be more consistent if the document were named Town Centres and Retailing as was the case with NPPG8.

- 5.3 The Draft SPP8 refers to the development plan only. The previous NPPG8 provided useful advice on the specific roles of the Structure Plan and Local Plan. It would provide clarity if the policy guidance could cover strategic and local roles.

6 Policy Context and Principles

- 6.1 The policy context in the Draft SPP8 remains largely unchanged with the main aims to:
- Protect and enhance town centre vitality and viability through improving their overall quality and improving accessibility.
 - Support an efficient, competitive and innovative retail and leisure sector.
- 6.2 The sequential approach to site selection is also retained and this is welcomed. However, the edge of centre criteria does give concern. This criterion is notoriously difficult to define and is open to wide interpretation. It is also noticeable that edge of centre retail developments have their greatest impacts on the adjacent town centre rather than other retail locations. The edge of centre developments also lead to undesirable linear retail developments in a metropolitan context. Draft SPP8 proposes wide town centre boundaries. It therefore may be now more appropriate to simply consider the sequential test criteria to be in town centre or out of town centre. This would also have the effect of encouraging town centre regeneration.

7 Network of Centres

- 7.1 The Draft SPP8 proposes a new approach to identifying a network of centres. The individual role of each centre supports and is supported by the role of the other centres. It also indicates that the network could include a hierarchy of town and shopping/leisure centres where local circumstances are favourable. The guidance also indicates that where appropriate the function of some centres can be restricted to the sale of bulky goods only.
- 7.2 A national context for considering a retail hierarchy approach is welcomed and this relates directly to the Consultation Draft Structure Plan 2005 which raises the issue of considering a retail hierarchy for the Glasgow and Clyde Valley Structure Plan area.
- 7.3 A new component in the Draft SPP8 is a definition of "shopping and leisure centres" These centres are defined as having a more specific focus on retailing and leisure or can include an element of both. Examples include out-of-centre locations for shopping centres, retail warehouses and parks, leisure uses and factory outlet centres. This definition of centre is welcomed and now gives the possibility of giving a status in planning terms to out-of-centre retail locations. Where a sequential test is being carried out these locations would be given preference over other locations if an in-centre or edge of centre cannot be identified. This new definition now recognises the strong links between the retail sector and leisure and tourism sectors.
- 7.4 In many sections of the Draft SPP8 the term "centre" is used but there is no clarity which type of centre is being referred to. If the centre is a town centre this should be clearly specified.
- 7.5 Particularly welcomed is the useful inclusion within the draft SPP8 of guidance on planning for new retail provision. The advice is now clear that any significant change in the role and function of specific centres should be identified through the development plan process rather than by ad hoc retail planning applications. The process should be evidence based and plan led and this approach is welcomed.

- 7.6 While an evidence-based approach is welcomed, all proposals for retail development should be based on a need criteria. There is no mention in the Draft SPP8 on the need to balance floorspace supply to demand linked to a capacity study. Similarly while there is a definition of a shopping and leisure centre there is no guidance on how a planning authority justifies a need for such centres.
- 7.7 Neighbourhood and local centres are not included in the Draft SPP8. These types of centre are important Local Plan considerations and advice on their role within any retail/leisure hierarchy would be welcomed.

8 Developments in Town Centres

- 8.1 The Draft SPP8 appears to indicate that bulky goods are not key town centre uses and could therefore be located together to minimise travel between these outlets. This implies that they may not be subject to the sequential test to site selection. Bulky goods outlets play a significant role in existing town centres and include bulky goods sold from food superstores within town centres. The Draft SPP8 appears to encourage bulky goods outlets to locate either edge of centre or out –of –centre which will affect the vitality and viability of existing town centres. The Draft SPP8 should clarify the approach to bulky goods and ensure that all bulky goods retailers are required to undertake the sequential approach to site selection.
- 8.2 The Draft SPP8 advises that planning authorities adopt a sequential approach to selecting sites for all town centre type uses and list the uses as all retail, leisure, entertainment and recreation (cinemas, casinos and food and drink establishments). Other uses that contribute to the vitality and viability of town centres such as community facilities, civic space, culture and tourism and business uses are to be included and housing is advised to be an important element of the land use mix. The advice on the land use mix that should constitute a town centre is welcomed but it has to be recognised that there is no separate town centre use in terms of the Used Class Order. The UCO only recognises a “shop” and not the various types of goods sold in them. It would be useful if consideration could be given to the modification of the UCO to relate easier to town centre and retail land uses.
- 8.3 Town centre strategies are the key to the delivery of improvements to town centres and their development in partnership with other bodies with interests in town centre regeneration remains the core Scottish Enterprise approach to improving town centres. While this approach is welcomed the Draft SPP8 advises that the strategies require to identify clear actions, tools and delivery mechanisms to overcome constraints. Specifically mentioned are improved management and the use of compulsory purchase powers. In planning for growth in town centres planning authorities require to allocate sufficient sites to meet the identified need. However, in virtually all town centres there is difficulty in developers finding sites of the right size and in the right location. It is vital for the success of any town centre strategy for local authorities to be pro active and be able to assemble sites and bring them forward for development. However at present the Scottish Compulsory Purchase Order system is cumbersome, slow, under resourced and lacking in the confidence and experience to implement. The provisions of the Planning and Compulsory Purchase Act 2004 in England have improved the implementation of CPO’s in that country but it is of concern that there are no new compulsory purchase powers proposed in the Scottish Executive White Paper: Modernising the Planning System. A town centre strategies ability to deliver the development of modern retail and leisure facilities will be seriously undermined without new practical CPO powers and adequate resources to assemble land in town centres.
- 8.4 The NPPG 8 had a specific Paragraph 45 that listed the criteria for considering developments which were departures from the Development Plan. While the essence of the criteria in paragraph 45 is included within SPP8, it is scattered throughout the document making reference very difficult. It would be more useful for practical guidance if the criteria were grouped and packaged in a similar way as was undertaken in NPPG8.

9 Attractive and Safe Environment

- 9.1 The emphasis within the Draft SPP8 is towards achieving high design standards in order to ensure that town centres remain attractive and competitive. This supports the forthcoming draft strategy for promoting better design in North Lanarkshire (Designing North Lanarkshire) The promotion of mixed use, high-density development in town centres is encouraged. It is surprising that there is no reference to Planning Advice Note 59 Improving Town Centres (PAN 59) published in 1999. This document provides advice on how to safeguard and improve town centres and reference should be made to this PAN in the final version of Draft SPP8.

10 Enhancing Accessibility

- 10.1 The importance of accessibility to the success and competitiveness of town centres is recognised in both NPPG 8 and in the Draft SPP8. While NPPG 8 provides guidance on how accessibility can be improved the Draft SPP8 simply refers to guidance and advice in other SSP and PAN documents without providing a summary of the guidance and advice. It would be more convenient for the user if this guidance could be encompassed in the finalised SPP8.

11 Conclusions

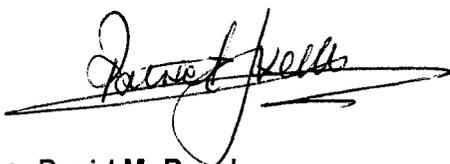
- 11.1 The Draft SPP8 Town Centres continues the land use policy emphasis to focus retail and other town centre uses in town centres. The guidance advises the creation of a network of centres which may involve a hierarchy of centres. This fits with the Consultative Draft Structure Plan 2005 which advocates a retail hierarchy for the Glasgow and Clyde Valley area. Town centre uses are more widely defined but this is not reflected in any modification of the Used Classes Orders. Town Centre strategies are important but the essential key delivery tool of Compulsory Purchase Order mechanism requires reform. Creating development opportunity sites within town centres may be a local authorities key contribution to any Town Centre strategy.

12 Corporate Considerations

- 12.1 The Council and it's partners devote considerable resources to the future health of town centres in North Lanarkshire and the continued emphasis in national policy on town centres as a focus for retail and other uses is welcomed.

13 Recommendations

- 13.1 It is recommended that committee:
- (a) Note the main provisions of the Draft SPP 8 referred to in this report and Appendix 1
 - (b) Agrees to respond to the Scottish Executive as detailed in Appendix 1



David M. Porch
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(28th September 2005)

Local Government Access to Information Act: for further information about this report, please contact Gordon McNaughton , on 01236 616245

Background Paper: Scottish Executive: Consultative Draft SPP 8 Town Centres

Appendix 1
North Lanarkshire Council
Consultation Draft Scottish Planning Policy 8: Town Centres.

1. The title of the document Town Centres is not appropriate given the contents. The document deals with retail issues outwith the town centres – edge of centre and out of centre land use retail issues. It is recommended that the document be named Town Centres and Retailing as per NPPG 8.
2. The Draft SPP8 has removed some of the guidance from the NPPG8 – Glossary of Terms and supplementary guidance for particular retail/leisure developments such as new district shopping centres and retail parks. The concern is that this omission may lead to applications being handled inconsistently both in terms of the Structure Plan and also Local Plan and a variety of approaches to the planning of retail/leisure developments covered.
3. The policy context and principles remain largely unchanged but it is welcomed that the emphasis was on the planning of new retail provision based on evidence and a plan led approach rather than being directed by individual applications. It is welcomed that any significant change in the role and function of specific centres should be undertaken through the development plan process.
4. The sequential approach to site selection is also retained and this is welcomed. However, the edge of centre criteria does give concern. This criterion is notoriously difficult to define and is open to wide interpretation. It is also noticeable that edge of centre retail developments have their greatest impacts on the adjacent town centre rather than other retail locations. The edge of centre developments also lead to undesirable linear retail developments in a metropolitan context. Draft SPP8 proposes wide town centre boundaries. It therefore may be now more appropriate to simply consider the sequential test criteria to be in town centre or out of town centre. This would also have the effect of encouraging town centre regeneration.
5. The draft SSP8 refers to the development plan only. The previous NPPG 8 provided details of the specific roles of the Structure Plan and Local Plan. It would provide clarity if the policy guidance could cover strategic and local roles.
6. A new approach to the identification of the network of centres is proposed by the draft SPP8. The individual role of each centre supports, and is supported by, the role of the other centres. The network could include a hierarchy of town centres and shopping/leisure centres and this relates directly to the Consultation Draft Structure Plan 2005 which raises the issue of considering a retail hierarchy for the Glasgow and Clyde Valley Structure Plan area.
7. A new component in the Draft SPP8 is a definition of "shopping and leisure centres" These centres are defined as having a more specific focus on retailing and leisure or can include an element of both. Examples include out-of-centre locations for shopping centres, retail warehouses and parks, leisure uses and factory outlet centres. This definition of centre is welcomed and now gives the possibility of giving a status in planning terms to out-of-centre retail locations. Where a sequential test is being carried out these locations would be given preference over other locations if in-centre or edge of centre sites cannot be identified. This new definition now recognises the strong links between the retail sector and leisure and tourism sectors.
8. All proposals should be considered in the context of need. There is no mention of the need to balance supply and demand linked to capacity.
9. While there is a definition of a shopping and leisure centres there is no guidance on how a planning authority justifies a need for such centres.

10. In many sections of the draft SPP8 the term "centre" is used but does not clarify which type of centre is being referred to. If the centre is a town centre this should be clearly specified.
11. Neighbourhood and local centres are not mentioned in the draft SPP8. These are important Local Plan considerations and advice on their role within the hierarchy would be welcomed.
12. The Draft SPP8 appears to indicate that bulky goods are not key town centre uses and could therefore be located together to minimise travel between these outlets. This implies that they may not be subject to the sequential test to site selection. Bulky goods outlets play a significant role in existing town centres and include bulky goods sold from food superstores within town centres. The Draft SPP8 appears to encourage bulky goods outlets to locate either edge of centre or out – of –centre which will affect the vitality and viability of existing town centres. The Draft SPP8 should clarify the approach to bulky goods and ensure that all bulky goods retailers are required to undertake the sequential approach to site selection.
13. The Draft SPP8 advise on the land use mix that should constitute a town centre is welcomed but it has to be recognised that there is no separate town centre use in terms of the Used Class Order. The UCO only recognises a "shop" and not the various types of goods sold in them. It would be useful if consideration could be given to the modification of the UCO to relate easier to town centre and retail land uses.
14. Town centre strategies are the key to the delivery of improvements to town centres and their development in partnership with other bodies with interests in town centre regeneration remains the core Scottish Enterprise approach to improving town centres. While this approach is welcomed the Draft SPP8 advises that the strategies require to identify clear actions, tools and delivery mechanisms to overcome constraints. Specifically mentioned are improved management and the use of compulsory purchase powers. In planning for growth in town centres planning authorities require to allocate sufficient sites to meet the identified need. However, in virtually all town centres there is difficulty in developers finding sites of the right size and in the right location. It is vital for the success of any town centre strategy for local authorities to be pro active and be able to assemble sites and bring them forward for development. However at present the Scottish Compulsory Purchase Order system is cumbersome, slow, under resourced and lacking in the confidence and experience to implement. The provisions of the Planning and Compulsory Purchase Act 2004 in England have improved the implementation of CPO's in that country but it is of concern that there are no new compulsory purchase powers proposed in the Scottish Executive White Paper: Modernising the Planning System. A town centre strategies ability to deliver the development of modern retail and leisure facilities will be seriously undermined without new practical CPO powers and adequate resources to assemble land in town centres
15. The NPPG8 had a specific Paragraph 45 that specified the criteria for considering developments which were departures from the development plan. While the essence of the criteria in paragraph 45 is included within SPP8 it is scattered throughout the document. It would be more useful for practical reference if the criteria were packaged in a similar way as was done in NPPG8.
16. In terms of accessibility there is a lack of a summary of the Executive's advice on planning for transport guidance and the SPP8 simply refers to other SSP's.
17. There is no reference to PAN 59 Improving Town Centres (1999).