

The draft New London Plan (dNLP): Examination in Public

1 Introduction

- 1.1 This Hearing Statement is prepared on behalf of Sainsbury's Supermarkets Ltd (**Sainsbury's**) in relation to the soundness of the dNLP having regard to issues arising from draft Policy SD7 relative to the 2012 NPPF against which the dNLP is being examined.
- 1.2 Sainsbury's is one of the UK's largest food retailers with 96 supermarkets and 266 convenience stores in London. Sainsbury's stores are located in a mix of town centre, edge of centre and out-of-centre locations.
- 1.3 Draft policy SD7 para. A(2) requires development plans and development proposals to take a town centre first approach by "*discouraging out-of-centre development of main town centre uses*". The policy does not provide an effective strategic framework for the preparation of local plans relating to main town centre use development because:
- (a) it is more prescriptive than, and so inconsistent with, national policy; and
 - (b) it is not effective as it is not clearly worded.

2 **Would policies SD6, SD7, SD8, SD9 and E9B provide an effective strategic framework for the preparation of local plans and neighbourhood plans relating to town centres and all types of main town centre use development (including bulky goods retailing), that is consistent with national policy?**

2.1 **NPPF Sequential Test**

- 2.1.1 Paragraph 24 of the 2012 NPPF requires local planning authorities to apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It simply imposes a preferred sequence (and a requirement, when considering edge of centre and out-of-centre proposals, to give preference to accessible sites that are well connected to the town centre).
- 2.2 The 2012 NPPF therefore does not impose a blanket restriction on the development of main town centre uses in out-of-centre locations. The development of main town centres uses in out-of-centre locations is acceptable where the sequential and impact tests are satisfied.

2.3 **Inconsistent with national policy**

- 2.3.1 Together, paragraphs para A(1) and (2) of draft policy SD7 require development plans and development proposals to take a 'town centre first' approach by:
- (a) applying 'the' sequential approach to accommodating main town centre uses in town centres or (if no sites are available, suitable or viable) on sites on the edge of centres that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport; and

- (b) "discouraging out-of-centre development of main town centre uses".

2.3.2 This is more prescriptive than national policy as it:

- (a) imposes a threshold for development on edge of centre sites (i.e. only where they are, or can be, well integrated with the existing centre, local walking and cycle networks, rather than the sequential preference given to "well-connected" sites under NPPF policy); and
- (b) appears to exclude out-of-centre sites from the sequence (as an acceptable location where there are no more preferred sites available). The supporting text (at 2.7.2) does not refer to impact assessment for out-of-centre proposals at all.

2.3.3 This appears to be intended to require authorities to restrain investment in main town centre uses in out-of-centre locations where:

- (a) there are no sequentially preferable sites available;
- (b) there would be no unacceptable adverse impact on town centre vitality and viability; and
- (c) there are no other criteria in the policy to be able to judge what should be 'discouraged' and what should be allowed.

2.3.4 That would impose an inappropriately restrictive approach to out-of-centre development for main town centre uses, which is out of step with the NPPF. The dNLP would not satisfy the Mayor's duty under section 41(5) Greater London Authority Act 1999 to ensure that the strategy is consistent with national policy.

2.3.5 As such the minor modifications set out in paragraph 3.2 below are needed to draft policy SD7 para. A(1) to make it consistent with national policy.

2.4 Effectiveness

2.4.1 Draft policy SD7 para A(2) does not set an effective strategic framework for the preparation of local plans as it is not clear how that policy should be interpreted and applied. Notwithstanding its inconsistency with national policy, it is not clear how local plans should be "*discouraging out-of-centre development of main town centre uses*". There is a risk that plan-makers and decision-takers apply the policy as an absolute restriction on out-of-centre development.

2.4.2 The application of the policy in what way would:

- (a) be overly restrictive, and therefore limit the potential of future retail development and investment; and
- (b) fail to have regard to the criteria-based justifications that can justify out-of-centre development in line with national policy.

3 Amendments required for soundness

3.1 Draft Policy SD8 paras A(1) and (2) of the dNLP should be modified to provide a genuinely sequential framework consistent with paragraph 24 of the NPPF.

3.2 The policy should be amended as follows in order to be sound:

Development Plans and development proposals should take a town centres first approach by:

1) applying the sequential test to applications for main town centre uses locating them in town centres then (if no suitable sites are available, ~~suitable or viable~~ or expected to become available within a reasonable period) on sites on the edge of centres with preference given to sites that are, or can be, well integrated with the existing centre, local walking and cycle networks, and public transport

2) only if suitable town centre and out of centre sites not available (or expected to become available within a reasonable period) should ~~discouraging~~ out-of-centre development of main town centre uses be considered in line with the sequential approach in A(1) above, with limited exceptions for existing viable office locations in outer London (see Policy E1 Offices)