
Response Statement on behalf of UK Commercial Property Trust Limited
Respondent Reference: 314

Session 1 – Main Matter 1: Strategic Policy Issues, Session 1 – The Canal,
Policy 4

**Swindon Borough Council –
Swindon Central Area Action Plan
Examination**

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Background

1. My written statement and evidence builds on the representations submitted by the UK Commercial Property Trust Limited (UKCPT), in response to Swindon Borough Council's Central Swindon Area Action Plan (AAP) submission document. More specifically, this statement concerns Main Matter 1 – Strategic Policy Issues.
2. UKCPT owns The Parade Shopping Centre, Swindon, hereafter referred to as 'The Parade'. The Parade is located between Fleming Way and Regent Street. The Parade is one of the biggest retail ownerships in the town centre and comprises some of the largest retail units, including Debenhams and BHS. The existing centre totals 24,029 sqm net and comprises 29 units. It was last refurbished in 1995. The northern side of the shopping centre is serviced from Fleet Street.
3. A resolution to grant outline planning permission for an extension to the centre was obtained by Royal & Sun Alliance in 2001. The proposal included the relocation of BHS and construction of 7 new retail units, totalling 1,605 sq m. UKCPT is proposing to enhance the existing retail provision in the shopping centre through an extension and reconfiguration of part of it to provide new modern retail units and reprovide space for existing tenants. A fresh planning application (ref S/08/0550) has been made to Swindon Borough Council for redevelopment totalling 2,009 sqm net. The application is expected to be determined in July 2008.
4. The proposal represents the second phase in a programme of upgrade works for the whole of The Parade which will support the wider regeneration of the town centre.
5. UK CPT is keen to protect its interests through the planning policy framework, and has previously submitted representations to the Preferred Option and Submission versions of the AAP. More recently, representations have also been made to the Swindon Borough Council Core Strategy Preferred Options Paper. Copies of these previously made representations are enclosed for information at Appendices 1, 2 and 3 respectively.

Policy considered 'unsound' – Policy 4, 'The Canal'

6. I support the aspirations of the Council to enhance and regenerate the Fleet Street area of the town, set out in Policy 12. This will clearly benefit The Parade shopping centre.
7. I consider that the Council's Policy 4 for a canal in this location, the delivery of which is not a certainty due to the many factors involved in its delivery (such as funding, topography/ engineering and land assembly), could prejudice our current application ref: S/08/0550, lodged with the Council.
8. Furthermore, there is a possibility that routing the canal along Fleet Street area would jeopardise the existing and future servicing for both The Parade and other retailers. This is acknowledged on page 49 of the Submission version AAP, but no alternative solutions are given.
9. The Submission Proposals Map identifies the route of the canal along Fleet Street and a canal basin indicatively located to the rear of The Parade on the existing and proposed service yards. A basin in

this location would prevent the centre from being serviced properly and hinder back of house operations for BHS and other retailers.

10. On this basis, I ask the Inspector to carefully consider the practicality of delivering the section of the canal which is proposed to follow the route along Fleet Street, and the negative impacts this could have on trade and servicing, and thus the future vitality and viability of Swindon town centre.

Tests of soundness failed

11. I consider that the current wording of Policy 4, 'The Canal', fails the Tests of Soundness 7, 8 and 9 as set out in Planning Policy Statement 12 (PPS12) paragraph 4.23. These are detailed below:

7. The strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base.

8. There are clear mechanisms for implementation and monitoring.

9. It is reasonably flexible to enable it to deal with changing circumstances.

12. Under the heading below I set out the reasons why I consider Policy 4 fails these tests of soundness.

Reasons for tests of soundness failure and evidence to support this view

13. For clarity I set out the reasons why I consider Policy 4 does not meet Tests of Soundness 7, 8 and 9 in turn below.

Test 7 – Most appropriate policies in all circumstances, founded on a robust and credible evidence base

14. A key document informing the AAP, and specifically the proposed canal route through central Swindon, is the 'Halcrow Swindon Central Canal Route Study (August 2007).' This study was commissioned by SBC to determine the feasibility of constructing a new canal running through Swindon town centre.

15. I have two key areas of concern to highlight regarding this study. These relate to the timing of its publication, and the scope of the study.

16. Firstly, I note that the publication of this document, in June and August 2007, post-dates the Preferred Options draft of the AAP which was published for public consultation in April 2007. The draft issue of the report is recorded on the contents amendment sheet at the front of the study.

17. Paragraph 4.11 of PPS12 states that:

"At the earliest stage in the preparation of the development plan document (my emphasis), and particularly for preparation of the core strategy, the local planning authority should gather evidence about their area. This may include studies to be undertaken or commissioned on for example, the nature of the housing required in their communities, the availability of previously developed land, the availability of sites accessible by public transport where development can be encouraged Other more specific development

plan documents such as area action plans will be more focused on a particular part of the local planning authority area, and therefore the nature of the evidence gathering for such plans is likely to be more limited”.

18. PPS12 recognises that the nature of evidence gathered for AAPs is likely to be limited compared to that of, for instance, a Core Strategy. Notwithstanding this, a proposal as large as the canal, which has significant implications for the future spatial planning of central Swindon, should have been supported by this study at a much earlier stage in the AAP’s preparation.
19. As a minimum, in order to ensure that the Preferred Options draft AAP enabled consultation on preferred policies and alternative options to be based on a robust and credible evidence base, I would expect this evidence to have informed the Preferred Options draft of the AAP. Furthermore, I would have expected the study to have been made publically available, before, and during the Submission AAP consultation period, for interested parties to review to inform representations.
20. My second issue concerns the scope of the study. Section 2.4 of the Halcrow Report confirms that the study is a high level feasibility study.
21. The study focuses solely on a preferred route with no consideration or public consultation undertaken on alternative route options. The Planning Inspectorate’s advice in “Development Plans Examination – A guide to the process of assessing the soundness of Development Plan Documents” published in December 2005, advises that Local Authorities should demonstrate that all reasonable alternatives have been considered. In this case, reasonable alternatives would include alternative routes, whether the search area of the basin is correct, and testing whether the canal is required at all for the regeneration of this area. I consider that the Halcrow Study does not provide a robust or credible evidence base, since it was prepared after the Preferred Options document was issued.
22. I note an earlier study in April 2003 was commissioned by Wiltshire and Berkshire to review the feasibility of a canal in Swindon. However, this document does not form part of the documents list for the EIP and is not referred to, except in estimating economic values in Table 12.2, page 76 of the Halcrow study.
23. The Council has, therefore, not provided the evidence to demonstrate the route options have been tested and how a decision on the preferred route, and area of search for the canal basin, was taken. The assumptions made by the Council or consultants has not been documented and is not borne out by the evidence provided. In my view, the evidence does not support the policy.
24. I have a further specific concern relating to Table 12.2, on page 76 of Halcrow’s Report. This details the estimated potential benefit values for the reintroduction of a canal into central Swindon (and also the additional benefits when linked to the North Wiltshire canal connection and the cumulative impacts of both of these), when assessed the baseline condition figures predicted in the scenario that the canal is not pursued. These figures are derived from previous figures produced for the Wiltshire and Berkshire study in 2003, updated to 2007 figures by using the Retail Price Index. I question the accuracy of this method and whether these figures are a sufficiently robust, accurate,

and credible evidence base to be relied upon, both in assessing the costs and benefits of the canal, and subsequently formulating spatial planning policies.

25. Given I do not consider the evidence provided to date by the Council is sufficient to support the provision of the canal in Policy 4, the use of the wording 'safeguarding' of the proposed canal route is, therefore, very strong policy wording in the context of the uncertainty of the proposal.
26. This is a restrictive word to use when the supporting evidence has only just been released. The use of a safeguarding policy should not be used until there is some certainty about the cost/funding and details of implementation are clearer. This uncertainty is also demonstrated by the Council's own admission in the policy wording:
- "In the event that a detailed canal design scheme and implementation plan have not been sufficiently progressed within the first 2 years of the adoption of this Action Plan, the Council will subject the allocation of the Canal in the Action Plan to an early review".*
27. The inclusion of this wording demonstrates that a policy for a canal in this location is premature. The Council cannot provide any certainty at this stage that the proposals can be progressed. With the level of uncertainty surrounding the canal route and basin location, Policy 4 has the potential to lead to blight in the Fleet Street area, and brings uncertainty to landowners of how servicing will take place.
28. The matters raised above lead me to conclude that the route in Policy 4, 'The Canal' does not represent the most appropriate proposal, as no evidence of relevant alternatives has been provided. The proposal is also not sufficiently advanced to warrant inclusion in the AAP. I, therefore, consider that Policy 4 fails the Test of Soundness 7.

Changes sought

29. Given my serious concerns regarding the chain of conformity, and evidence base relied upon in the formulation of Policy 4, I do not see how changes to the wording can make it sound. I, therefore, request that Policy 4 is removed completely and the Council relies on Policy 12, without reference to the canal, to deliver the Fleet Street regeneration.
30. If the Inspector finds the AAP sound, I would like to see the following work undertaken, prior to the adoption of the CSAAP, or incorporated in the policy wording. This includes:
- 1) Consultation on a range of route options with relevant stakeholders; and
 - 2) Consultation on potential locations of canal basin with relevant stakeholders.

Test 8 – Clear mechanisms for implementation and monitoring

31. Policy 4 states that: *'In the event that a detailed canal design scheme and implementation plan have not been sufficiently progressed within the first 2 years of the adoption of this Action Plan, the Council will subject the allocation of the Canal in the Action Plan to an early review'.*

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32. I consider the wording ‘sufficiently progressed’ and a “2 year period” ambiguous and open to interpretation. This is not demonstrating a clear mechanism for monitoring.
33. There is no reference to links to the Annual Monitoring Report which the Planning Inspectorate advises is good practice. I consider that, in order for any monitoring mechanism to be useful and meaningful, clear targets should be set which the Council is to meet in order for the Canal proposals to be considered ‘sufficiently progressed’. Justification for the two year period should also be given.

Changes sought

34. I suggest that in the event the Inspector finds the AAP sound, a recommendation is put in place that the Council includes a clear mechanism for monitoring in the policy wording. This should be linked to the Annual Monitoring Report.
35. I also suggest that provision is made in Policy 4 for an implementation plan to be adopted by the Council, following consultation, and that this is adhered to. This will ensure that local traders landowners are clear when works will take place and can plan their activities accordingly.

Test 9 – Reasonably flexible to deal with changing circumstances

36. As referred to above, Policy 4 makes reference to ‘safeguarding’ land along the alignment of the proposed canal route. I consider this to be very strong policy wording in the context of the uncertainty of the proposal and does not meet Test 9 of flexibility.
37. In addition, whilst the wording “*In the event that a detailed canal design scheme and implementation plan have not been sufficiently progressed within the first 2 years of the adoption of this Action Plan, the Council will subject the allocation of the Canal in the Action Plan to an early review*” could be argued to be flexible and meet this test, the inclusion of a policy of this nature should be based on a clear evidence base with the impacts having been assessed.
38. The nature of the canal and its potential wider impact on the town centre should be a later inclusion in the AAP, through the formal review process, once further progress is made on the detail, rather than in an early version, to then be taken out. The new planning system was created to provide flexibility, to allow development plan documents to be updated more regularly to take account of situations like this.

Changes sought

39. Policy 4 should be removed until such time that there is the clear robust evidence to support it. Only then should it be included and still with flexible policy wording.
40. In the event that the Inspector finds the AAP sound, I suggest that the first sentence of Policy 4 is deleted, removing the reference to ‘safeguarding’, in order to ensure the AAP is sufficiently flexible to deal with changing circumstances, if the canal proposal doesn’t come to fruition.

Appendices

Appendix 1 - Representations made to Preferred Options CSAAP

Appendix 2 - Representations made to Submission draft CSAAP

Appendix 3 - Representations made to Preferred Options Core Strategy

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