

**Sefton Local Plan Examination  
Matter 5 – Issue 5b  
Representor ID: 1310**

**Proposed Modifications – Post Hearings 3rd Set**

**Representations on behalf of  
Aviva Investors Pensions Limited**

**29 February 2016**



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## Introduction

- 1.1 This Statement is submitted on behalf of Aviva Investors Pensions Limited (Aviva)<sup>1</sup>, in response to the latest Proposed Modifications – Post Hearings 3rd Set (15 February 2016) relating to Policy ED2 and the related “WYG Advice Note February 2016 to Inspector’s Comments and Retail Representations” [the “WYG Advice Note”] which seeks to justify the Proposed Modifications.

### Central 12 in Southport Town Centre

- 1.2 A key question of the soundness of the Plan is whether it is “*justified*”, i.e. does the plan present the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence.<sup>2</sup>
- 1.3 To be consistent with the NPPF, and therefore sound, the LPA has to demonstrate that its strategy for Southport Town Centre reflects that it has planned positively to support the centre to generate local employment, promote beneficial competition within the town centre itself and with other town centres, and to create an attractive, diverse place where people want to live, visit and work.<sup>3</sup>
- 1.4 As set out at paragraphs 1.6 – 1.16 in Aviva’s Hearing Statement on Matter 5, Issue 5b, C12 Shopping Park is a long established part of Southport Town Centre which, with its broad range of retail and complementary uses, generates local employment, contributes to the diversity of the offer in the Town Centre; provides beneficial competition within the Centre and makes a significant contribution to the Centre in competing with other Town Centres and with out of centre retail locations.
- 1.5 Overall C12 Shopping Park makes a significant positive contribution to the vitality and viability of Southport Town Centre. C12 is an important asset to the Town Centre and the only reasonable and justified strategy for the Town Centre would be to continue to include C12 within the Town Centre boundary and to provide it with the full policy support that the NPPF requires should be given to Town Centres.

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<sup>1</sup> The owners of C12 Shopping Park

<sup>2</sup> NPPF paragraph 182

<sup>3</sup> Planning Practice Guidance Reference ID: 2b-001020140306

- 1.6 It is noted that WYG has not presented any evidence to demonstrate that C12 has done anything other than support the Town Centre's vitality and viability as summarised at paragraph 1.4 and 1.5 above.
- 1.7 As there is no evidence to support the exclusion of C12 from the Town Centre it is incredible that the WYG Advice Note states that the decision to continue to include C12 as part of the Town Centre is *"finely balanced, with evidence and arguments both for and against the inclusion of this destination within the town centre boundary."* No argument *"against"* the continued inclusion of C12 in the Centre has been presented.
- 1.8 In fact the WYG Advice Note goes on to acknowledge that;
- "It is recognised that the omission of this location [C12] from the town centre would represent a departure from the existing position. With the shopping park a well established retail destination it is considered that a robust argument would need to be found to justify its omission from the town centre."*
- 1.9 The WYG Advice Note ultimately concludes that because no robust argument for omitting C12 from the Town Centre exists and because *"Central 12 complements and supports trips within Southport town centre"* it warrants continued inclusion within *"the wider town centre boundary."*
- 1.10 Aviva supports the Post Hearings Proposed Modification to the Southport Town Centre Proposals Map (February 2016) to the extent that this shows the continued inclusion of C12 within the Southport Town Centre boundary.

### **Central 12 – Unjustified Proposed Exclusion from Primary Shopping Area**

- 1.11 Having rightly concluded that the status quo should prevail and C12 should retain its longstanding position within the Town Centre, the WYG Advice Note then seeks to unravel this position by presenting the notion that C12 should be considered to be an *"out of centre"* location within the Town Centre.

- 1.12 For the reasons set out below, and having regard to Issue 5b under Matter 5<sup>4</sup>, the manner in which C12 is proposed to be treated under the latest Proposed Modifications to Policy ED2, where it would be subjected to retail impact and sequential tests, would not be effective in protecting the vitality and viability of Southport Town Centre; and is fundamentally unsound.

### **Definition of Primary Shopping Area**

- 1.13 The NPPF (Annex 2, Glossary) defines a “*Primary Shopping Area*” (PSA) as;  
  
“*Defined area where **retail development is concentrated** (**generally** comprising the primary and those secondary frontages which are **adjoining and closely related to** the primary shopping frontage)” [emphasis added]*
- 1.14 Clearly, under any reasonable analysis, C12 must be considered to be a “*concentration*” of retail development within the Town Centre. Therefore, C12 absolutely conforms with this defining characteristic of a PSA i.e. it is part of the area within the Town Centre where “*retail development is concentrated*”.
- 1.15 The NPPF states that a PSA “*generally*” comprises of primary and secondary frontages which are adjoining and closely related to the primary shopping frontage. The reference to “*generally*” reflects that the definition of specific PSAs must take account of specific local circumstances in each town centre. Indeed, as the Inspector pointed out at the Hearing session on Matter 5, NPPF definitions should not be applied rigidly and without consideration to how a particular centre functions when defining policy areas in the local plan.
- 1.16 Therefore, it is Aviva’s view that C12 does not have to be designated as Primary Frontage in order to be included within the PSA (i.e. C12 is not under pressure from change of use applications to non A1 uses that would necessitate policy control on the proportion of A1 use being imposed). However, Aviva has no issue with Primary Frontages being identified at the Park if the Inspector considers this necessary in connection with C12’s inclusion within the PSA.

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<sup>4</sup> Inspector’s Matters, Issues and Questions – 30 September 2015

1.17 Under the NPPF sequential test the PSA is the first preference for the location of retail development. C12 is part of the Southport Town Centre shopping area identified as the preferred location for retail development under UDP Policy R2 and Paragraph 7.13 therein, and has been treated as a preferred location in the determination of planning applications at the Park, e.g. on the “*Teardrop*” site within C12 which is identified at Appendix 1 herein.

1.18 WYG’s notion was, at one time, that the Park was “*edge of centre*” but this view has been repeatedly rejected by Officers in granting planning permissions at C12.<sup>5</sup>

1.19 In the determination of application N/2008/0505 (granted 14 August 2008) at the Teardrop site within C12, the Delegated report stated that;

*“Reference is made by the Council’s retail consultants to the fact that the site may be considered edge of centre. It is in a sense slightly divorced from the main retail frontages and PPS6 does envisage an approach where the town centre can reasonably be regarded as town centre frontages.*

*However, I consider that stronger weight has to be given to the fact that we have in granting the 2006 application (Unit 6A) for the sale of food accepted therein that the site **is** town centre for UDP purposes. This is a significant material consideration weighing in favour of extra retail provision especially as both the UDP (29 June 2006) and that decision (15 December 2006) post date the most recent version of PPS6 (21 March 2005).*

1.20 In the determination of application S/2011/0204 (granted 7 April 2011) at the Teardrop site within C12, the Delegated report stated that;

*“There is no change in terms of UDP Planning Policy, however, it is important to consider the implications of PPS4 (Planning for Sustainable Economic Growth). This document supersedes PPS6 published in 2005.*

*The key to previous discussions was the site’s Town Centre status. It was previously accepted that the site was town centre for the purposes of planning policy.*

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<sup>5</sup> See Asda Hearing Statement in Issue 5b (Pegasus Group, Representor ID 1312) Appendix 6 re Application N/2008/0505 and Appendix 7 re Application S/2011/0204.

*As such, there is no question that the site remains as town centre under current policy. The principles underpinning the previous proposal therefore still apply.”*

- 1.21 The notion put forward by WYG that C12 should be considered to be “*edge of centre*” has therefore been rejected when considered under PPS6 and when considered under PPS4. As set out at Appendix 2 herein, there is no material difference between the definition of PSAs and “*edge of centre*” locations in PSS6, PPS4 and in the NPPF.
- 1.22 Furthermore, given the presumption in favour of sustainable development in the NPPF and its emphasis (at paragraph 23) on promoting competitive town centres that provide customer choice and a diverse retail offer; and the requirement that retail needs are met in full, which are all undeniably factors in favour of C12 being in the PSA<sup>6</sup>, there is absolutely no justification to now exclude C12 from continuing to be a preferred location for retail development (i.e. part of the PSA) and to subject it to sequential and impact tests as proposed under the latest Proposed Modifications to Policy ED2.
- 1.23 It is also noted that although the WYG Advice Note states that the latest Proposed Modifications to Policy ED2 are supposed to be “*better aligned*” with the Southport Development Strategy (December 2015) that Strategy, which remains in draft form, does not present any justification or support for the exclusion of C12 from the PSA. In fact the draft Strategy states that C12 forms part of the “*Retail Core*” zone which the document states is “*centred around Chapel Street and Central 12 but also including Lord Street this area provides for the day to day retail and service needs of [the] Southport.*”<sup>7</sup>
- 1.24 As reflected in The Southport Town Centre Proposals Map – Proposed Modification February 2016 the effect of the recommendations in the WYG Advice Note would be to give areas on Promenade and at the Waterfront Development equal status to C12 i.e. all would be within the Town Centre boundary but outside the PSA and therefore subject to the sequential test and impact test under part 2 and 3 of Policy ED2 (15 February 2016 Proposed Modification) respectively.

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<sup>6</sup> The WYG Advice Note states “*It is accepted that the facility [C12] provides an important role in meeting the shopping needs of the population within the local authority area*”

<sup>7</sup> Draft SDS paragraph 5.7, second bullet point

- 1.25 The WYG Advice Note states that the area broadly between Lord Street and Promenade “*does not include significant retail uses*” and “*provides a wide range of leisure uses which are important to the town centre’s unique tourism offer and economy.*” It states that the inclusion of this area would “*bring into the town centre areas of a more residential character, specifically between Nevill Street and Seabank Road.*”
- 1.26 The WYG Advice Note also states in connection with the above areas that it is not intended to “*facilitate an undesirable dispersal of Southport’s retail offer.*”
- 1.27 Giving these non retail areas equal status to C12 in policy terms is not an effective strategy for supporting a wide range of leisure uses or for avoiding dispersal of Southport’s retail offer. As proposed, any retail proposals that came forward in these predominantly non retail areas would not have to consider C12 under the sequential test. As C12 is an established concentration of retail development within the Town Centre it should be considered to be a preferable location for retail uses to these non retail locations that are proposed to be included within the Town Centre boundary. The effective remedy for this issue would be to include C12 within the PSA.

### **Linked Trips**

- 1.28 The brief commentary on linked trips set out in the WYG Advice Note does not stand up to scrutiny as a justification for C12’s proposed exclusion from the PSA.
- 1.29 The on street survey of shopping habits at C12 <sup>8</sup> found that 44.5% of shoppers interviewed said they had already, or were intending to visit other parts of the Town Centre as part of their trip to C12 on the day of survey (Q8). This is a strong level of linkage especially given the relatively inclement weather conditions during the days in late November/early December when the survey was undertaken.
- 1.30 The WYG Advice Note seeks to put a negative spin on the linkage figure by stating that it shows that the majority of visitors to C12 do not link their trip with accessing shops and services elsewhere in the town centre. However, contrary to what WYG’s commentary implies, not all trips to town centres (including to other parts of Southport town centre) will be multi-purpose linked trips; and the WYG Advice Note

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<sup>8</sup> Aviva’s Hearing Statement paragraphs 1.17 – 1.21 and Appendix 3 therein

does not contain any comparative analysis of how many linked trips are made between other parts of the town centre.

- 1.31 In addition to the 44.5% linkage figure in Q8 which provides a useful snapshot of linked trips on the days the surveys were undertaken, Q11 found that 19.4% of C12 shoppers visit other parts of the town centre “*Everytime*” they visit C12; 26.8% do so “*Most times*”; and 31% visit other parts of the town centre “*Sometimes*”.
- 1.32 The WYG Advice Note ignores an important factor in the significance of these linkage figures in terms of the frequency of trips that are made to C12.
- 1.33 Survey question Q4 found that shoppers visit C12 frequently, with 74.5% visiting once a fortnight or more frequently, i.e. everyday/most days (4.8%); 2 – 3 times/week (27.1%); once week (28.1%); once fortnight (14.5%).
- 1.34 This evidence shows that C12 attracts a high frequency of trips to the town centre and overall 77.2% of shoppers said they visited other parts of the Town Centre Everytime/Most Times/Sometimes as part of a trip to C12. This clearly shows that C12 makes a significant contribution to the vitality and viability of the Town Centre overall.
- 1.35 The WYG Advice Note suggests that the majority of shoppers visiting C12 did so to purchase food from the Asda store and the Note states that because of the perishable nature of food goods “*such shopping patterns do not align with extended periods of time undertaking non-food shopping or leisure activities after completing a food shopping trip.*”
- 1.36 The WYG Advice Note misunderstands the survey results. What Q6 actually shows, because it was a multiple response question, is that shoppers use C12 for a wide range of different types of shopping as part of the same trip and in fact overall more visitors were making non food purchases at C12 than food purchases.<sup>9</sup>
- 1.37 In any event WYG’s suggestion that Asda C12 shoppers are impeded from making linked trips to other parts of the town centre because their food purchases would

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<sup>9</sup> clothes/shoes shopping (32.3%); household goods/hardware (26.1%); leisure goods shopping (20.3%); chemist goods (13.9%); furniture/furnishings (4.2%); electrical goods (1.9%); other non food shopping (9.4%)



perish ignores the fact that shoppers can park at C12 and visit other parts of the centre before they undertake their food shop at the Asda store.

- 1.38 Furthermore, if food shopping was really an impediment to linked trips WYG presumably would not be recommending that the Sainsbury's store at Lord Street be included in the PSA.
- 1.39 The WYG Advice Note also states that the Retail Strategy Review household survey data identified that only 7.7% of Asda C12 main food shoppers linked their main food shopping trip with a visit to other parts of the Town Centre. The household telephone survey data that this figure was apparently derived from was provided by WYG on 29 February 2016. Aviva does not consider that this data supports WYG's assessment of "*limiting factors*" in terms of C12's linkage with the rest of the Town Centre because;
- WYG's telephone survey (Q11) only captured 22 Asda C12 shoppers, i.e. too small a sample from which to draw reliable conclusions. In contrast Aviva's survey involved 310 face to face interviews at C12 which produced much more reliable data on linked trips;
- 1.40 In any event, even if WYG's telephone survey data on this point was to be taken into account (and Aviva considers it should not), it does not show a clear distinction between linked trips from Asda C12 compared with Sainsbury's Lord Street (which WYG considers to be in the PSA), i.e. the WYG data (Q11/Q12 unweighted) showed that 13.64% of Asda C12 shoppers made a linked trip to other parts of Southport Town Centre compared with 16.67% of Sainsbury's Lord Street shoppers, i.e. the two figures are broadly the same.
- 1.41 Notably, WYG's telephone survey data (Q12A, unweighted) also showed that nobody made the linked trip from Sainsbury's on foot (which on the face of it appears to be questionable) whereas the WYG data showed 33% of linked trips from Asda C12 were made on foot. Indeed, WYG's data (Q08, unweighted) also showed that 22% of main food shoppers at Asda C12 travelled on foot to the store whereas only 11% of Sainsbury's Lord Street main food shoppers walked to that store. So if WYG's data is to be taken into account it actually indicates that Asda C12 performs more of a walk-in attraction in the Town Centre than the Sainsbury's store.

- 1.42 The reliability of WYG's data on this point is further open to question because it showed (Q12) that no Asda C12 shoppers were linking a trip with other shopping within C12 whereas the 310 face to face interviews at C12 commissioned by Aviva showed that C12 shoppers were undertaking a wide range of different shopping as part of the same trip as referred to at paragraph 1.36 above.
- 1.43 WYG also suggest that the ability to undertake linked trips is limited by the time restriction of the car park at C12 which is restricted to a maximum 3 hour stay. The Aviva survey evidence shows that car parking duration is no impediment to linked trips. i.e. 73.2% of linked trips between C12 and other parts of the Town Centre are made on foot demonstrating that the centre is easily walkable within the permitted 3 hour stay.<sup>10</sup>
- 1.44 It should also be noted that while the car park at C12 is owned by Aviva it is operated by Sefton Council under a management agreement. Due to the proximity of the railway station, the restrictions on duration of stay are intended to prevent commuter parking and ensure that this important town centre car park remains available for use by town centre shoppers/visitors.
- 1.45 The very high level of linked trips on foot along London Road (73.2% in relatively inclement winter weather conditions) dispels WYG's suggestion that because of the distance between C12 and other primary shopping frontages and because of the characteristics of uses on London Road C12 should not be included within the PSA
- 1.46 In summary, the WYG Advice Note prevents no evidence to substantiate their claims about limitations on linkage between C12 and the rest of the Town Centre which would justify C12 being excluded from the PSA.

## **Addressing the Soundness Issues**

- 1.47 The latest Proposed Modifications – Post Hearings 3rd Set (15 February 2016) in respect of Policy ED2 and the Southport Town Centre Proposals Map – Proposed Modification February 2016 are not sound because;

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<sup>10</sup> See also Asda Hearing Statement in Issue 5b (Pegasus Group, Representor ID 1312) paragraph 1.35 and 1.36 and Appendix 8 and 9 which shows that there are thousands of linked trips on foot along London Road made every day between C12 and Chapel Street

- C12 Shopping Park is a longstanding preferred location for retail development in Southport Town Centre which contributes significantly to its overall vitality and viability. Policy ED2 part 2 and part 3 as drafted in the latest Proposed Modifications would mean proposals within C12 would be subjected to sequential and retail impact tests. This aspect of the Policy is not justified, positively prepared, or consistent with the NPPF;
- The exclusion of C12 from the proposed Primary Shopping Area would not be effective in protecting the vitality and viability of Southport Town Centre.

1.48 If the Inspector is not minded to support Aviva's suggested text for the minor changes to Policy ED2 as set out at Appendix 4 of Aviva's Hearing statement on Matter 5, Issue 5b, but is instead minded to support a Main Modification to Policy ED2, Aviva considers that the following revisions to Policy ED2 (Proposed Modifications – Post Hearings 3rd Set (15 February 2016)) and Southport Town Centre Proposals Map may address the issues of soundness;

- Amend the definition of the Primary Shopping Area on the Southport Town Centre Proposals map to include Central 12 Shopping Park within that boundary;

1.49 The definition of shopping frontages within C12 as Primary Frontages is not necessary to justify the inclusion of C12 within the PSA but Aviva would not object to the existing frontages within the Shopping Park being identified as Primary Frontages if the Inspector considers this to be necessary.

1.50 The north side of London Road could be designated as Secondary Frontage to support the provision of active frontage but this is not considered essential in order to justify C12 being included within the PSA.

## APPENDIX 1



Teardrop Site

## **APPENDIX 2**

**Table 2: Types of Location**

|  |   |
|--|---|
| <b>Town Centre</b> (ie. types of centre identified in Table 1) | Defined area, including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area. The extent of the town centre should be defined on the proposals map.   |
| Primary Shopping Area  | Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage). The extent of the primary shopping area should be defined on the proposals map. Smaller centres may not have areas of predominantly leisure, business and other main town centre uses adjacent to the primary shopping area, therefore the town centre may not extend beyond the primary shopping area.   |
| Primary frontage   | Primary frontages are likely to include a high proportion of retail uses.   |
| Secondary frontage   | Secondary frontages provide greater opportunities for a diversity of uses.  |
| <b>Edge-of-centre</b>  | <p>For retail purposes, a location that is well connected to and within easy walking distance (ie. up to 300 metres) of the primary shopping area.</p> <p>For all other main town centre uses, this is likely to be within 300 metres of a town centre boundary<sup>17</sup>.</p> <p>In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians’ perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.</p> |
| <b>Out-of-centre</b>   | A location which is not in or on the edge of a centre but not necessarily outside the urban area.   |
| <b>Out-of-town</b>   | An out-of-centre development outside the existing urban area.   |

**Footnote to Table 2:**

For purposes of this policy statement, the “centre” for a retail development constitutes the primary shopping area. For all other main town centre uses the “centre” should be regarded as the area embraced by the town centre boundary.

<sup>17</sup> For office development, locations outside the town centre but within 500 metres of a public transport interchange, including railway and bus stations, within the urban area should be considered as edge-of-centre locations for purposes of the sequential approach.

### **PRIMARY SHOPPING AREA**

Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage). The extent of the primary shopping area should be defined on the proposals map. Smaller centres may not have areas of predominantly leisure, business and other main town centre uses adjacent to the primary shopping area, therefore the town centre may not extend beyond the primary shopping area.

### **PRIMARY FRONTAGE**

Primary frontages are likely to include a high proportion of retail uses.

### **SECONDARY FRONTAGE**

Secondary frontages provide greater opportunities for a diversity of uses.

### **EDGE-OF-CENTRE**

For retail purposes, a location that is well connected to and within easy walking distance (ie. up to 300 metres) of the primary shopping area. For all other main town centre uses, this is likely to be within 300 metres of a town centre boundary<sup>16</sup>.

In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.

### **OUT-OF-CENTRE**

A location which is not in or on the edge of a centre but not necessarily outside the urban area.

### **OUT-OF-TOWN**

An out-of-centre development outside the existing urban area.

<sup>16</sup> For office development, locations outside the town centre but within 500 metres of a public transport interchange, including railway and bus stations, within the urban area should be considered as edge-of-centre locations for purposes of the sequential approach.