



GL Hearn

Part of Capita plc

Merthyr Tydfil Replacement Local Development Plan EiP: Matter 5 Statement

Policies EcW3, EcW4 and SW6

**GL Hearn on behalf of Hammerson (Merthyr) Limited
("Hammerson"): Representor ID: 262**

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1 INTRODUCTION

1.1 This Hearing Statement responds to the schedule of *Matters, Issues and Questions* as compiled by the Inspector for the forthcoming Examination in Public (EiP), specifically those that were relevant to Hammerson's representations during the Replacement Local Development Plan (2016-2031) (RLDP) process (i.e. in September 2017 and September 2018).

1.2 This Statement responds to the various questions raised and considers whether the proposed policies are, in accordance with the Welsh Government's Local Development Plan Manual (Edition 2 – 2015) ("LDP Manual"), considered to be "sound": i.e. whether the following tests are met:

- Test 1: Does the Plan Fit (i.e. is it clear that the LDP is consistent with other plans?);
- Test 2: Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?); and
- Test 3: Will the plan deliver (i.e. is it likely to be effective?).¹

¹ Local Development Plan Manual – Edition 2 - August 2015, para 8.2.1.2

2 QUESTION 5.3 C. IS THE PLAN SUFFICIENTLY CLEAR ABOUT HOW THE SEQUENTIAL TEST WOULD BE APPLIED, INCLUDING FOR STORES SELLING BULKY GOODS OR REQUIRING SHOWROOMS?

2.1 Planning Policy Wales (Edition 10 – 2018) (PPW) explains that some types of retailing, such as bulky goods, cannot, by virtue of their scale and nature be located in Centres. It explains that:

“Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge of centre site. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered, subject to application of the needs and impact tests.”²

2.2 Despite Hammerson’s representations of September 2017 and September 2018, **EcW3** continues to take no account of the locational requirements faced by bulky goods and showroom type retailers. As detailed in our representations, this omission serves to undermine the effectiveness of the plan in ensuring that there is sufficient, and appropriate, floorspace available for these types of retailing in suitable locations.

2.3 As the RLDP now appreciates, “*Cyfarthfa is an established edge-of-centre retail park close to the town centre*” (para 6.8.27). As such, and in accordance with PPW given the format of many of the units, and potential retailers, at Cyfarthfa, it is vital that the RLDP details how the sequential test should be applied in such scenarios.

2.4 The RLDP, at **EcW3** and its supporting text, is therefore not sufficiently clear as to how the sequential test should be applied given the particular locational requirements faced by bulky goods and showroom type retailers. Hammerson therefore recommends that a paragraph is inserted into the supporting text (at 6.8.32) that reads as follows:

“In applying the sequential approach, consideration will be given to the particular requirements of retail stores selling bulky goods and/or requiring large showrooms, consistent with the requirements of PPW and TAN4.”

2.5 Such an addition would therefore ensure policy **EcW3**, and the RLDP was able to “fit” with national policy, able to “deliver” the retail development required and thus be “sound” in this regard.

² PPW (2018), para 4,3.23

3 QUESTION 5.3 D. THE PLAN DESCRIBES BOTH TRAGO MILLS AND CYFARTHFA RETAIL PARK AS EDGE-OF-CENTRE RETAIL LOCATIONS.

I. DOES THIS ACCORD WITH PARAGRAPH 7.4 OF TAN 4?

II. DOES THE EVIDENCE SUPPORT EITHER LOCATION BEING IDENTIFIED AS 'EDGE-OF-CENTRE'?

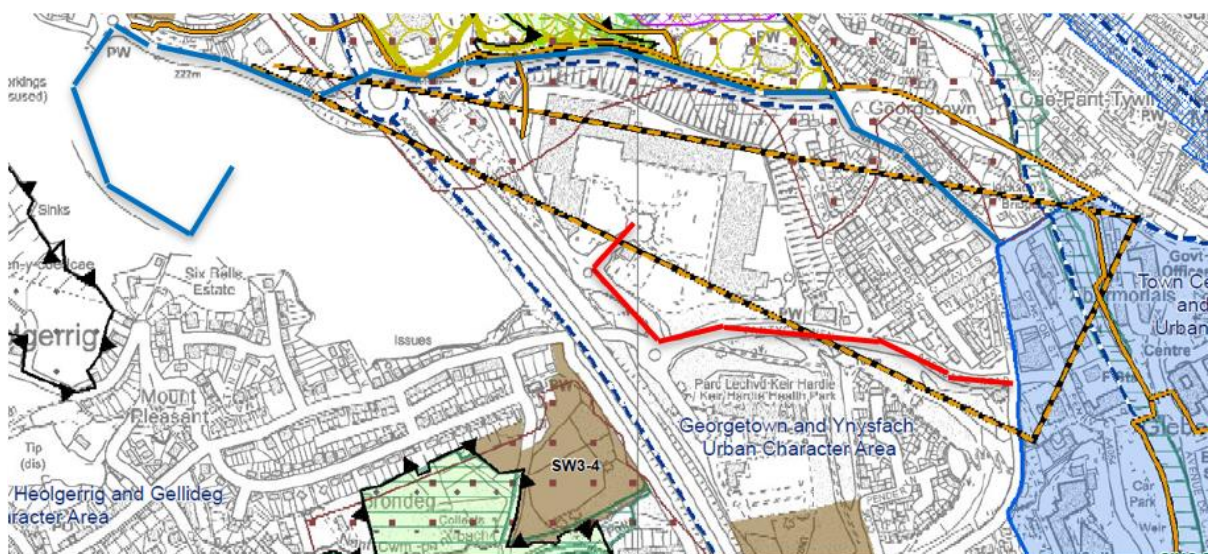
3.1 Technical Advice Note 4 (TAN4) defines “*edge-of-centre*” retail locations as follows:

“When allocating sites...in edge of centre locations, local planning authorities should consider the distance that a site is from the edge of a retail and commercial centre for it to be accessible by foot. Wherever possible edge of centre site allocations or development proposals should be located adjacent to a designated retail and commercial centre boundary, where this is not the case it should not normally be more than 200 to 300 metres from the edge of the centre”.³

3.2 In answer to both I and II, Hammerson consider that the two sites are not sequentially equal and there is evidence that Cyfarthfa should be considered “*edge-of-centre*” in line with the requirements of TAN4. Trago Mills should be “*out-of-centre.*”

3.3 To demonstrate whether Cyfarthfa Retail Park and Trago Mills should be defined as “*Edge-of-Centre*” locations the walking distance between the two sites and the Town Centre Boundary has been measured. This is detailed in Figure 1, below:

Figure 1: Walking Routes Between Cyfarthfa Retail Park /Trago Mills and the Town Centre Boundary



³ TAN4 (2016), para 7.4

- 3.4 The walking route from the Town Centre boundary to Cyfarthfa is relatively safe and straightforward. It consists of a westerly route along the pavement on the north side of the Aberdare Road. It then requires two simple, right turns at the roundabouts (also paved) into the Park. Cyfarthfa Retail Park is therefore easily and safely accessible to the Town Centre by foot.
- 3.5 In addition to its close physical relationship, Cyfarthfa also enjoys strong linkages to the Town Centre. Given its closeness to Merthyr, household surveys in support of planning applications have revealed that Cyfarthfa Park is considered by shoppers to form part of Merthyr's Town Centre. This relationship is underlined by the bus routes that link Cyfarthfa to the Town Centre and the easy and safe walking routes.
- 3.6 In contrast, Trago Mills is situated to the west of the A470. To access Trago Mills from the Town Centre includes a longer walking route, involving several crossing points, along the north side of Swansea Road and across the A470.
- 3.7 Thus, while Cyfarthfa benefits from a relatively short, safe walking route from the town centre, Trago Mills requires a much longer journey and the crossing of the A470, which is a significant barrier to movement and linkages with the town centre.
- 3.8 Thus, and notwithstanding the fact that both sites are over 300m from the Town Centre boundary, the frequency and ease of access between Cyfarthfa and the Town Centre supports its identification as "*edge-of-centre*", in line with the spirit of TAN4.
- 3.9 Thus, the identification of Cyfarthfa as "*edge-of-centre*" fits with national policy and is sound. However, Trago Mills is, with reference to TAN4, demonstrably not "*edge-of-centre*".
- 3.10 Accordingly, Cyfarthfa should remain defined as "*edge-of-centre*", with Trago Mills considered "*out-of-centre*" in retail planning terms.
- 3.11 Further, to ensure consistency elsewhere in the RLDP, references to Cyfarthfa as being "*out-of-centre*" (i.e. para 6.8.49 of **Policy EcW6**) should be adjusted to make clear that, unlike the other retail parks and locations listed, Cyfarthfa is in fact edge-of-centre.

4 QUESTION 5.4 A. THE EVIDENCE INDICATES THAT THE HOOVER STRATEGIC REGENERATION AREA (HSRA) COULD SUPPORT AROUND 320SQM OF CLASS A USE FLOORSPACE, BUT APPEARS TO ASSUME A GREATER QUANTUM OF DWELLINGS AND EMPLOYMENT FLOORSPACE THAN HAS BEEN ALLOCATED AT THE SITE.

II. HAVE POTENTIAL ALTERNATIVE, DELIVERABLE SITES FOR ACCOMMODATING ANY RESIDUAL NEED FOR RETAIL AND COMMERCIAL LEISURE FLOORSPACE BEEN RIGOROUSLY AND SEQUENTIALLY ASSESSED?

- 4.1 TAN4 explains that: *“If a need...for further retail development has been identified the local planning authority will need to express through their retail strategy and development plan allocations how that need should be accommodated.”*⁴
- 4.2 On this basis, the Merthyr Tydfil Retail and Commercial Leisure Study (MTRCLS) identifies a need for 6,281sqm gross floorspace, of which some 3,736sqm is identified for comparison goods, with 2,136sqm food and beverage and 409sqm convenience to 2031⁵.
- 4.3 The RLDP (**ECw4**), however, seeks to allocate just 409sqm of floorspace, equivalent to the identified need for convenience retail. As noted this is proposed as part of **SW6**, to be delivered at the Hoover Strategic Regeneration Area.
- 4.4 Thus, the plan fails to allocate sufficient sites to meet an identified need for both comparison goods (3,736sqm) and food and beverage (2,136sqm).
- 4.5 The Council's Deposit Plan Consultation Report (December 2018), explained that there was, in the Council's view, sufficient scope within Merthyr Town Centre to accommodate future growth requirements. This included the potential development at the bus station, and vacant floorspace within the Town Centre.
- 4.6 However, Hammerson would again emphasise that these identifications do not amount to allocations. Hammerson notes that the bus station site was the location of the proposed retail allocation at the Preferred Strategy stage. Given that the bus station has since been removed as a draft allocation,

⁴ TAN4 (2016), para 5.2

⁵ The Merthyr Tydfil Retail and Commercial Leisure Study (June 2017), paras 5.10 and 5.11

and constraints (including flooding) have been identified on that site, its deliverability must now be in some doubt.

4.7 In Hammerson's view it is also not clear that vacant floorspace within the Town Centre would be able to accommodate the residual need for floorspace, particularly as the Council's retail evidence indicates this is identified to 2031.

4.8 Turning to the vacant units within Merthyr Town Centre, these have been considered and analysed by the MTRCLS. The MTRCLS actually found that, when accounting for floorspace, the vacancy rate in Merthyr is, in fact: "*much more closely aligned to the national average*" (Appendix 5). Accordingly, there is significant representation of small units within the quantum of vacant units within Merthyr. In terms of an explanation for this, MTRCLS infers that this was because: "*Merthyr's vacant units are small units that national retailers are unlikely to trade from*".⁶

4.9 This apparent distinction between the retail offer provided by Merthyr Town Centre against other retail locations (including Cyfarthfa Retail Park) is also detailed within the MTRCLS. This detailed the "*fashionability ranking*" of centres within a wider catchment. While Merthyr Tydfil is noted as being an "*Updated Classic*" offer, Cyfarthfa, for instance, is "*Fashion Forward*".⁷ On this basis, in terms of the operators attracted and the overall offer, locations such as Cyfarthfa Retail Park have more in common with Cardiff, Swansea and Newport.

4.10 Thus, there remains a residual commercial retail and leisure need that, in Hammerson's view, is unlikely to be sated by other (unallocated) sites such as the bus station or vacant units (given their format and the overall offer) in the town centre.

4.11 Accordingly, there is a lack of adequate allocation of residual need for commercial retail and leisure uses (notably comparison retail and food and beverage) within the RLDP. Given that, in Hammerson's view, many of the vacancies identified in Merthyr would not fit the operator requirements pursuant to this surplus need, there is a need to consider sites beyond the Town Centre i.e. easily accessible edge of centre sites. No such sequential assessment has been undertaken and the approach being taken therefore is contrary to TAN4. Until such an assessment is undertaken, the RLDP is not "*sound*" on the following bases:

- it does not "*fit*" with the national requirement to allocate sites;
- it is not "*appropriate*" as the evidence base identifies a need for additional retail floorspace, and consequently
- it will not "*deliver*" – i.e. provide the quantum of comparison and food and beverage floorspace required.

⁶ The Merthyr Tydfil Retail and Commercial Leisure Study (June 2017), Appendix 5

⁷ The Merthyr Tydfil Retail and Commercial Leisure Study (June 2017), Table 2.2

- 4.12 To address the above and make the plan “*sound*” a robust sequential assessment of alternative sites capable of meeting the residual requirements over the Plan period, should be undertaken.