

Nicola Gandy

From: programme.officer
Sent: 23 November 2012 13:09
To: ldp
Cc: Susan Jones; Stuart Ingram; Nick Lloyd
Subject: Hearing Session 8: Inspectors response to e-mail of 22/11/2012

Dear Sue

The Inspector has viewed the email from BCBC dated 22 November 2012 which was copied to Mango Planning and the response from Mango Planning on the same day.

In respect to the length of the further written statements submitted by the parties, the Mango statement does exceed the 3,000 word limit set out in the Procedural Guidance Notes for the Examination. The appendices are extensive but are not subject to the word limit.

However, whilst the main BCBC statement is shorter, the lengthy appended retail advice is equivalent to a further witness statement. In the circumstances and because additional time has been allowed in the Examination programme for a specific session to deal with the related issues, the statements will be accepted notwithstanding their length but subject to the following comments on the content of the statements.

The relevant advice in the Procedural Guidance includes that: 'The representations already made at the Deposit or Alternative Sites consultation stages should have included all the points, documents and evidence to substantiate representors' cases' and 'Submissions by Representors should be related to the representations previously submitted by that Representor at the Deposit stage and should not seek to introduce new representations'.

In that regard and in response to a question on the agenda that was directed at the Council, the Inspector considers that Mango has sought to significantly expand upon their client's original representations. This amounts to late representations that the Council is not willing to accept and which accordingly should not be included in the examination. In particular:

- The original representations criticised the CACI report in relation to its treatment of special forms of trading, the assessment of existing convenience goods floorspace and turnover, and the impact of the new store in Porthcawl. However the hearing statement expands into criticism of per capita expenditure including the division of expenditure between small and large convenience stores. A related new capacity assessment is also submitted. These amount to new representations and include technical evidence which, were it accepted by the Council would again raise the question of the need for a formal inquiry procedure with cross examination to which the Council and the Representor have previously objected.
- Under the heading of sequential test, the original representations made only one brief reference to qualitative need which was 'This quantitative need is supported by empirical evidence *[not provided]* of qualitative needs to maintain a sustainable self sufficiency in convenience goods provision and to address overtrading at some existing stores, notably Tesco.' Under the heading of Qualitative Considerations the further statement expands into further areas including the redevelopment of a different town centre site for other purposes. This also amounts to new

representations.

For the purposes of the Session 8 hearing and the Report the relevant considerations will therefore be limited to those which arise directly from the original representations and from the Inspector's questions.

Whilst the Inspector does not seek new information on housing need and supply issues that have already been discussed at other hearing sessions, he will need to have regard to the potential implications of a retail allocation in respect of the loss of the housing allocation from the subject site. It is noted that whereas the statement indicates that the South Wales Police now support the retail proposal as landowners, they have previously submitted formal representations that support the site's allocation for residential development and these have not been withdrawn.

Regards,

Nicola

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Nicola Gandy

From: programme.officer
Sent: 23 November 2012 13:06
To: Arfon Hughes
Subject: Bridgend LDP - Hearing Session 8

Dear Arfon,

The Inspector has viewed the email from BCBC dated 22 November 2012 which was copied to Mango Planning and the response from Mango Planning on the same day.

In respect to the length of the further written statements submitted by the parties, the Mango statement does exceed the 3,000 word limit set out in the Procedural Guidance Notes for the Examination. The appendices are extensive but are not subject to the word limit.

However, whilst the main BCBC statement is shorter, the lengthy appended retail advice is equivalent to a further witness statement. In the circumstances and because additional time has been allowed in the Examination programme for a specific session to deal with the related issues, the statements will be accepted notwithstanding their length but subject to the following comments on the content of the statements.

The relevant advice in the Procedural Guidance includes that: 'The representations already made at the Deposit or Alternative Sites consultation stages should have included all the points, documents and evidence to substantiate representors' cases' and 'Submissions by Representors should be related to the representations previously submitted by that Representor at the Deposit stage and should not seek to introduce new representations'.

In that regard and in response to a question on the agenda that was directed at the Council, the Inspector considers that Mango has sought to significantly expand upon their client's original representations. This amounts to late representations that the Council is not willing to accept and which accordingly should not be included in the examination. In particular:

- The original representations criticised the CACI report in relation to its treatment of special forms of trading, the assessment of existing convenience goods floorspace and turnover, and the impact of the new store in Porthcawl. However the hearing statement expands into criticism of per capita expenditure including the division of expenditure between small and large convenience stores. A related new capacity assessment is also submitted. These amount to new representations and include technical evidence which, were it accepted by the Council would again raise the question of the need for a formal inquiry procedure with cross examination to which the Council and the Representor have previously objected.
- Under the heading of sequential test, the original representations made only one brief reference to qualitative need which was 'This quantitative need is supported by empirical evidence *[not provided]* of qualitative needs to maintain a sustainable self sufficiency in convenience goods provision and to address overtrading at some existing stores, notably Tesco.' Under the heading of Qualitative Considerations the further statement expands into further areas including the redevelopment of a different town centre site for other purposes. This also amounts to new representations.

For the purposes of the Session 8 hearing and the Report the relevant considerations will therefore be limited to those which arise directly from the original representations and from the Inspector's questions.

Whilst the Inspector does not seek new information on housing need and supply issues that have already been discussed at other hearing sessions, he will need to have regard to the potential implications of a retail allocation in respect of the loss of the housing allocation from the subject site. It is noted that whereas the statement indicates that the South Wales Police now support the retail proposal as landowners, they have previously submitted formal representations that support the site's allocation for residential development and these have not been withdrawn.

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