

## Further Submissions to the Caerphilly Local Development Plan

Relating to

Blackwood Gate Retail Park, Blackwood, Caerphilly  
**Representation Number: 4206**

Prepared for



**April 2010**

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## 1. Preface

1.1 This document of further submissions relates to Develica LLP's original Representations to the Caerphilly Deposit Local Development Plan dated November 2008.

1.2 These submissions intend to bring the Inspector up to date in terms of progress on the site, in particular making reference to fellow Inspector Bill Barnes' appeal decision relating to the site dated 4<sup>th</sup> August 2009. That appeal sought to vary the condition attached to the original planning consent relating to Blackwood Gate Retail Park to allow an element of food retail use.

1.3 In line with the current Inspector's requirements, this document is intended to be brief and to the point.

## 2. Submissions

2.1 We would refer the Inspector to Develica's submissions dated November 2008, with particular regard to Section 1 "Introduction" which provides details on the planning application to vary the current limitation condition. Further, Section 2 provides a useful *aide memoir* on the site history and planning history.

2.2 Our comments and submissions at Section 3 still stand and we add to these below.

### 3. Progress To Date / Further Updates

3.1 An appeal was submitted against Caerphilly Council's refusal of planning application reference 08/0687/NCC. The appeal was held by way of public inquiry on 3<sup>rd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> June 2009. A decision was issued on 4<sup>th</sup> August 2009. A copy of that decision is attached to this submission as **Appendix 1**.

3.2 We feel it is important to point out to the Inspector our views on the Inspector's decision, as well as progress since the appeal decision as this should influence and inform the current Inspector's consideration of the LDP.

#### The Inspector's Decision

3.3 At paragraph 6 of the previous Inspector's decision, the Inspector considered the main issue to be

*"whether the proposed variation of the condition is acceptable having regard to the development plan, national policies and the impact on the vitality and viability of Blackwood and Bargoed town centres".*

3.4 However, we would also comment that, in addition to the above, one must also look to "material considerations" as put forward by the Appellant at the Inquiry. This needs to be borne in mind when one reviews this submission.

3.5 Paragraph 9 of the Inspector's decision confirms that the LDP has an anticipated examination in public in 2010. Clearly this timetable is correct. The paragraph goes on to state that the LDP reiterates the site's retail warehouse park allocation. The Inspector's decision also reiterates that Develica have submitted objections to the LDP, including the status of Bargoed.

3.6 The Inspector agreed that the subject site is "edge of centre".

3.7 In terms of fundamental comments on the Inspector's decision, we state:

- It is recommended retail policy that assumptions must be made to inform retail impact assessments. However the Inspector states at paragraph 11 that he considered it "difficult to be precise about the likely impact given the significant difference that would result should some of the assumptions upon which the Appellant rely ... prove to be incorrect." Our retail experts at the original inquiry, NLP, stated categorically that they could see no reason why these assumptions should not stand and that the assumptions they made in drawing up their retail assessment were conservative and usual for these forms of documents. Conversely, given the comments made by the Inspector, he did not concede that if the assumptions **were** correct, then there would be a need in retail terms for further food retail provision. That decision, *prima facie*, is very one-sided in this respect.
- At paragraph 11, the Inspector states that "notwithstanding the time that the former Somerfield store within Blackwood town centre has remained vacant and the difficulties created by its size and the difference in levels, I do feel that in this location, next to a small modern shopping complex, it is still capable of attracting a smaller foodstore operator." On this basis, the Inspector concluded that he considered there would be a real risk that the proposal would harm Blackwood town centre's trade. Fundamentally, the Inspector offers **no** evidence. Our retail agent gave expert testimony at the Inquiry: testimony backed up by 50 years of experience as South Wales' leading retail agent, Peter Hales. The Council offered **no** marketing or commercial evidence of their own (despite having their agents instructed, for example, on the Bargoed scheme (Cooke and Arkwright)). In cross examination, the only witness who spoke to marketing / commerciality on behalf of the Council, was Roger Tanner, a Chartered Town Planner with clear expertise in planning matters, but none in commercial and marketing matters. Whilst the site may be a suitable retail site **in planning terms**, it was clear from the

evidence provided by Mr Hales, that **in commercial terms**, the Somerfield site would not be let or sold in his view for food retail use. This was the case at the time of the Inquiry (June 2009); this was the case when the Somerfield site became vacant over four years ago; and this is still the case today. There has been no interest in the site for food retail (the letting agents have confirmed this) and, indeed, the owners of the site have recently been placed into administration. To compound this, as leading retail agents for the area, E J Hales confirmed at the Inquiry that Lidl, as an example, had been looking to locate a store within Blackwood for a period in excess of 10 years. Even they discounted the Somerfield site on commercial / locational grounds. The Somerfield site traded difficultly as a food store, hence why it closed, and there is no belief from leading retail agents this site will ever come forward for food retail again. Where is the **evidence** or **experience** to the contrary that led the previous Inspector to consider otherwise? How can the original Inspector consider that the vacant nature of the Somerfield store led him to believe that food retail at Blackwood Gate Retail Park would impact on Blackwood town centre's trade. This appears to be the sole reason the Inspector considered this proposal would have an impact on Blackwood town centre and it does not stand up to scrutiny.

- With regard to Bargoed, we do not refer to our previous submissions on the status of the town. What we do refer to in this further submission is the previous Inspector's paragraph 12. The Inspector refers to the "*massive public sector investment*" on land owned by Caerphilly Council. There is no mention of the massive **private** sector investment in Blackwood Gate Retail Park. It does appear that private investment is to be left to stifle whereas public sector money can be thrown at public sector land and development. One must question where is the level playing field that planning should have at its foundation? In addition, the Inspector stated that "*The Appellants maintain that the Bargoed redevelopment is extremely speculative with no guarantee that it will proceed.*" This is correct in so far as the **entire** development is concerned. Again, our agent and retail expert Peter Hales stated at the Inquiry that if the Bargoed scheme was for a food retail unit only, the scheme would stack up and would be developed almost instantly. Doubt was cast on all the other elements of development, such as comparison retail uses, the cinema etc. This is still the case. We have seen no evidence from the Council that any other potential occupiers other than food retailers have shown a **serious** commercial interest in the Bargoed site. However, what is good news for Bargoed, is the announcement that Morrisons have now signed up to the scheme. With Morrisons in place, this once again leads to the argument that food retail at Blackwood Gate Retail Park would not have an impact on the town centre of Bargoed now that the anchor food retail store has been secured. The Inspector's paragraph 13 also states that "*allowing a foodstore at the site (Blackwood Gate) would put the Bargoed redevelopment proposals at significant risk of failure with very serious consequences for CUDP's retail strategy*". We reiterate: with Morrisons now signed up for Bargoed we do not see how food retail at Blackwood Gate would now put the scheme at risk. We still question the viability of the entire Bargoed scheme and we will take serious interest in noting whether the scheme as proposed in the development brief comes forward or whether it is watered down for the food retailer's benefit.
- The Inspector's paragraph 14 refers to the marketing of the site. What Mr Hales said at the Inquiry still stands. The lack of interest from occupiers both **before** and during the recession is telling. The Council questioned the marketing of the units but only from a town planning officer's point of view. Once again, the Council did not offer any marketing / commercial expertise either in writing or by way of verbal evidence at the inquiry. This, against the **expert evidence** of Peter Hales who stated that there is no hope of letting the units for retail or leisure purposes. The Inspector in this paragraph places great reliance on the recession, and discounts the expert evidence provided by Mr Hales despite no evidence being provided to the contrary. The Inspector concludes that "*in any event, these factors are not an exceptional justification for allowing a grocery superstore on the site, in conflict with the long term national and local policy objectives for retailing and town centres, resulting in the harmful consequences to*

*which [he had] referred". We disagree: the following facts leads us to believe that food retailing at Blackwood Gate Retail park would be acceptable:*

- Bargoed now has a food retail anchor store signed up;
- The old Somerfield Store within Blackwood remains vacant, with no evidence provided that it is likely to be attractive to a food retailer;
- The lack of interest from bulky goods operators in Blackwood Gate Retail Park, as explained by leading South Wales retail expert Peter Hales, remains;
- The detrimental impact the empty units at Blackwood Gate Retail Park has on Blackwood town centre, remains;
- The overwhelming support of food retail at the site from residents at the application stage (89%) as well as local ward members (x3), the Assembly Member, Irene James and the Member of Parliament, Don Touhig.

3.8 In addition to the above, our original submission to the LDP inquiry stands. We see no justification for Bargoed being elevated to the status of a Principal Town. It is not. One need only visit the town to understand this. It is not listed within the Wales Spatial Plan as one of the fourteen hub settlements as having a critical role to play in the success of the city-region. Although tellingly, Caerphilly and Blackwood quite rightly are listed.

3.9 The continued emphasis on Bargoed over and above Blackwood is having a detrimental effect on Blackwood in our view, to the detriment of its residents and the Council's insistence that Blackwood Gate Retail Park remain allocated as a bulky goods site, at the expense of all else, is disappointing.

3.10 We ask the Inspector to consider the above further submissions, and those previously tabled, and ask that Bargoed is removed from the position of a Principal Town.

3.11 In addition we ask that the Inspector consider bringing Blackwood Gate Retail Park within the Blackwood Principal Town Centre Boundary and removing its allocation as a bulky goods retail park for the reasons offered in our original submission. The allocation is a continuation of an historic allocation created over 11 years ago.

3.12 As an addendum, we also refer the Inspector to the recent application submitted by Sainsbury's who own the old Co-op store site in Pontllanfraith. We enclose as Appendix 2 a copy of the Inspector's Report to Committee, and our objection submission as Appendix 3. The inspector will note that whilst the application was recommended for refusal, on policy grounds the Council offered no objection. Our objection letter sets out our view clearly and we would ask the inspector to consider the objections in light of this further submission to the LDP process.

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*April 2010.*