



**Friends of
the Earth**

Briefing

Local Development Frameworks and your community:

Influencing retail policy

Across the country, local councils are drafting new planning documents as required by recent national Government legislation.¹ The new plans – known as Local Development Frameworks (LDFs) – will shape the way communities develop over years to come. Friends of the Earth believes that LDFs have the potential to play a vital role in promoting vibrant, diversified and localised retail development. But this will only happen if Local Authorities bring in policies that support their local economy, rather than encouraging the dominance of multiple retailers, car-based shopping, community destruction and environmental pollution. So if you are interested in supporting your neighbourhood and making sure your council makes the right decisions over the next three years, read on....

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Supermarkets and local planning – why should I be interested?

“These guys are professionals and are in for the long haul. They have plenty of experience from around the country in winning planning permission – from PR campaigns in the local press to planning experts and expensive lawyers. What can we, a bunch of amateurs, do to stop them?” Local resident in Devon.ⁱⁱ

One thing that you can do to help stop new supermarkets opening in your area in the future is to influence what goes into your Local Development Framework now.

Today, more than 80% of the annual £76 billion spent in the UK on groceries goes into the pockets of the biggest six supermarkets.ⁱⁱⁱ And the expansion is not stopping. In the year 2005/6 alone, the market leader Tesco is planning to open 111 new stores.^{iv} Supermarkets claim that when they come to town they bring choice, cheap food, and jobs. But by dominating food sales, supermarkets take away choice by closing down existing shops. In 2004 alone, more than 2,000 independent stores closed or were merged.^v Supermarkets may sell certain items at knock-down prices, but they also siphon money away from communities and towards shareholders and distant corporations.^{vi} And they may bring in some employment in the supermarket, but they also drive other jobs away – a net loss of 276 per new superstore, according to one study.^{vii}

Changes in the planning system that are happening now provide a unique opportunity to make sure that in the future your community benefits from a more diverse and sustainable retail choice. Over the next few months all local authorities will be re-writing their policies concerning new developments in their areas. These policies, which were previously called structure plans, local plans or unitary development plans are being replaced by a Local Development Framework (LDF). The planning policies contained in the LDF, together with regional planning policies will be the **key** guidance that is taken into account when planning decisions – including decisions on whether to allow new supermarkets - are made by local councils.

But the extent to which local councils take the views of their communities into account, and prioritise the survival of their town centres and high streets will vary. The window of opportunity for the majority of local authorities, when it will be possible to lobby for specific text in your council's LDF, runs **until Summer 2006**. This means that you need to act now to have the best chance to make a difference in your area. If your council is quick off the mark it may have already begun this process. But remember that all plans are reviewed on an annual basis, and revised every three years.

Please note:

The new development plans are complex documents covering transport, resource use, housing and many other issues. This briefing is intended for those people who are particularly interested in how the new development plans will impact upon retail provision in their community over the next few years.

You may also be interested to know that Friends of the Earth's campaign on climate change– the Big Ask campaign – has also produced a briefing on getting climate change targets into Local Development Frameworks. The briefing is entitled "*The Big Ask Campaign Action Pack Five – Getting Climate Change into your Local Development Frameworks*" – see the information section at the end of this document for more details.

This document contains all you need to know to enable you to ask for your local council to include text in its new planning documents that will prioritise choice and diversity above the desires of multiple retailers.

Contents

This document contains

- A description of the supermarkets campaign, and how this work fits in
- A brief introduction to LDFs and how you can be involved
- An explanation of the key retail policies we would like to see included in LDFs
- A summary of what we are asking you to do
- A list of further reading

Wales and Northern Ireland

Because the planning system is different in Wales and Northern Ireland this briefing is not directly relevant. Similar changes to the planning system are being made in Wales but the timetable is behind that in England. For more details of what is happening in Wales contact our Cardiff office. If you are based in Northern Ireland please contact the Belfast office for more information on their planning campaign.

The Supermarkets Campaign – and how this work fits in

Friends of the Earth has been opposing the march of the supermarkets at a national level for many years. Recently we have been lobbying hard for retail planning policy at the national and regional levels that supports a diverse and sustainable pattern of retail provision rather than simply giving a green light to more superstores. In 2004 lobbying by Friends of the Earth resulted in a government commitment to close a legal loophole which had allowed multiple retailers to expand their stores without planning permission by building mezzanine floors. We are also pressing our case with the competition authorities to stop further consolidation and abuse of power by the major supermarkets.

But Friends of the Earth is increasingly turning its attention to what we can achieve at the local level. We now have details of more than a hundred planning disputes currently taking place around the country as local campaigners stand up to the supermarkets. A linked briefing *“How to Oppose a Supermarket Application: a Short Guide”* provides details of how to fight new store proposals in your local area (see further reading section). These battles are fought on a case by case basis, and campaigners can only win by presenting a sound case about the local circumstances to the local planning authority. However, these decisions are made in the context of national, regional and local policy so it is essential to influence those policies when the opportunity arises. We are already pushing for robust regional policies to be included in Regional Spatial Strategies (see further reading below). But if the local authority does not also have robust policies in place it will be much easier for supermarkets to get planning permission for new stores or to challenge the decision through the planning appeals process if their proposal is refused.

The writing of LDFs therefore provides a unique opportunity to get the right policies in place at the local level. The Government is stressing the need for a *“pro-active, plan-led system”* so new retail floorspace should be properly planned for in consultation with the community. Although they have to have regard for a whole series of different influences – including European directives, national planning policy, Ministerial statements, and regional plans and guidance – local authorities still have a lot of freedom in how they write their plans.

Introduction to Local Development Frameworks and how you can be involved

What exactly is a Local Development Framework and how does it fit in with all the other local and regional planning documents?

You will find a lot more detail about the new planning system including how LDFs fit in our briefing *‘A Local Campaigners Guide to the New English Planning System’* (see the link at the end of this briefing). Local Development Frameworks will have to be in conformity with regional policy as set in the Regional Spatial Strategy. Knowing what your regional plan says is therefore important. You may also like to contact your Friends of the Earth Regional Campaigns Co-ordinator for more information.

What part of the Local Development Framework are we interested in?

The Local Development Framework is made up of several documents – the one we are concentrating on is the **Core Strategy**, which is a legally binding document. However, it may be the case that your council will not put any detail into their Core Strategy, and instead the policy will be contained within the Supplementary Planning Guidance. This is a less satisfactory option, because this document is not legally binding and is therefore easier for a developer to avoid. However it is worth finding out whether your local authority is drawing up any **area action plans** and **town centre strategies** as these could contain specific proposals for retailing including proposed sites for new retail development.

How is the public involved?

Everyone has the right to comment on their LDF and be heard at a public inquiry. You can find out the how your council will involve you in their document called '*Statement of Community Involvement*'.

What are the key steps for me to be involved in during the preparation of the LDF?

- 1) Make sure that you know about the LDF process early by checking the council's web site or writing to them asking to be kept informed of everything to do with its preparation.
- 2) Ask your local planners for a copy of the Local Development Scheme. This will tell you the timetable for the preparation of the LDF.
- 3) Your local council will publish draft issues papers which will set out the main issues for the LDF. The council must organise public consultation on these documents. Make sure that you are involved, and use this briefing to inform your arguments.
- 4) The local council will publish a full draft version of the LDF. This information should be on the council's website and is also held in libraries. If the draft doesn't contain the right policies you should lodge a formal objection using the form provided by the council. You must do this if you want to be heard at the public inquiry.
- 5) The plan will be examined by an inspector and you have the chance to appear in person and make the case for including effective retail policy. These sessions will either be formal sessions or informal round-table discussions. The Inspectors report is binding ie. the local authority has to adopt the Inspectors report.

Remember...

Your council is supposed to facilitate your participation. If you feel that you aren't able to get your point across – then say so. For instance, if you feel that you aren't able to have your say because the structure of the questionnaire or discussions is too prescriptive, write a supporting letter to make sure you get your points across. Just make sure that you are heard!

TAKE ACTION

A: Including key elements of national retail policy in the Local Development Framework

You don't have to start from scratch to suggest policies for inclusion in the LDF. Some material from national policy guidance helps support town centres and independent shops and markets and should be included by your council in its LDF. You have a strong case to ensure that this happens because although national planning policy guidance (which is drafted as a series of "planning policy statements" or PPSs) is not law, local authorities are required to **have regard to** their contents in drafting their LDF. If they ignore the contents of a PPS then this can form the basis of a powerful objection in a local plan inquiry or in a public inquiry into a specific development.

PPS6 “Planning for Town Centres”

As part of the recent overhaul of the planning system the old Planning Policy Guidance notes (PPGs) have been updated as a series of Planning Policy Statements (PPSs). PPS6 “Planning for Town Centres” is the most relevant to retail. The old **PPG6** was introduced in 1996 in an attempt to reverse the decline of town centres. PPG6 introduced the concept of the “sequential approach,” which states that local councils must prioritise development in the town centre above edge-of-town or out-of-town development. The new PPS6 retains this. PPS6 also stresses the value of a “*pro-active, plan-led system*” urging local authorities to plan for retail provision in their areas “*in conjunction with stakeholders and the community*” so this is a big opportunity for you to influence whether new grocery retail space in your area means five new Tescos or a more diverse mix of smaller shops and local food outlets.

Below we outline in more detail some useful policy statements from PPS6. It is up to your local authority how much emphasis they put on these so it is up to you to make sure that they do make them an integral part of their plan.

PPS6 also contains policy material that is bad news for local campaigners. Most significantly it encourages large scale retailers to locate on the edge of town centres. The trick is to concentrate on the positive aspects of the guidance and then to persuade your local council to go further – we give some suggestions for stronger policies to protect town centres and local shops in the next section.

Other relevant Planning Policy Statements

PPS1, the Government's overarching statement on sustainable communities and the purpose of the planning system, is also relevant. It makes it clear that sustainable development is the “*core principle underpinning planning*” and that the public should have the right to be involved in planning decisions. Useful guidance when considering the impact on traffic can also be found in Planning Policy Guidance 13 (PPG13), the planning guidance document which aims to integrate planning and transport policy. More information on PPS 1 and PPS 6 is available in further Friends of the Earth briefings (details at the end of this document).

A) Useful policy statements in PPS6

1. Demonstrating the need for a new retail outlet

PPS6 states that Local Planning Authorities must assess the **need** for new retail floorspace in consultation with the community as part of its plan preparation process. In selecting sites for development they should also identify the appropriate **scale** of development.

PPS6 states that:

“Local planning authorities should work in conjunction with stakeholders and the community to assess the need for new floorspace for retail, leisure and other main town centre uses, taking account of both quantitative and qualitative considerations.”

PPS6, Paragraph 2.16

Qualitative considerations include the provision of “*genuine choice*”. PPS6 specifically talks about the need for accessible local shops and services. You could use this policy to push for new floorspace to be provided in formats other than big supermarkets.

A supermarket which has not been planned for in the LDF should not be able to proceed unless the applicant demonstrates that the community needs the development, especially if it is located outside the town centre. However, be aware that supermarkets will be lobbying very hard to get sites identified for new stores in the LDF, especially if they already own land in your area – so opposing the inclusion of new stores may be a key focus for your involvement in the LDF process.

2. The Sequential approach

The sequential approach requires that all town centre sites must be assessed before any less central sites can even be considered. The developer should be required to show first that the development could not be in-town, then edge-of-town, and finally out-of-town. Need for the development must also be demonstrated if it is to be located outside of the town centre. The sequential approach has to be applied so it should be incorporated into your LDF but it is worth checking.

PPS6 states that:

A sequential approach should be applied in selecting appropriate sites for allocation within the centres where identified need is to be met. All options in the centre (including, where necessary, the extension of the centre) should be thoroughly assessed before less central sites are considered for development for main town centre uses.

PPS6, Paragraph 2.44

Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan document strategy. PPS6, Paragraph 3.9

3. Protection of the vitality and viability of town centres

In addition to the sequential approach, PPS6 seeks to protect the vitality and viability of town centres. This provides another good argument against new supermarket developments which will impact on existing town centre shops so make sure it is included in the LDF.

PPS6 states that:

In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development. PPS6, Paragraph 3.21

In the case of market towns and rural service centres, PPS6 goes further and asks local planning authorities to adopt policies to *enhance* the vitality and viability of these centres. PPS6, Paragraph 2.61

4. Considering the impact on traffic

PPS6 contains some useful material about reducing travel by car.

PPS6 states that:

In selecting appropriate sites for allocation, local authorities should have regard to:
i) whether the site is or will be accessible and well served by a choice of means of transport, especially public transport, walking and cycling, as well as by car; and
ii) the impact on car use, traffic and congestion. PPS6, Paragraph 2.49

5. Encouraging diversity - markets

PPS6 stresses the desirability of diversity in terms of providing a range of different uses in town centres. It does not define diversity in terms of providing different types of retail outlet ie. smaller independent shops as opposed to large supermarkets. However it does specifically refer to the benefits of markets including farmers markets which should make it easier to push for a similar pro-active policy in your LDF.

PPS6 states that:

Street and covered markets (including farmers' markets) can make a valuable contribution to local choice and diversity in shopping as well as the vitality of town centres and to the rural economy. As an integral part of the vision for their town centres, local authorities should seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones. PPS6, Paragraph 2.27

6. Promoting social inclusion

The need to make sure that facilities are accessible to the whole community is highlighted several times in PPS6, for example in assessing the qualitative need for retail development.

PPS6 states that:

A key consideration for a local authority will be to provide for consumer choice by ensuring that:

Provision is made for a range of sites for shopping, leisure and local services, which allow genuine choice to meet the needs of the whole community, particularly the needs of those living in deprived areas. PPS6, Paragraph 2.35

This policy is useful to back the case for a policy in the LDF that encourages the provision of smaller local shops accessible to people without cars but we have also made some suggestions below on how to take this further.

B. Going further

Although PPS6 contains some useful policies we don't think that it goes far enough to protect town centres and independent shops or to encourage the provision of real choice. We are therefore suggesting some more ambitious policies that we want councils to adopt. These are not included in any of the planning guidance, so would be more controversial and more difficult to get into your council's LDF. But if you succeed you would have made a real impact on how your community looks in the future. Friends of the Earth has already sent these policies to local planning authorities but by getting involved in the LDF process you are in a much stronger position to get them adopted.

1. Creating a presumption against large-format stores

PPS6 gives a clear steer towards locating new retail development in or at the edge of town centres but does not go far enough in acknowledging the damage that large format stores can cause wherever they are located. There is evidence that edge-of-centre stores can draw trade from shops in the centre especially where new stores are not well linked to the existing centre.^{xii}

Friends of the Earth is therefore recommending that in addition to the sequential approach, all development plans should incorporate a cap of at most 3,000 m² of net retail floor space in retail outlets. In some local authority areas it will be necessary to set the cap at a lower level, for example; in areas where the aim is to protect existing, or encourage new provision of, a diverse range of shops and services; in areas where a large proportion of the retail floorspace is already provided in large format stores; in local centres or smaller town centres where a large format store would not be appropriate in scale or catchment to that centre.

The LDF policy should state a presumption against the approval of developments above the threshold except in the following exceptional circumstances;

- where the applicant can satisfy all the safe guards contained within PPS6 and specifically the sequential approach and the requirement to demonstrate 'need'.
- where the development would have no detrimental impact on the vitality and diversity of existing retail centres. Applicants will be expected to submit a detailed Economic Impact Assessment of both the quantitative and qualitative impacts of the proposed development.
- where the applicant can satisfy the principles of sustainable development (see Key element 1 in our briefing on the new planning system).
- the presumption against approval will also apply to any change of use or extension which would result in the total net retail sales space of an outlet contravening the floor space threshold. No existing out-of-centre developments should be redefined as town centres.

2. Promoting real diversity and social inclusion

Friends of the Earth believes that PPS6 does not go far enough in proactively promoting diversity. We are recommending that when assessing the need for additional retail floorspace in or adjacent to existing centres, local authorities should assess the format in which the additional floorspace will most likely contribute to the vibrancy and diversity of existing retail centres. For example, this could be done by encouraging a series of smaller retail outlets of different types rather than one huge store with everything under one roof.

Similarly your LDF could go further in encouraging social inclusion by including pro-active policies aimed at providing a better range of local shops outside of main centres but close to residential areas and accessible by foot. Useful backing for such a policy comes from the Department of Health which said that planning should be much more proactive in strengthening local retail centres and working with communities to develop locally generated

solutions. The DoH also recommended that local authorities should discourage the provision of new stores over 1,000 square metres gross floorspace outside named major centres.^{xiii}

Friends of the Earth also believes that planning policy has a key role to play in delivering on the government's policies on sustainable rural economies. Local authorities should develop policies which provide a presumption in favour of retail developments which make a contribution to sustaining local food producers – this should go beyond farmers markets and include more traditional local shops such as greengrocers and butchers as well as allowing for innovative new ideas such as 'farm' shops located in towns.

Growth areas such as major new housing developments provide an opportunity to put into practice the principles of sustainable development and to demonstrate the benefits of a proactive approach to encouraging vibrant district and local centres. We recommend that where growth areas are proposed, the LDF should include a policy to make provision for retail outlets which; avoid an overall increase in travel; provide access to essential shopping facilities for those without access to a car; encourage vibrant and diverse neighbourhood/district retail centres.

Summary – what are we asking you to do?

1. Contact your local authority, to find out the timings for consultation on your Local Development Framework.
2. If the consultation on the documents has not yet passed, you can get involved and ensure that your local authority produces an LDF that prioritises the interests of your community and local retailers above the big multiples. At the very least try to ensure that the best bits of PPS6 are incorporated into your LDF. But to make an even bigger difference push for our suggested policies to be included. Get as much as possible included in the Core Strategy but don't forget to look at the area action plans and town centre strategies too.
3. You can choose whether your involvement is as little as writing a letter, or as much as standing up at a public inquiry to put forward your proposals.

And finally....

Facing up to the complexities of the local planning system can seem like a daunting task. But remember that, if you choose to get involved – even if it is only by writing a letter to the local authority – you can only have a positive impact on the process. And of course the more work that you do, the more likely it is that your new local plan will protect the vitality and diversity of your community over the next three years. Remember to stick to a few key messages and remember that, despite all the technical terms and processes, your common sense can carry you a long way.

Further reading and information

1. Local Development Frameworks:

More information on the policies that Friends of the Earth believes should be included in Local Development Frameworks are available in the following documents:

A Local Campaigner's Guide to the New English Planning System
<http://www.yourplanningrights.co.uk> (resource section)

Retail Development: Key Policies for Inclusion in Local Development Frameworks
http://www.foe.co.uk/campaigns/real_food/resource/experts.html (this is aimed at local planning authorities)

2. The impact of supermarkets:

More information on the impacts of supermarkets on communities, the environment and their suppliers is available from the “experts” section of the Real Food pages on the Friends of the Earth website.

Checking out the Environment – Environmental Impacts of Supermarkets - an outline of the environmental impacts of large supermarket chains at the local, national and global scale.

The Tesco Takeover - this briefing reveals the price for farmers, workers, town centres and the environment of Tesco's massive expansion over the past 10 years.

Good Neighbours: Community Impacts of Supermarkets - this briefing looks at the economic and social effects of the competitive policies of large supermarket chains, and the subsequent impacts on local communities in the UK.

Direct link: http://www.foe.co.uk/campaigns/real_food/resource/experts.html

*Friends of the Earth's response to the consultation on the **Draft PPS6** also contains some useful information, and although it is a comment on the draft guidance much of it applies equally to the final version.*

http://www.foe.co.uk/resource/consultation_responses/planning_pps_6.pdf

3. Opposing a supermarket planning application:

How to Oppose a Supermarket Planning Application: a Short Guide – includes a step-by-step guide through the planning system.

http://www.foe.co.uk/campaigns/real_food/resource/experts.html

4. Regional Spatial Strategies:

To find out at what stage your Regional Spatial Strategy is at, we recommend you contact your Friends of the Earth Regional Campaigns Co-ordinator for full details. See 'Regional Spatial Strategies: a policy brief' at www.YourPlanningRights.co.uk (resource section)

5. More information on the planning system:

The New English Planning System: an Overview

<http://www.YourPlanningRights.co.uk>

Planning Policy Statement 1: Creating Sustainable Communities - A Summary

http://www.foe.co.uk/resource/briefings/pps1_a_summary.pdf

Friends of the Earth's advice on how to use the Freedom of Information Act includes a section on planning:

www.RightToKnowOnline.co.uk

6. Government documents:

PPS 6: The full text of PPS6 is available from the ODPM website at:

<http://www.odpm.gov.uk/index.asp?id=1143803>

PPS 1: The full text of PPS1 is available from the ODPM website at:

<http://www.odpm.gov.uk/index.asp?id=1143803>

PPG 13 – The full text of PPG 13 is available from the ODPM website at:

<http://www.odpm.gov.uk/index.asp?id=1143926>

The Planning System – General Principles

Office of the Deputy Prime Minister, 2005

<http://www.odpm.gov.uk/index.asp?id=1143804>

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 - xiii Department of Health Policy Action Team 13, 2000, *National Strategy for Neighbourhood Renewal; Improving Shopping Access for People Living in Deprived Neighbourhoods*