



Brecon Beacons National Park Authority
Local Development Plan Policy 42 (C)
Development in Retail Centres
Interim Supplementary Planning Guidance
February 2021

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Introduction

1. This is the Brecon Beacons National Park Authority's (BBNPA) Interim Supplementary Planning Guidance (SPG) relating to the Local Development Plan's Strategic Policy SP13 *Retail Strategy* and Policy 42 *Development in Retail Centres* and provides interim guidance around the changes of uses that would be acceptable within the National Park's Town Centres to address the impact Covid-19 has had on the retail industry.
2. The Covid-19 pandemic has had a huge impact on the Welsh economy, the retail sector has been particularly affected by local and national lockdowns. The Covid-19 lockdowns have limited retailing to only the most essential of services. This came at a time when some retail sectors and town centres were already struggling with the increase in online competition, shifting patterns of consumption and out of town developments. This situation is expected to worsen as more retailers increase their online presence and consumers become used to doing most of their non-essential shopping online.
3. The Welsh Government have responded to the crisis in the publication of *Building Better Places: The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 recovery*¹ paper, (July 2020). Here they state that 'the economic consequences [of the Covid-19 pandemic] have meant that many retailers are struggling financially, and this will lead to higher vacancy rates in all of our commercial centres'. The Welsh Government emphasises the need for the planning system to respond to the situation by ensuring that retail and commercial centres can operate as flexibly as possible. This interim SPG responds to this direction, seeking to enable flexibility in the application of the retail policy within the 4 identified retail centres in the National Park.
4. The BBNPA's Local Development Plan (LDP) Spatial Strategy recognises the importance of supporting strong and vibrant retail centres within the Primary Key Settlement and the Key Settlements with this being integral to the future vitality of the historic market towns and their surrounding communities. The four retail centres within the National Park that have been identified on the LDP Proposals Map are:
 - Brecon
 - Hay on Wye
 - Crickhowell
 - Talgarth
5. The role and function of each town has been identified, together with the desired outcomes of each centre. Strategic Policy 13 (SP13) *Retail Strategy* within the LDP sets out to '*maintain and enhance the vitality and viability of the identified retail centres and to support proposals which contribute to the regeneration of the Town Centres by;*
 - a) *Safeguarding existing retail uses in the Retail Centres;*
 - b) *Maintaining and enhancing the diversity of uses in the identified Retail Centres*';

¹ <https://gov.wales/sites/default/files/publications/2020-07/building-better-places-the-planning-system-delivering-resilient-and-brighter-futures.pdf>

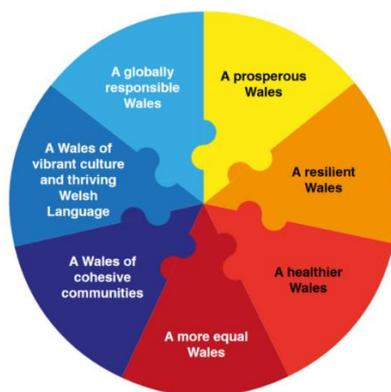
6. LDP Policy 42 *Development in Retail Centres* seeks to implement the retail strategy set out in Strategic Policy SPI3 by:
 - a) Preventing changes of use which would result in the loss of existing retail uses. Changes of use will only be permitted where the applicant is able to demonstrate either that the proposed change of use does not impact on the Retail Centre, or that there is no longer a need for a retail use.
 - b) Encouraging a diversity of uses within town centres by ensuring that all new developments within the Retail Centre are for the following uses:
 - A1: Shops
 - A2: Financial & Professional Services
 - A3: Restaurants & Cafés
 - B1: Business
 - C1: Hotels
 - D1: Non-Residential Institutions
 - D2: Assembly & Leisure
 - c) Ensuring that all changes of use that occur within the retail centre are for use classes A2, A3, B1, C1, D1 or D2
7. This Interim Supplementary Planning Guidance seeks to provide interim planning guidance on the implementation of **criterion C(ii) of Policy 42 Development in Retail Centres** to enable flexibility within our retail centres to address vacancy rates whilst maintaining the primacy of retail. All other elements of Policy 42 remain as adopted. No other policy is impacted by this guidance. Applicants are reminded that this guidance should be read in conjunction with all other policies of the LDP. As such, planning applications will still need to address all other relevant matters, such as noise and disturbance, impact on living conditions and heritage issues.
8. Applicants are further reminded that other permissions may be necessary through different regulatory framework, such as licencing or environmental health permits.

National Planning Policy

Well-being and Future Generations Act (2015)

9. The Well-being and Future Generations (Wales) Act² aims to make Wales a better place to live in now and for people in the future. This Act has been established to impose a 'well-being duty' on all public bodies in order to achieve 'economic, social, environmental and cultural well-being for Wales'. The 7 well-being goals are as follows:

² <https://www.futuregenerations.wales/wp-content/uploads/2017/01/WFGAct-English.pdf>



10. This act ensures that public bodies, including the National Park Authorities have to think about long term ways to achieve a sustainable Wales and to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The National Park Authority must work to improve the economic, social, environmental and cultural well-being of Wales by setting objectives and identifying future trends.

Planning Policy Wales (Edition 10, December 2018)

11. National planning policy can be found in Planning Policy Wales³ (PPW) which was revised to deliver the Well-being of Future Generations Act. PPW is based around four distinct themes that bring the requirements of the WBFG Act into context for planning policy. The four themes are:
- Strategic and spatial choices
 - Active and social places
 - Productive and enterprising places
 - Distinctive and natural places
12. Placemaking forms the core of PPW and must be embraced in both plan making and development management decisions to achieve the creation of sustainable places in line with the Well-being and Future Generations Act objectives. Placemaking is a multi-dimensional approach to planning, designing and managing an areas protection and enhancement. PPW highlights the importance of Wales' statutory landscape designations which include National Parks and AONB's and which have a statutory duty to have regard to the purposes and duties. The special qualities of designated area should be given weight in the development planning and the development management process.
13. Retail falls under the Active and Social Places theme. PPW outlines that one of the key issues within this theme include:
- diversifying retail and commercial centres so they can adapt to future retail trends, such as the continued rise in internet shopping, so that they can continue to meet the needs of their local communities.
 - And promotes policies that capitalise on existing retail and commercial centres as hubs of social and economic activity, with a diverse range of services, which promotes and protects the Welsh language.

³ <https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf>

14. Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of uses, such as shopping, commercial and leisure employment, education, civic identity and social interaction, which support their local catchment area. They should be highly accessible by a range of transport modes.
15. Three overarching objectives are identified, which should be delivered through planning authorities' development plan and development management decisions, these are to:
 - Promote viable urban and rural retail and commercial centre as the most sustainable locations to live, work, shop, socialise and conduct business;
 - Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
 - Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.
16. Welsh Government's **Technical Advice Note 4: Retail and Commercial Development** (November 2016)⁴ provides further advice on the following:
 - Retail strategies, master planning and Place Plans;
 - The tests of retail need and sequential approach to development;
 - Retail impact assessments;
 - Primary and secondary retail and commercial frontages in centres;
 - Retail planning conditions;
 - Local development orders
 - Indicators of vitality and viability in retail and commercial areas

Welsh Government Building Better Places: The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 recovery

17. The Welsh Government published an addendum to PPW in July 2020 to set out the planning policy priorities to assist in taking action in the recovery period after the Covid-19 pandemic crisis. This defines that the planning system should be centre stage in the consideration of resultant issues within the built and natural environments. One of priorities identified by the paper is 'revitalising our town centres'.
18. Within this priority section, the Welsh Government envisions future retail and civic centres as:-

“Our centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered”.
19. The Welsh Government state that *‘evidence suggests that traditional retailing uses will not be as prevalent and the demand for new retail space will be very low for the foreseeable future, therefore primary retail areas will need to be urgently reviewed’.*
20. *Building Better Places* provides guidance to planning authorities on how to respond to the current crisis in retail, for example; *‘retail assessments in Development Plans should be replaced by town centre assessments’* and *‘the planning system must respond to this situation by ensuring that our retail and commercial centres can operate as flexibly as possible’* (p.18 WG 2020).

⁴ <https://gov.wales/sites/default/files/publications/2018-09/tan4-retail-commercial-development.pdf>

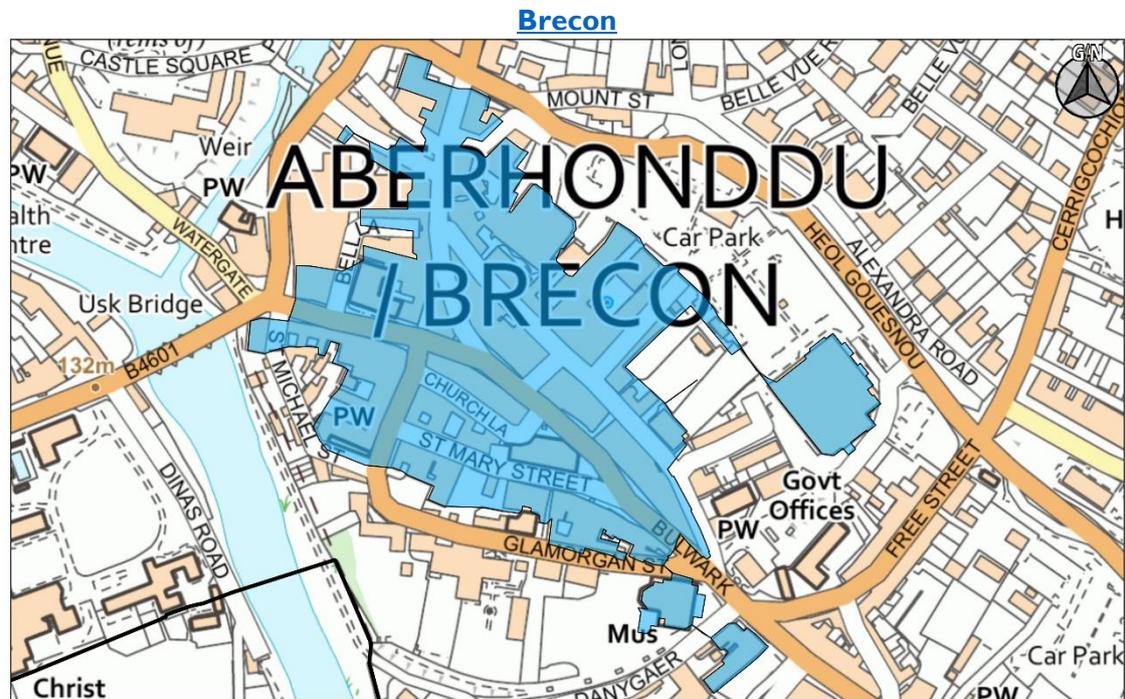
21. Planning authorities should aim to keep development focussed on the centres which bring more sustainable outcomes, particularly in terms of travel options. The sequential test for retail development is advised to continue and to be applied and extended to all town centre uses. Careful management of out-of-centre locations is also advised.

Planning Policy for BBNPA’s Retail Centres

22. The LDP Spatial Strategy recognises that supporting a strong and vibrant Retail Centre within the Primary Key Settlement and Key Settlements (Brecon, Crickhowell, Hay-on-Wye and Talgarth) is integral to the future viability of historic market towns and their surrounding communities.

23. In order to identify the areas that are relevant to Policy 42 *Development in Retail Centres*, the maps for each of the primary key settlement and key settlements included within the LDP Proposal Maps are below with the “Retail Centres” shaded blue:

24.



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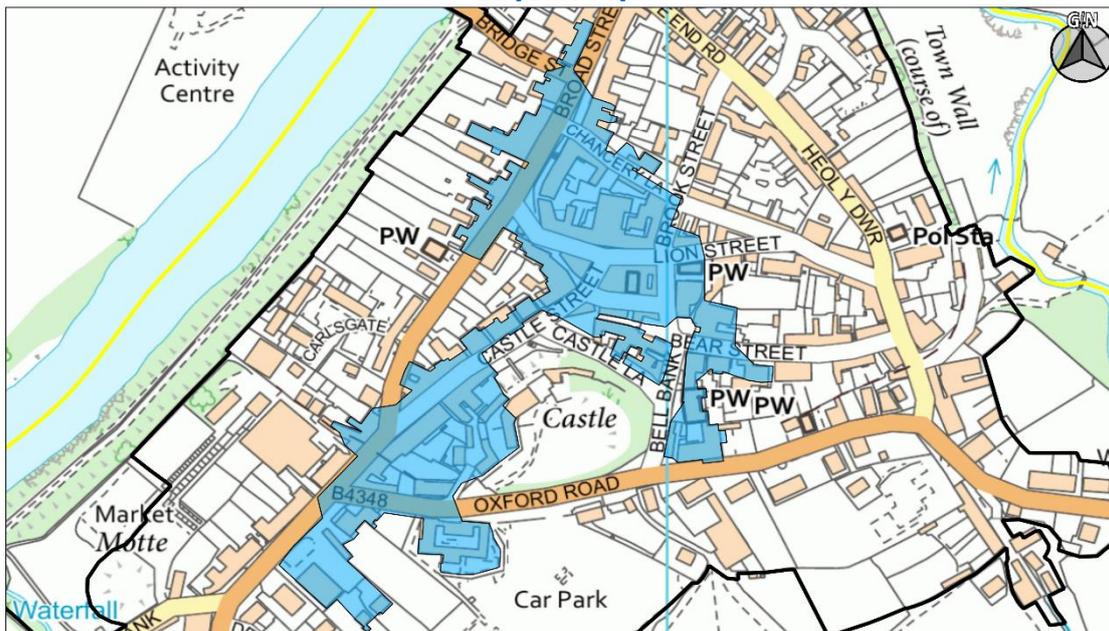
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Hay-on-Wye

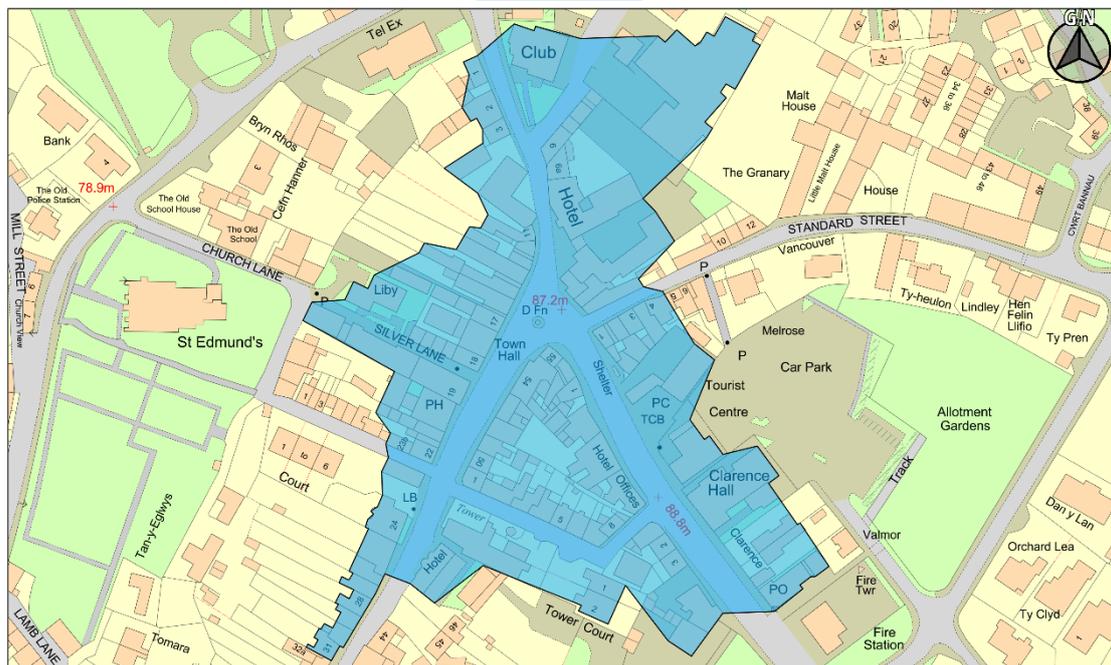


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Crickhowell

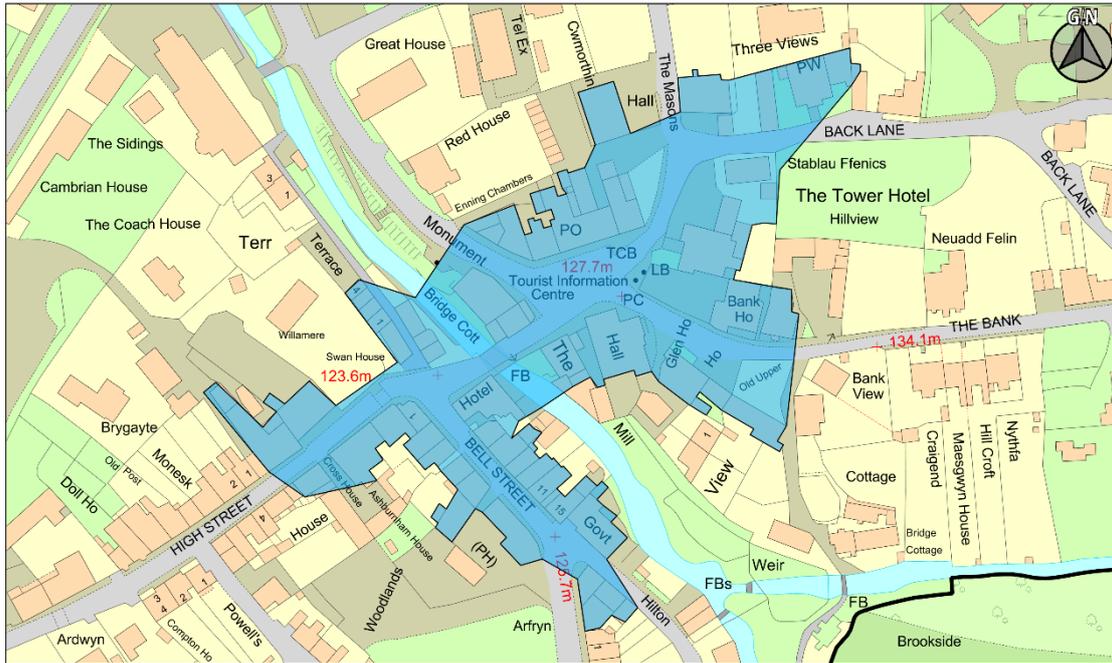


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Talgarth



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Brecon, Hay and Crickhowell - The Local Development Plan identified that Brecon, Hay and Crickhowell, whilst operating on different scales, are all vibrant market towns, which provide essential services to local and surrounding areas while also serving as a destination centre for tourists. The Local Development Plan Strategy for these centres is to maintain the level of retail provision available in each town, while also allowing for appropriate growth that will increase retail vitality of each centre. The Local Development Plan states that the desired outcome is to improve the ability of these centres to remain attractive places to live and visit, while also allowing them to provide a valuable role in meeting the needs of local communities and visitors. The Local Development Plan sets out that it will support proposals which seek to attract niche retail opportunities.

Talgarth - The Local Development Plan sets out that Talgarth's role as a retail centre had been compromised by high levels of vacancies and low percentages of use class A1 retail use within the centre. The Local Development Plan goes on to state that, although Talgarth and its surrounding areas presents several opportunities for tourist activity, its weak retail position prevents it from capitalizing on any potential increase in tourism spend in the town itself. High vacancies and lack of facilities can convey a negative image of the town which is not a true reflection of the many assets and opportunities which the town presents. The Local Development Plan therefore recognises the important role that the Retail Centre can play in the wider regeneration of Talgarth. The Local Development Plan strategy in relation to Talgarth, is to enable proposals which will aid in the regeneration of both the Town Centre, and the wider area.

Interim Revisions to application of elements of LDP Policy 42 Development in Retail Centres

Policy 42 Development in Retail Centres

Within the Retail Centres of Brecon, Hay-on-Wye, Crickhowell and Talgarth (as defined on the Proposals Map) proposals will be permitted for:

- a) changes of use to A1 retail units from Use Classes A2, A3, B1, C1, D1 or D2 of the Use Classes Order or to a “sui generis” use that would normally be found in a Retail Centre; or
- b) new developments within Use Classes A1, A2, A3, B1, C1, D1 or D2 of the Use Classes Order or is a “sui generis” use normally found in that Retail Centre; or
- c) **changes of use of the ground floor of premises in the identified Retail Centres from Class A1 (retail) to other uses only where:**
 - i. **the proposed change of use does not have an unacceptable impact on the retail function or attractiveness of the Retail Centre or disrupt important linkages between shopping frontages and;**
 - ii. **there is no longer a need for retail use in that location as evidenced by a robust marketing exercise to the satisfaction of the NPA (details of marketing exercise found in Appendix I);**and where
- d) the design of the shopfront is appropriate and would positively contribute to the character and appearance of the area; and
- e) proposals for A3 uses would not cause unacceptable disturbance to the occupiers of nearby property or adversely affect amenity.
- f) proposals meet the requirements of the Primary Key Settlement Policy and Key Settlements Policy

25. LDP Policy 42 is defined above. The substantive element of the policy remains as adopted. This guidance relates to the creation of flexibility in the implementation of criterion c of this policy.

26. For the period of implementation of this interim guidance, criterion c(ii) of policy 42 will be disapplied to enable the change of use of an A1 premises for an alternative use(s) (excluding C3 dwelling houses) for a period of up to 12 months without the need to demonstrate a lack of retail market demand for the unit.

27. This change is to enable ‘temporary’ changes to occur within our retail centres without the need to undertake extensive marketing which could be perceived as a barrier to more transient forms of retailing, such as ‘pop ups’. This position is supported by Welsh Government’s *Technical Advice Note 4: Retail and Commercial Development* (November 2016)⁵, paragraph 9.5 which states;

‘Long term vacant property can have a detrimental affect on the appearance and economic performance of a centre. Temporary or ‘pop-up’ units may be a positive short term option to reduce the impact of vacancies. A pop-up-unit is established on a short term lease through agreement with the landlord and where such shops are successful may lead to a long term tenancy. Whilst pop-up-

⁵ <https://gov.wales/sites/default/files/publications/2018-09/tan4-retail-commercial-development.pdf?ContensisTextOnly=true>

units are typically used for shops they can be used for other purposes, for example, art galleries and community projects’.

28. Pop up units are becoming an increasing trend within town and city centres and are being used in many business sectors as a form of non-traditional retail and can provide a good opportunity to test the market as a start-up business or provide an established business an opportunity to move into a new market if they were looking into a new business direction or market opportunity. Other benefits of a pop up unit include being a great tool for increasing brand awareness and brand loyalty amongst customers by targeting existing customers, to improve communication and loyalty, and to create a spark to attract new customers and ultimately generate more sales. Pop up units can also be a cheaper option and have less risk than traditional retail leases.
29. Where a permanent change of use from A1 is sought, criterion c(ii) will be applied and applicants will need to demonstrate that the retail market has been tested through a period of marketing. Again, in the interest of providing some flexibility the length of such marketing has been reduced from 12 months to 3 months. This is to ensure we maintain a ‘retail first’ approach within our historic market towns. Details on how to undertake a marketing exercise is given at appendix one of this guidance.
30. Again in the interest of flexibility, this marketing can take place within the 12 months period of grace enabled for ‘temporary’ changes. This guidance comes into force on the day of adoption by the NPA for a period of 12 months subject to monitoring and review.

Submitting a planning application

31. If having read this guidance you wish to discuss a proposal in more detail, you can enter into discussions by submitting a paid pre-application enquiry form. Further detail in relation to the information required can be found in ‘[Pre-application Planning Advice Charges Guidance Note](#)’.
32. Planning application and pre-application enquiry forms, along with guidance notes, are available from the Authority’s website: <https://www.beacons-npa.gov.uk/planning/>
33. Planning applications can either be submitted in hard copy format or electronically via the Planning Portal: https://www.planningportal.co.uk/wales_en/.

Appendix I: Details of Marketing Exercise

Applicants will be expected to market the application unit for sale or lease for an AI (Retail) use for a continuous period of at least 3 months .

The National Park Authority will expect a marketing exercise to comprise the following:

- Active marketing through a recognised and independent commercial property agent covering South and Mid-Wales (to include Monmouthshire, Powys, Carmarthenshire, Torfaen, Merthyr Tydfil, Caerphilly, Blaenau Gwent, Rhondda Cynon Taf and Herefordshire);
- Notify other organisations that may have an interest in promoting the site (for example, Economic Development departments of Unitary Authorities).

The results of the marketing exercise must be detailed in a supporting statement that includes evidence of the following:

- The extent of marketing, including copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc.;
- The price at which the unit has been marketed (which should reasonably reflect its value as a retail premises);
- Written details of enquiries received, including any firm offers (conditional or unconditional); and
- A written statement of the commercial property agent's view as to the viability of the unit for retail use.

Prior to issuing any consent for the change of use from AI (Retail) to any other use, the Authority will need to be satisfied that genuine attempts have been made to market the unit. The evidence submitted may be scrutinised by an independent body, such as the District Valuer, to ensure that the unit has been marketed at an appropriate price. Disputes of viability referred to the District Valuer will be charged at cost to the applicant.