HS / Indigo Planning Ltd on behalf of Marsh and Baxter Properties Ltd / 1821 / 10

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Indigo

Indigo Planning Limited
Swan Court
Worple Road
London SW19 4JS

Tel: 020 8605 9400
Fax: 020 8605 9401

info@indigoplanning.com
indigoplanning.com

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1. Introduction

1.1. This Hearing Statement (HS) has been prepared by Indigo Planning on behalf of Marsh and Baxter Properties Limited, the developers of Salisbury Retail Park. The HS is submitted to the Examination in Public into the South Wiltshire Core Strategy to address the main retail issues to be considered by the Inspector.

Background

1.2. The HS follows the submission of representations to the South Wiltshire Draft Submission Core Strategy (SWDSCS) in September 2009 in respect of draft Core Policy 7 (CP7). A copy of these representations is enclosed at **Appendix 1**.

1.3. These representations questioned the legality and soundness of draft CP7 on the basis that the policy is not justified, effective or consistent with national policy. The representations also contend that Salisbury Retail Park (SRP), previously allocated in the Salisbury District Local Plan (June 2003) by Policy S7 (which was saved in September 2007), should be identified as a commitment within the SWDSCS and identified along with the Maltings/Central Car Park (MCCP) as a strategically important retail development site which will help to reinforce Salisbury's position as a sub regional shopping and cultural centre.

Salisbury Retail Park (SRP)

1.4. SRP is located on the north east side of Salisbury on the A30 (London Road). The site extends to approximately 3.6 hectares. It is bounded by Green Lane to the west, Pearce Way to the north and London Road to the east and south. The area is characterised by a mix of residential and commercial uses. The site is accessible and is in close proximity to public transport facilities. SRP lies adjacent to the London Road Park and Ride site. The SWDSCS seeks to optimise the benefits of park and ride sites in Salisbury.

1.5. SRP has extant planning permission for 8,361m^2 of non food 'bulky goods' retail development, plus a garden centre of 1,394m^2. This permission comprised outline planning permission (ref. T/APP/T3915/A/94/P96) and reserved matters consent (ref. S/1998/0373). It is common ground that this consent has been implemented.

1.6. In July 2007, Cranford (Salisbury) Limited submitted an application (ref. S/2007/1460) for an 8 unit retail development providing 8,361m^2 of retail floorspace on the ground floor, with 4,181m^2 of mezzanine floorspace, together with associated car parking, cycle parking, servicing, access and landscaping. This application was refused planning permission at committee on 28 March 2008, despite an officer recommendation for approval (**Appendix 3**) and support from the LPA's retail consultants, GVA Grimley (**Appendix 4**).

1.7. In May 2008, Cranford (Salisbury) Limited appealed (ref. APP/T3915/A/08/2074782/NWF) the refusal of its application. The Appeal was allowed in April 2009, permitting a bulky goods retail warehouse development providing 12,542m^2 of retail floorspace (which included 4,181m^2 of floorspace at mezzanine level), with 405 car parking spaces, cycle parking, servicing, landscaping and access. A copy of the Inspector's Decision is provided at **Appendix 2**.

1.8. Evidence submitted at the Inquiry confirmed that the need for retail floorspace in Salisbury cannot solely be met at the MCCP during the LDF plan period. In order to meet the retail need in Salisbury, it will be necessary to ensure appropriate allocations are in place. Both SRP and the MCCP sites have been accepted as appropriate sites for retail development.

Structure of the Hearing Statement

1.9. The HS has been structured to respond to the following questions:

- Question 10.1a – Retail Evidence Base;
- Question 10.2 – Timing;
- Question 10.3 – Choice of Sites; and
- Question 10.4 – Salisbury Retail Park.

2. Question 10.1a Retail Evidence Base

Is the approach and assumptions used to inform the study's findings on retail capacity appropriate? Have the findings been appropriately presented?

2.1. The retail evidence base which underpins the SWDSCS comprises the Salisbury Retail and Leisure Needs Study (SRLNS) (October 2006) prepared by GVA Grimley (GVAG), the Retail Topic Paper 8 (RTP8) (June 2007 and updated August 2009), the Addendum to RTP8 (June 2008) and Addendum II to RTP8 (July 2009).

2.2. In their quantitative assessment of retail capacity, GVAG used ultra long term growth rates to project growth in retail expenditure over the plan period. Ultra long term growth rates are published by Experian in their Retail Planning Briefing Notes and GVAG used the latest available advice to estimate future expenditure growth. Experian advise that ultra long growth rates are based on an extrapolation of past trends, in the case of ultra long term trends, since 1967. In this way, ultra long term growth rates take into account the effects of economic fluctuations to determine a general pattern of growth on which to base future projections.

2.3. Since the publication of the SRLNS, and the onset of the recession, it is clear that spending patterns have changed considerably, with latest government projections indicating negative short term growth. However, we are confident that the assumptions, particularly the growth rates, used to underpin the SNLRS remain a robust basis on which to project future need for retail floorspace. The growth rates are based historic trends from 1967 and take into account previous recessions. Indeed, Experian, in their latest Retail Planning Briefing Note 7.1 advise that *'in making planning decisions for the next two decades, it is appropriate to focus on long term trends, ignoring the largely short term effects of recent developments.'* Both the SRLNS and RTP8 identify need for additional comparison goods floorspace in Salisbury District over the plan period as follows:

Table 1: Extract form RTP

Comparison Goods Baseline Capacity Projections (m^2 net)			
Area	**2011**	**2016**	**2021**
Total District	9,181	22,488	38,115
Salisbury City Centre	5,031	13,346	22,970
Amesbury Town Centre	117	253	408

2.4. These estimates take into account the existing commitments for comparison floorspace at SRP (the extant scheme). The SRLNS assumes the floorspace associated with this commitment to be 6,689m^2. The quantitative assessment for need for additional comparison floorspace set out within the retail evidence base clearly demonstrates that there is a substantial and rapidly increasing need for new comparison floorspace within Salisbury District over the plan period to 2021.

2.5. The analysis undertaken within the SRLNS does not allow for an increase in market share with the implementation of the MCCP and SRP. However, Paragraph 1.25 of RTP8, confirms that *'if new development proposals come forward above these levels, the issue of claw back (i.e. increasing market share) would need to be taken into consideration'*.

2.6. Evidence put forward at the SRP Inquiry indicates that the developers of MCCP (The Harvest Partnership) expect to achieve in the order of 40,000m^2 gross of comparison goods floorspace (23,000m^2 net) at the MCCP. It is, therefore, important that the implications of the potential increase in market share arising as a result of the MCCP coming forward are taken into consideration.

2.7. In the event that the MCCP scheme does deliver this quantum of floorspace, and within the timeframe anticipated by the developer (i.e. opening by December 2013), the estimates of future need for new comparison retail development identified within the SRLNS will increase as a result of the improvement to Salisbury's market share. This is accepted in RTP8 (paragraph 1.25) and was accepted by the Inspector at the SRP Inquiry who stated that: *'once opened and established as a shopping centre, MCCP could be expected to increase market share'* (paragraph 17, Appendix 4).

2.8. In light of this, the implications of potential market share increase as a result of the implementation of the MCCP was analysed by Sean McGrath to assist the SRP Inquiry. The tables tested the likely effect of various scenarios of potential market share increase (3%, 5% and 7% increases) on the global capacity identified as available to serve new floorspace in Salisbury. The results demonstrate that even with the smallest of market share increases (3%), there would be capacity for both SRP and the MCCP even in the earliest year of opening (i.e. from December 2013 onwards). The quantitative tables prepared to examine the implications of the market share increase submitted at the SRP Inquiry are attached at **Appendix 5**. The tables show the turnover of the 'commitment' at SRP (£36.63m at 2011) based on the preferred bulky and non-bulky scheme promoted at the Inquiry.

2.9. At the SRP Inquiry, Julian Stephenson presented evidence of behalf of The Harvest Partnership regarding the timescales for MCCP coming forward. This evidence included a timetable for the MCCP to be built out and open for trading. A copy of this timetable is provided at **Appendix 6**. The timetable indicates that the scheme will open in December

2013, a year earlier than indicated in the Salisbury Vision (SV).

2.10. On the basis that the MCCP will open in December 2013, we consider that it is reasonable to assume that Salisbury's market share will increase during the following year (2014). We have, therefore, up-dated the tables in Appendix 5 to reflect the opening date of the MCCP at 2013, and tested the increases in market share of 3%, 5% and 7% in 2014 and the opening of SRP at 2015, with a turnover of £39.649m, based on the 'preferred scheme' promoted at the Inquiry. This confirms that under all three scenarios, there is capacity for SRP at 2015. This is shown in the tables in Appendix 7.

2.11. Given the nature and scale of provision at the MCCP, it is anticipated that the market share increase likely to be achieved is 7%. Table 2 below, shows the amount of capacity that will be available between 2013 and 2015 associated with a market share increase of 7%.

Table 2: Capacity associated with market share increase of 7%

Revised Table 4b – GVAG Assessment of Capacity Amended to include increase in Market Share – 7%			
	2013	**2014**	**2015**
Total available expenditure	2,294,471	2,405,171	2,524,287
Market share from Survey Area	23%	30%[1]	30%[1]
Survey Area Residents Spending	527,728	721,551	757,286
Inflow to Salisbury City Centre from Beyond the Study Area (15%)	58,050 11%	79,371 11%	83,301 11%
Total City Centre turnover	585,778	800,922	840,588
Existing floorspace	64,103	64,103	64,103
Sales per sq net £	7,390	7,537	7,688
Sales from existing floorspace	473,692	483,165	492,829
Sales from committed floorspace[2]	0	0	39,649
Residual spending to support new shops	112,087	317,757	308,110
Sales per sq m net in new shops (£)	6,317	6,444	6,573
Capacity for new floorspace (sq m net)	17743	43,313	46,878
The MCCP Town Centre Redevelopment	23,000	23,000	23,000
Residual Capacity after Commitments & the MCCP	**-5,257**	**26,313**	**23,878**

<u>Source</u>
Tables at Appendix 7. Tables based on Tables submitted to the SRP Inquiry (January 2009) and Table 4a of Supplementary Retail Assessment submitted with the SRP application.
<u>Notes</u>
1. *Market share increase from 23% to 30% in 2014 after opening of the MCCP in Dec 2013.*
2. *Commitment is the preferred bulky and non-bulky scheme at SRP promoted at the SRP Inquiry.*

2.12. The tables at **Appendix 7** confirm that where the market share increase is greater than 3%, the need for new comparison floorspace considerably exceeds that which has been planned for in the period to 2015. The shortfall in the quantum of comparison floorspace should be planned for now and the most appropriate site is SRP.

2.13. In summary, we consider that the assumptions and broad approach used to inform the SRLNS findings on retail capacity are appropriate, except that the findings must be up-dated to take into account the latest planning consent at SRP, and the most up-to-date proposals at the MCCP site, presented at the SRP Inquiry. The SRLNS must also make allowance for an increase in market share after the opening of the MCCP scheme. An appropriate level of market share increase is 7%.

3. Question 10.2 Timing

When is it anticipated that the development at MCCP will take place? Is there a reasonable prospect of this occurring?

3.1. Julian Stephenson presented evidence of behalf of The Harvest Partnership at the SRP Inquiry regarding the timescales for the MCCP coming forward. This evidence included a timetable for the MCCP to be built out and open for trading. A copy of this timetable is provided at **Appendix 6**. The timetable set out by The Harvest Partnership indicates that the scheme will open in December 2013, a year earlier than indicated in the Salisbury Vision (SV).

3.2. The Inspector, in considering the timetable for the MCCP, concluded that:

> *'Compared with other large town centre schemes this is a short timescale that allows little or no margin for slippage and in some respects appears very ambitious'* (paragraph 20, Appendix 2).

3.3. She further concluded on the issue of timing:

> *'On the balance of all the evidence on availability, I conclude that there are reasonable grounds for expecting MCCP to come forward well before the Appellant's suggested opening date in 2017 – 2019. If the opening date were to slip beyond Harvest's prediction to 2014 (the SV expected date) or 2015, this would still seem to be reasonable availability, given the size of the intended scheme and its importance for Salisbury, and this appears to be achievable'* (paragraph 21, Appendix 2).

3.4. Therefore, it is clear that the Inspector considered that a reasonable timeframe for the MCCP to come forward was between December 2013 and 2015.

3.5. As noted in Section 2, the retail evidence presented by Sean McGrath at the SRP Inquiry demonstrated that there will be significant need for new comparison goods floorspace over the plan period, both prior to, and following, the implementation of the MCCP (the latter arising as a result of the improvement to Salisbury's market share). The Inspector at the SRP Inquiry confirmed the issue of market share would need to be examined with the implementation of the MCCP and this was tested by Indigo Planning.

3.6. Whilst we consider Julian Stephenson's timeframe to be very ambitious, particularly in light of the significant quantum of floorspace that The Harvest Partnership is looking to provide (23,000m^2 of net comparison goods floorspace), at this time, we accept Julian Stephenson's evidence with regard to the timeframe for the MCCP coming forward. However, if an application is not submitted by September 2010, the MCCP scheme will slip beyond December 2013 and in our view, is unlikely to be open before 2015.

3.7. Paragraph 6.27 of the SWDSCS, which provides part of the justification to CP7, indicates that there may be capacity over the plan period <u>beyond</u> which can be provided at MCCP in stating that:

> *'Over the last couple of years there have been a large number of retail applications, some of which have been approved and some that are outstanding, in themselves these could provide a large amount of additional convenience and comparison floorspace if built out and affect future retail requirements within Salisbury City. As there is a level of uncertainty, retail needs will be assessed further during the Site Specific Allocations DPD. At this point it should be clear as to whether further retail allocations are necessary'*

3.8. We consider that the Site Allocations DPD is the wrong place to assess additional retail need on the basis of PPS4 guidance which requires Local Planning Authorities to plan for at least the first five years of retail need identified. Sites should, therefore, be allocated in the Core Strategy to meet the need that arises to, at least, 2015. This need is shown in the Tables at **Appendix 7** and summarised in Table 2 on page 5.

3.9. It is relevant to consider the implications for comparison floorspace need in the event that the MCCP does not come forward within the anticipated timeframe (December 2013 – 2015). In this event, there is an obvious requirement in the short term for additional comparison floorspace which cannot be met within Salisbury City Centre. The most appropriate alternative site is SRP.

3.10. Given the quantum of retail need in Salisbury, it is clear that there will be a requirement to plan for new comparison goods retailing within Salisbury whether the MCCP comes forward within its anticipated timeframe (before 2015) or not, with need generated by a market share increase in the event that the MCCP does come forward, or to address the significant existing need in the short term, if the MCCP timeframe slips. For this reason, both MCCP and SRP should be allocated for retail development to come forward by 2015.

3.11. In summary, evidence presented on behalf of The Harvest Partnership at the SRP Inquiry stated that the MCCP will be developed and opened in December 2013. The Inspector considered that the development could be open in the period to 2015. We consider this to be very ambitious and leaves little margin for slippage, and is based on compulsory purchase procedures not being required to any significant extent.

3.12. If the MCCP is open at 2013, there will be a requirement to provide more floorspace before

2015. If it slips beyond 2015, there will be a requirement to provide new floorspace in the period up to 2015. The most appropriate site to meet this need is SRP.

4. Question 10.3 Choice of Sites

Can the need for retail floorspace be met solely at MCCP? Does the allocation of MCCP preclude the development of other retail proposals in appropriate locations which satisfy the objectives of PPS4?

4.1. It is clear from the SWDSCS and the Inspector's decision from the SRP Inquiry that there is a clear and pressing need for comparison retailing floorspace in Salisbury. It has been accepted that some of this need can be met at the MCCP, assuming it comes forward within the anticipated timeframe, ie: by December 2013, or by 2015, at the latest. If the MCCP is open at 2013, the associated market share increase will generate additional need for new comparison goods floorspace post 2013, over and above that identified within the SRLNS. This is shown in the tables in **Appendix 7** and summarised in Table 2 on page 5. In accordance with PPS4, it is, therefore, necessary to allocate other sites to meet at least the next five years of retail need (up to 2015) and indeed over the remainder of the plan period (up to 2021). The retail evidence which was presented at the SRP Inquiry demonstrated that there will be need by 2015 for the MCCP and SRP with even the most modest increase in market share at 2013. This is confirmed by the tables at **Appendix 7**.

4.2. Policy EC5 of PPS4 requires Local Planning Authorities (LPAs) to identify an appropriate range of sites to accommodate identified need and to ensure that sites are capable of accommodating a range of business models in terms of scale, format, car parking provision and scope of disaggregation. Policy EC5.1 goes on to confirm that an apparent lack of sites of the right size and in the right location should not be a reason for LPAs to avoid planning to meet the identified need of development. As such, where town centres cannot accommodate the identified need, the LPA should look to alternative sites on the edge-of, and outside of, existing centres, in accordance with the sequential approach, to meet retail need.

4.3. The Good Practice Guide (GPG) that accompanies PPS4 provides guidance on the approach towards out-of-centre development and, at paragraph 6.8 states:

> *'where locations in existing centres or edge of centre locations are not available, preference should be given to out of centre sites well served by a choice of means of transport, which are close to a centre and have a higher likelihood of forming links with a centre'.*

4.4. At the SRP Inquiry, the Inspector confirmed *'that the proposal development would be generally accessible by a choice of transport modes'* (paragraph 39, Appendix 4).

Furthermore in paragraphs 41 and 42 of her decision, she confirmed that the appeal scheme would enable improvements to the local transport network in terms of better integration of cycle and pedestrian networks, enhanced public transport facilities and new traffic calming measures. It is relevant that SRP is located directly opposite Salisbury Park and Ride, which presents an excellent opportunity to establish links with Salisbury City Centre.

4.5. The Inspector at the SRP Inquiry confirmed that: *'the only sequentially preferable site to the appeal site is the land at MCCP'* (paragraph 19, Appendix 2). It follows that, if the MCCP cannot accommodate the anticipated quantum of comparison floorspace (23,000 m^2) or if the MCCP does not come forward within the anticipated timeframe, the next sequentially preferable site to accommodate retail floorspace is SRP. The principle of retail development on SRP is accepted.

4.6. The retail evidence presented at the SRP Inquiry demonstrated that there will be sufficient capacity at 2015 for both the MCCP and SRP, and indeed more where the market share increase achieved is more than a modest one. Therefore, the MCCP cannot solely accommodate the need for new retail floorspace, and SRP represents the next sequentially preferable site for new retail development. For this reason the SRP should retain its retail allocation.

4.7. In summary, the need for retail floorspace in Salisbury cannot be met solely at the MCCP. The allocation does not preclude the development of SRP. Both sites are required to address retail need in Salisbury.

4.8. The development timeframe for the MCCP is very ambitious. If the MCCP is open in December 2013, there is a need to develop SRP in the period to 2015 to meet the need.

4.9. If the MCCP is delayed beyond 2015, the SRP should be developed earlier to meet the current need.

5. Question 10.4 Salisbury Retail Park

Why is the site at London Road Salisbury (SRP) not treated as a Saved Local Plan allocation?

5.1. London Road, Salisbury is described here as Salisbury Retail Park (SRP). It was previously allocated in the Salisbury District Local Plan (June 2003) under Policy S7. This policy was saved in September 2007. Policy S7 states that the site:

> *'Is allocated for comparison retailing and employment use, subject to local highway improvements including road lowering to increase the headroom at St Thomas's Railway Bridge and Public Transport Provision'.*

5.2. Other than the granting of planning consent for a revised scheme at SRP in April 2009 (which underlines the site's suitability for retail development), there has been no material change in circumstances since September 2007 which would indicate that the site should not remain as an allocation.

5.3. The SWDSCS seeks to delete saved Policy S7 on the basis that the site has extant consent for retail floorspace. The SWDSCS provides no justified reasoning as to why Policy S7 should be deleted. In light of the extent of retail need and its acceptability for retail development, SRP should be treated as a Saved Local Plan allocation.

5.4. It has been established that there is a significant and pressing need for new comparison goods floorspace, a need which will intensify following the opening of the MCCP as a result of the associated improvement in Salisbury's market share. This is shown in the tables in **Appendix 7**. In accordance with PPS4, this need must be planned for by the LPA.

5.5. In allowing the Appeal, the Inspector confirmed that SRP is an appropriate location for retail development and, indeed, established a hierarchy of sequential sites by stating that *'the only sequentially preferable site to the appeal site is the land at MCCP'* (paragraph 19, Appendix 2). However, she was concerned that SRP could potentially attract larger tenants away from the MCCP and delay the scheme from coming forward. The Inspector concluded:

> *'It would be difficult to argue that the appeal scheme would, if permitted, completely undermine the MCCP scheme but in my view it would be likely to have a number of harmful effects. In particular, there is a real and significant danger that it would cause unacceptable delay in the implementation of the MCCP by deterring potential occupiers, providing a competing attraction for retailers who might otherwise take up units in MCCP'* (paragraph 27, Appendix 2).

5.6. It follows that any future retail scheme at SRP will only impact on the deliverability of MCCP if it prevents the scheme coming forward. Therefore, if the MCCP comes forward within the timeframe (December 2013) which Julian Stephenson presented to the Inquiry, SRP will not have impacted upon the MCCP and a scheme for further retail development to meet additional need in the period to 2015 will be required at SRP.

5.7. If the MCCP is delayed beyond 2015, which is possible given that this is a very ambitious timeframe, SRP is required sooner.

Why SRP should be allocated for Retail Development in the Core Strategy

5.8. SRP has got consent for retail development, restricted to the sale of 'bulky goods'. The Inquiry Inspector was primarily concerned that SRP could deter potential occupiers of the MCCP. She was not particularly concerned about the impact on the MCCP. In granting consent, she acknowledged that the site is an acceptable retail location.

5.9. When the MCCP comes forward (December 2013), SRP is the next best site for retail development to meet the clear need. This need is not restricted to retailers selling bulky goods. Therefore, once the MCCP is developed, there can be no concern that SRP will attract retailers who might otherwise go to the MCCP. For this reason, SRP could be developed for unrestricted A1 development to be provided in large units (not less than $929m^2$) in the period to 2015.

5.10. If, however, the MCCP is delayed beyond 2015, it is prudent to bring forward SRP in the shorter term to meet the identified need as the site is an acceptable retail site and will link well with the City Centre. Allowing SRP to come forward will prevent other retail development being promoted in an ‘ad hoc’ fashion elsewhere in the City.

5.11. In this way, there will be a planned retail strategy for Salisbury which will safeguard the City Centre and the development of the MCCP and meet the clear identified need.

5.12. In summary, there is a need for more retail floorspace than be accommodated at the MCCP in the period to 2015. In order that retail development can be adequately planned, it is necessary to identify sufficient sites to meet this need. It is agreed that SRP is an appropriate retail site. The allocation of SRP was saved in 2007 as the Council’s retail strategy was to have two retail development sites (SRP and the MCCP) to meet the significant need for retail floorspace. Nothing has changed in the interim to make this strategy redundant, except the appropriateness of SRP for retailing has been re-confirmed by an Inspector. The clear and pressing need in Salisbury remains. In order to meet this need, SRP must remain as an allocation.

6. Conclusions

6.1. The assumptions and broad approach used to inform the SRLNS findings on retail capacity are appropriate, other than the findings must be up-dated to take into account the latest planning consent at Salisbury Retail Park (SRP), and the most up-to-date proposals at the MCCP site, presented at the SRP Inquiry. The SRLNS must also make allowance for an increase in market share after the opening of the MCCP scheme. An appropriate level of market share increase is 7%.

6.2. Evidence presented on behalf of The Harvest Partnership at the SRP Inquiry stated that the MCCP will be developed and opened in December 2013. The Inspector considered that development could be open in the period 2015. We consider that this is achievable, but it is very ambitious and leaves little margin for slippage, and is based on compulsory purchase procedures not being required to any significant extent.

6.3. If the MCCP is open at 2013, there will be a requirement to provide more floorspace before 2015 because of the associated increase in market share. If it slips beyond 2015, there will be a requirement to provide new floorspace earlier. The most appropriate site to meet this need is SRP. The need for retail floorspace in Salisbury cannot be met solely at the MCCP. The allocation of the MCCP does not preclude the development of SRP. Both sites are required to address retail need in Salisbury.

6.4. In order that retail development can be adequately planned, it is necessary to identify sufficient sites to meet the significant identified need in Salisbury. It is agreed that SRP is an appropriate retail site. The allocation of SRP was saved in 2007 as the Council's retail strategy was to have two retail development sites (SRP and the MCCP) to meet the significant need for retail floorspace. Nothing has changed in the interim to make this strategy redundant, except the appropriateness of SRP for retailing has been re-confirmed by an Inspector. The clear and pressing need in Salisbury remains. In order to meet this need, SRP must remain as an allocation.