



**Response to the Inspector's Questions and Comments Relating to Hearing 2 –
Employment Policies**

1. Introduction

- 1.1 I was informed by the Programme Officer on 2 January 2014 of the final programme and agenda for the hearings which open on 8 January. Whilst I objected on behalf of Thomas Bates & Son Limited (TBS) to the proposed revisions to Policies CE1, CE3 and DP5 and explanatory text (pages 18-30) of the Draft Submission Local Plan Focussed Review, I did not request to participate at the Examination in Public as at the time it was considered that in view of the nature of our objections, a written response was entirely appropriate, given the clear guidance of the NPPF, paragraph 22 in particular.
- 1.2 However, in view of subsequent events in relation to my client's interests and the particular questions and discussion raised by the Inspector, it is considered that in absence of an opportunity to participate orally at the hearing session, it is entirely appropriate to submit a written response. I acknowledge that this is subject to the Inspector's discretion, but I respectfully urge him to take these comments into account.
- 1.3 The main grounds for the objection on behalf of TBS is that the revised Plan is unsound because it is not consistent with national policy for the reasons set out in my original representations. In relation to the discussion and questions raised in paragraphs 2.4 to 2.8, I set out briefly in Section 3 below my response to each main point. However, I consider that it is important for the Inspector to be informed below in Section 2 of the background and context of the objections submitted on behalf of TBS, which in effect sets out a case study of why it is vital for the Local Plan employment policies to be revised to provide greater flexibility and thereby be consistent with the Framework.

2. Background and Context to Objection

- 2.1 I represent Thomas Bates & Son Limited of the Old Brickworks, Church Road, Harold Wood, Romford, Essex, RM3 0JA who have an interest in land at Hill Farm, Boxted Cross, Boxted. The site is located at the junction of Boxted Straight Road and Carters Hill and comprises some 1.84 hectares of previously developed land formerly used as an apple packing station. TBS is a long established commercial property investment and development company. It owns a number of mixed use industrial estates, offices and business centres in Essex and Suffolk. Hill Farm was acquired in 2006 with the intention of redeveloping the site to provide an out-of-town business park and to retain the units within the company's property portfolio.
- 2.2 In 2007 planning permission was granted for redevelopment for class B1, B2 and B8 uses and demolition works were undertaken. Despite a lengthy advertising/marketing campaign no firm interest has ever been received from the market. The lack of commercial interest is considered to be largely attributable to the recent provision of a new junction on the A12 and subsequent promotion of the major development of Cuckoo Farm Business Park as a large employment area. This has rendered Hill Farm to be less attractive as an employment location than when first allocated as a Local Employment Zone in the 2004 adopted Local Plan, which reflected the then existing use.

2.3 The complete lack of interest by the market in Hill Farm as a commercial development led TBS to reconsider the future use of the site and the Company is now working closely with Boxted Parish Council to secure the principle of residential development through both the neighbourhood planning process and development management procedures.

3. Response to Inspector's Discussion paragraphs 2.4 to 2.8

2.4 – Proposed change to MAJ8 is fully supported and resolves our objection to revised Policy CE3.

2.5 – We have some sympathy with Martin Robeson's conclusion but the Inspector will have to satisfy himself whether it is possible procedurally to recommend such a proposed change, bearing in mind that the Focused Review does not review allocations or overall scale of provision.

2.6 – In the interests of allowing greater flexibility and assuming the wording of CE1 and CE3 is largely retained, then we can see no purpose/justification of retaining policy DP5 at all. Retention of parts of the policy largely unchanged undermine the NPPF's guidance generally and in particular the provisions of paragraph 22. In our opinion the deletion of DP5 is fully justified. In any event, at the very least for reasons given below, the final paragraph of Policy DP5 should be deleted. With regard to the Inspector's bullet points:

- In the context of the proposed change to the text on page 28 in relation to NPPF support for increasing flexibility for a wider range of employment uses, there is no longer a justification to retain the existing list of appropriate employment uses in Policy DP5.
- Given the considerable flexibility now introduced by the proposed change to CE3, there is no point in setting out the criteria of (i) to (iv).
- No comment other than that immediately above.
- Regardless of the change that provides for alternative uses to be justified on their merits, there is no justification whatsoever for requiring contributions to alternative employment and training. This part of the policy has always been dubious and difficult to deliver. We are also aware of examples where in the Borough such a requirement has thwarted development and prevented delivery – even for redevelopment for employment purposes – as to satisfy the requirement renders schemes to be unviable. This existing policy requirement flies in the face of the key objectives of the NPPF to stimulate sustainable development, growth and economic activity. If long-standing allocated or protected employment sites are not being developed or become vacant, then there is usually a very good reason for it, or the site – such as Hill Farm – is either not viable or attractive to the market or there are better alternatives that are deliverable.
- If Policy DP5 were to be deleted, then the supporting text, apart from the first paragraph on page 28, should be deleted as it would serve no purpose.

2.7 – For the reason set out in the second sentence, there is no logical justification to retain criteria (i) and (ii).



2.8 – The text relating to alternative employment land provision that is proposed to be deleted is fully supported and as a consequence of the deletion, Appendix 3 of the DP DPD would no longer be relevant and should also be deleted. Furthermore, the wording in the third paragraph of Appendix 3 that states:

"Further detail on this approach will be contained within an emerging SPD on Retention of Employment Land and Provision of Employment Space"

Such detail and the stated SPD has never been published, and is not to be found on the Council's website. It is therefore misleading. Moreover the formulae referred to in Appendix 3 are far too complex and subjective, to our knowledge the requirement has never been successfully negotiated and is a major disincentive to delivery of a wide range of development uses, including redevelopment for higher value and better quality employment purposes. There is no justification whatsoever for retaining Appendix 3. Where further consultation is concerned, because there is reference to Appendix 3 that is part of the overall paragraph proposed to be deleted on page 29, then in our view there is no need to consult further. It cannot be seen how anyone would be prejudiced by no further consultation and such deletion of the Appendix and the Inspector's Report could recommend such a deletion.

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