

## **Colchester Borough Council's response to Inspector's Questions:**

### **Employment Policies**

**Employment policies** (CE1, CE3, DP5 and DP9. Also MAJ8 in CD23.)

**The 3 main questions on this matter are:**

**4.1 Do the proposed changes relating to employment policies ensure that the plan enables economic growth and development in a sustainable manner consistent with the NPPF?**

#### **Council Response**

The main objective of the Focused Review was to ensure the consistency of relevant policies to the NPPF, so proposed changes are considered to reflect this overall goal.

The Focused Review document (paras 4.1-4.5) outlines how the proposed changes to Centres and Employment policies in the plan achieve NPPF objectives by ensuring that the plan-led approach to economic development in the Borough provides sufficient flexibility to take account of changing circumstances. Relevant sections of the NPPF include the core planning principle that up-to-date plans should proactively drive and support sustainable economic development. This is followed by further guidance in the 'Building a strong, competitive economy' and 'Supporting a prosperous economy' sections. Importantly, this guidance is high-level and general, given that specific guidance is expected to be provided in distinctive local plans (Para 1). Consistency with the overall principles of the NPPF accordingly needs to be judged on the basis that some local variation on points of detail is to be expected and encouraged as it reflects the unique qualities of different places.

Answers to the more detailed questions below elaborate on how changes to policies CE1, CE3, DP5 and DP9 in 4.4-4.13 are consistent with the NPPF.

**4.2 Do the proposed changes result in policies which are consistent with each other and any relevant unchanged policies in the development plan?**

#### **Council Response**

Yes, the proposed changes result in policies which are consistent with each other and any relevant unchanged policies in the development plan. The changes do not alter the overall integrity of the Borough's Spatial Strategy contained in Chapter 4 of the Core Strategy. The changes are addressed to specific aspects of the NPPF that promote greater flexibility, but both the

NPPF and Colchester's adopted policies require that all development be sustainable. Colchester's policy SD1 requires that new development be in accord with the Council's Settlement Hierarchy and meet other sustainability criteria. Proposals that might be treated more favourably for economic benefits they might provide would still need to address other policies in the plan setting forth sustainability criteria.

#### **4.3 Are the policies clearly expressed to be effective?**

##### Council Response

The term 'effective' in the context of plan making is defined in para 182 of the NPPF as a plan which is 'deliverable over its period and based on effective joint working on cross-boundary strategic priorities'. The proposed changes are considered to satisfy these criteria in that increased flexibility in use of employment land and in location of new employment is intended to enhance delivery of new employment schemes. The Council's Duty to Co-operate statement (CD6) explains how the Council has satisfied requirements for joint working.

##### *Detailed aspects to explore*

#### **4.4 Part of the proposed change to CE1 says**

**Proposals for development that will result in a loss of employment capacity will not normally be supported need to be supported by evidence that there is no reasonable prospect of a site being used for the allocated employment use.**

**This appears consistent with NPPF, paragraph 22. Any further comment?**

##### Council Response

The change directly incorporates NPPF wording, so it is not considered that there is any doubt that it is consistent with the NPPF. It is included in the existing policy to clarify that Colchester's local circumstances in this regard are not considered to justify any general exceptions from national policy.

#### **4.5 Part of the proposed change to CE3 states:**

**In accordance with the National Planning Policy Framework, where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative commercial uses in Employment Zones will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.**

**4.6 I expressed concern about this wording in IED-01, paragraph 4.5 Is the limitation to alternative commercial uses justified? If not, would proposed change MAJ8 in CD23 make the wording consistent with CE1 and the NPPF? (I will be having regard to any representations in response to CD23.)**

### Council Response

The Council considers that the further modification proposed in MAJ8 would make the wording of CE3 consistent with both CE1 and the NPPF. It would increase flexibility by providing that alternative uses need not be restricted to 'commercial' uses only. This provides greater scope for community and leisure uses that might not be considered to qualify as commercial.

#### **4.7 Part of the proposed change to DP5 states:**

**Sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses unless there is no reasonable prospect of a site being used for that purpose. ~~Any use that may have an adverse effect on employment generation will only~~**

**Alternative uses will be permitted where the Local Planning Authority is satisfied, as appropriate, that:**

***5 different circumstances are then listed (i)–(v).***

**4.8 Are (i)–(iv) intended to be separate circumstances, only one of which has to apply to make the loss of employment land policy compliant? If so, should or be inserted after circumstances (i)–(iii)? Is circumstance (v) something which applies generally?**

**4.9 Circumstances (i) and (ii) appear consistent with NPPF paragraph 22. Do they need to be stated? Circumstances (iii) and (iv) appear additional, separate circumstances which might justify a loss of employment land, even if NPPF paragraph 22 does not apply. Is this the intention? Does the policy need to make any such distinctions clearer to be effective? If the Council consider that there is a lack of clarity in the policy, please include in the pre-hearing statement a suggested rewording for discussion at the hearing - this can be done on a without prejudice basis if necessary.**

### Council Response

The policy as currently proposed to be worded notes that the five different criteria should be applied 'as appropriate', indicating that all five criteria would not be expected to be met for all applications. If greater clarity on this point is considered to be required, the Council would accept the following wording:

*...Alternative uses will be permitted where the Local Planning Authority is satisfied, as appropriate, that:*

***In all cases:***

- (i) The supply, availability and variety of alternative employment land is sufficient to meet Borough and local needs; **and**,*
- (ii) Evidence can be provided to demonstrate that no suitable and viable employment use **for the site/premises** can be found, or is likely to be found in the foreseeable future;*

***In cases where either (i) or (ii) cannot be met, in exceptional cases alternative uses will be permitted where***

- (iii) *There would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours;*
- (iv) *There are demonstrable economic benefits to the area that would result from allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises;*~~and~~

~~(v)~~ ***In coastal areas, an additional criterion will apply to all relevant applications which is that the traditional maritime character of the area would not be adversely affected by proposals for alternative uses.***

While it is agreed that criteria (i) and (ii) duplicate wording in the NPPF, it is considered helpful to include them in the policy as they establish the baseline criteria for consideration of exceptional proposals.

**4.10 In what circumstances is the 2<sup>nd</sup> sentence of the last paragraph of the policy intended to apply? Would contributions to alternative employment be justified if a relevant circumstance set out in the policy (as referred to above) had been met?**

#### Council Response

It is considered that planning contributions for training could form part of the exceptional circumstances justifying an alternative proposal noted above in criteria (iii) and (iv). Contributions for training could result in the compensation of space being lost to employment use with the creation of training and employment opportunities elsewhere in the Borough.

**4.11 Is encouragement to provide training justified?**

#### Council Response

The NPPF states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including making it easier for jobs to be created in cities, towns and villages (Para 9.) While the NPPF does not provide specific policies on support for training, this definition of sustainable development is considered to establish the appropriateness of policies which enhance the skills base in local communities as well as providing land for employment.

Encouragement to provide training would be expected to be given in the context of the Council's preference for collaborative working to bring forward new development. Previous successful training initiatives have included a targeted pre-training and recruitment initiative supported by Sainsbury's as part of their development of a new superstore in Stanway which led to 171 unemployed people gaining permanent jobs and a similar, smaller, initiative with a new care home provider, Outlook Care, on the former Garrison regeneration site. The approach strikes a balance between maximising the benefits new development can bring to local communities and placing unreasonably onerous requirements on new business.

**4.12 The text relating to alternative employment land provision is proposed to be deleted (page 29 of the Focussed Review beginning *In exceptional circumstances...*). This deletes a reference to Appendix 3 of the Development Policies DPD. Should Appendix 3 of that document be deleted for consistency?**

Council Response

Yes, Appendix 3 of the Development Policies DPD should be deleted for consistency.

**4.13 Do the proposed changes create a coherent, consistent approach to the scale/location of economic development which is appropriate in rural areas/countryside, which is also consistent with NPPF?**

Council Response

The proposed changes are considered to create a coherent and consistent approach to the scale/location of economic development which is appropriate in rural areas/countryside, which is also consistent with the NPPF. Para 4.11 of the Focused Review document explains that the changes introduce greater flexibility to the consideration of rural employment proposals while retaining the overarching sustainability principles key to both the NPPF and Colchester's adopted planning policies. In line with the focus on more positive wording for planning policies, the negative presumption against employment development conflicting with the Centres and Employment Classification and Hierarchy has been removed and more positive additional wording has been inserted which provide criteria for ensuring rural employment schemes are appropriate in their scale and sustainability.