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For and on behalf of
Mr Justin Brookes

WRITTEN HEARING STATEMENT BRECKLAND LOCAL PLAN

Land at Brandon Road, Watton

Prepared by
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1.0 MATTER 9 - ISSUE 9.6

Is the overall distribution and quantum set out in Policy EC 01 for each settlement justified?

- 1.1 The Council's overall strategy for employment growth is set out in Policy EC 01 Economic Development of the Breckland District Local Plan (the Plan). This policy outlines that for "the period 2011 – 2036, 64 ha of employment land should be allocated to allow for a range and choice of employment sites to meet economic need and demand". On this basis the Plan proposes that the Thrextan Road, Industrial Estate General Employment Area (Thrextan Road GEA) should continue to be protected.
- 1.2 The Plan aims to set out a spatial strategy up to 2036 based on the 2014 sub national population projections. The Employment Growth Study (EGS) (2013) however uses 2011 Census data and forecasts to 2031. Key sources used to determine Breckland's employment market demand in the EGS include Lambert Smith Hampton's UKIT Quarterly Bulletin (2013), VOA Data (2010), Savills UK Commercial Development Activity Report (2013) and Bidwells in Business Space Data Book (2013). This evidence is very out of date. The Breckland's Annual Monitoring Report (2016) shows a decline in B Class floorspace being developed since 2013. There was, for example 20 ha of B Class land developed in Breckland in 2012/13. In 2015/16 this fell to 11 ha. This out of date evidence, raises significant uncertainty on whether the employment need figure of 64 ha over the Plan period up to 2036 cannot be relied upon.
- 1.3 Paragraph 161 of the NPPF outlines "reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic housing land availability assessments and should include a reappraisal of the suitability of previously allocated land." The Council's Strategic Land Availability Assessment

(SHLAA) (2015) or SHLAA (2014) did not assess the Threxton Road GEA at all. The extent of employment site boundary Threxton Road GEA has been carried forward from the Core Strategy (2012). It should be reassessed to exclude our client's site (see Appendix 1). The site includes vacant, redundant buildings and the following residential properties 123, 123a and 125 Brandon Road. It measures approximately 0.36 ha.

- 1.4 **POLICY RECOMMENDATION:** The EGS and SHLAA should be redone. These should apply the latest population estimates and forecast for the full Plan period up to 3036 rather than 2031. A detailed assessment of the current employment land supply should be undertaken which looks carefully at the use classes in current employment areas, vacancy and B Class occupancy. The Plan should remove our clients site which has either been vacant for some time or is in C3 use. The distribution and quantum of employment land set out in Policy EC 01 is neither justified under Paragraph 182 of the Framework, nor consistent with Paragraph 161.

2.0 MATTER 9 - ISSUE 9.7

To be effective should Policy EC 01 include safeguarding measures to control the loss of employment land?

- 2.1 Market demand change over time. The Framework at Paragraph 22 outlines that "planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose." It is important that flexibility is built into protected employment land to allow Council's to respond and adapt to changing economic circumstances. Paragraph 22 also outlines that "land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".
- 2.2 The EGS sets out that "agents indicated that due to the lack of demand it is now common for available premises to remain unlet/unsold for up to two years." (EGS, p.34, 2013) An employment land allocation, or a parcel of land within an employment land allocation should be released if it has not been in employment (or a supporting auxiliary) use or vacant for up to two years. The EGS dictates that a two year market period could

reasonably apply to Breckland “guidance on employment land assessments recommends an allowance that is equivalent to the average time for a site to gain planning permission and be developed, typically about two years. For Breckland, the margins set out in Table 6.12 were added for B Class use based on two years of average net take-up which appears an appropriate level relative to the estimated scale of the original requirement and taking account of the nature of the land supply in the District.” (EGS, p.64, 2013)

POLICY RECOMMENDATION: An appropriate marketing period of up to two years should be applied to EC 01 in line with the Framework Paragraph 22 and the Council’s own employment evidence.

3.0 MATTER 9 – ISSUE 9.10

Is the approach of Policy EC 03 to Safeguarding General Employment Areas (as shown on the proposals map) justified and effective? Could it lead to sites that are no longer suitable for employment uses lying derelict for long periods of time?

3.1 The Threxton Road GEA allocation has been carried forward from the Council’s Core Strategy (2012) without a sufficient re-assessment of its boundary through the EGS or SHLAA. Policy EC 03 General Employment Areas is not consistent with the Framework Paragraph 22 or justified under Paragraph 182.

POLICY RECOMMENDATION: Our client’s site should be de-allocated from the Threxton Road GEA given the presence of C3 on this land, its peripheral location within the overall extent of the GEA and relationship to residential dwellings along the road frontage and to the east. The loss of this land would serve to tighten the B Class status of the remaining GEA.

4.0 MATTER 9 - ISSUE 9.11

Is the approach to mixed-use development in Policy EC 03 justified and effective?

4.1 Robust evidence should support employment land allocations in the Plan so that the employment need and supply can be achieved over the Plan period. Where there is no

longer a demand for an employment use and an employment allocation becomes watered down with mix of permissions outside a B Class, this employment allocation should be revised. Otherwise such allocations merely create an unnecessary constraint upon future development. The mixed-use component of EC 03 is a confused and ineffective basis for the Council's employment strategy. Paragraph 161 of the Framework outlines that "local planning authorities should use this evidence base to assess the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period." This Council's evidence base should include "the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs."

- 4.2 As set out above, an insufficient review of its existing employment land allocations has been carried out in the EGS and SHLAA. This coupled with a lack of vision and focus for the role and function of what constitutes a GEA makes EC 03 neither consistent with national planning policy under Paragraph 161 nor positively prepared under Paragraph 182.

POLICY RECOMMENDATION: Undertake a detailed assessment of the current and emerging employment allocations under the EGS and SHLAA. Only allocation land where there is a demand for B Class or auxiliary B Class related activity. Our client's site should be de-allocated from the Threxton Road GEA given the presence of C3 on this land. Removal of the component of EC 03 which allows for the proliferation of employment areas.

5.0 MATTER 10 – ISSUE 10.1

Have all sites put forward for allocation been considered through a robust SA process, including the consideration of reasonable alternatives?

- 5.1 There are significant questions on whether the Sustainability Appraisal (SAR) (2017) conforms with the EU Directive 2001/42/EC and supporting Environmental Assessment of Plans and Programmes Regulations 2004 in regard to the assessment of alternatives. Article 5.1 of the Directive is very clear that: "an environmental report shall be prepared

in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives ..., are identified, described and evaluated.”

- 5.2 Two alternatives feature in the SAR to EC01 Economic Development. These are: lower level of employment land; and employment growth based on past take up rates. (SAR, p316, 2017). The options are very vague and do not involve at a site level an assessment of the Council’s employment land supply. It is clear from High Court judgements (Heard v Broadland District Council, South Norfolk District Council, Norwich City Council) that alternatives should be assessed to the same level as proposed sites and that all SA documentation should be consulted on together. There is however, no audit trail of any site assessments in Watton the SAR.
- 5.3 The findings of the options analysis in the SAR set out “all the approaches score well against the sustainability objectives related to the provision of employment land for the local economy.” (SAR, p316, 2017). The SA Report should also contain information about the alternatives considered in all previous stages of the SA, including why the alternatives were selected and why the preferred options were chosen. At present the SAR does not provide clear justification for EC 01.
- 5.4 There is one alternative assessed against EC 03. This is “do not protect employment areas solely for B class uses.” (SAR, p. 330, 2017). The findings of the SAR’s assessment set out that “the proposed policy is to protect general employment areas within Breckland for employment uses. This approach scores well against the sustainability objectives based around the economy. The approach is also in conformity with the Employment Growth Study 2013.” Policy EC 03 however does not protect employment areas for only B Class uses. It supports mixed uses where appropriate. As a result, the option and alternative assessed are not correct.

RECOMMENDATION: The assessment of the policy options should reflect those in the Plan and clear reasonable alternatives should also be identified and assessed in the SAR.

6.0 MATTER 10 – ISSUE 10.2

Have all sites put forward for allocation been considered through a robust SA process, including the consideration of reasonable alternatives?

6.1 Under the Regulation 12 (2) (a) (2) the SAR “shall identify, describe and evaluate the likely significant effects on the environment of— (a)implementing the plan or programme; and (b)reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.” It is not clear where the policies have been assessed against the sustainability appraisal framework. Figure 1 and 2 show the assessment of the sustainability appraisal objectives against EC 01 and EC 03. The methodology and approach in this SAR is does show the significant effects of the policies of this Plan.

Policy EC 01 - Economic Development

	Sustainability Objective																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
EC 01	-	+	0	0	+	+	+	0	0	0	+	N/a	0	+	+	0	+	++	++
Alternative Option 1: Lower level of employment land	0/-	+	N/a	N/a	+	+	+	0	0	0	+	N/a	0	+	+	0	0/+	+	0
Alternative Option 2: Employment growth based on past take up rates	--	+	N/a	N/a	+	+	+	0	0/-	0	+	N/a	0	+	+	0	+	++	++
Comments: The three options presented all look to increase the level of employment growth within Breckland and have regard to the findings of the Employment Growth Study. The proposed policy seeks to allocate employment growth in line with the 'policy on' scenario set out within the Employment Growth Study. All the approaches score well against the sustainability objectives related to the provision of employment land for the local economy. The Employment Growth Scenario based on past take up rates will require a greater supply of land. This will have an impact upon development on undeveloped land, due to the limited levels of brownfield land in Breckland.																			

Many of the impacts are denoted as ‘not applicable’ or ‘0’ without any reasoning for this. Therefore, it is considered that the methodology in this SAR should be reviewed.

Policy EC 03 General Employment Areas

	Sustainability Objective																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
EC 03	0	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	-	N/a	-	+	++	++
Alternative Option: Do not protect employment areas solely for B class uses	?	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	+	N/a	+	-	--	--
Comments: The proposed policy is to protect general employment areas within Breckland for employment uses. This approach scores well against the sustainability objectives based around the economy. The approach is also in conformity with the Employment Growth Study 2013.																			

Figure 1. SAR EC 01 General Employment Area Assessment

RECOMMENDATION: The methodology of the SAR should be revised. An assessment of the Plans policies (including but not limited to EC 01 and EC 03) and reasonable alternatives should be carried out which clearly shows the likely effects of the Plan and the alternatives.

7.0 MATTER 10 – ISSUE 10.6

How has the continued suitability of General Employment Areas and their boundaries been considered? Is it robust?

- 7.1 As set out above, our clients site has been carried forward from the Core Strategy (2012). This historic employment allocation has not been reviewed in sufficient detail in the EGS, SHLAA or SAR. Our client site contains pockets of C3 which should be removed from this allocation. EC 01 and EC 03 in their current form are not justified under the Framework Paragraph 182.
- 7.2 The NPPF paragraph 51 states LPA's "should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area." Breckland Council acknowledges within its 'Assessment of Breckland Council's Five Year Supply of Deliverable Housing Land Report (2017) that it has a continued shortfall in its five year land supply. The full objectively assessed need for housing in Breckland between 2011 and 2036 is 15298. Our client's site would make a positive contribution towards achieving this housing target.

RECOMMENDATION: The boundary of the Threxton Industrial Estate GEA is not appropriate in the Plan. The Employment area should exclude the premises and land comprising Nos 123, 123a and 125 Brandon Road which should be identified either as urban land suitable for housing as a windfall development site or should be specifically allocated for up to 15 dwellings.

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