

PLANNING POLICY AND LOCAL PLAN COMMITTEE

29 OCTOBER 2019

REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION)

A.1 – EMPLOYMENT LAND

(Report prepared by Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To report the findings of the latest ‘Employment Land Review’ for Tendring which updates the evidence base in support of the employment land policies in the emerging Local Plan;
- b) To seek the Committee’s endorsement for suggested amendments to the employment land policies aimed at ensuring that they are up to date, address some of the constructive criticisms raised during public consultation and are as robust and effective as possible; and
- c) To seek the Committee’s agreement for the suggested amendments to be put forward for the Planning Inspector’s consideration when they come to examine Section 2 of the Local Plan in 2020.

EXECUTIVE SUMMARY

One of the objectives of the planning system, both at a national and local level, is to build a strong, responsive and competitive economy. The Council’s emerging Local Plan seeks to support economic growth and job provision through a variety of means, including through the protection and future provision of ‘employment land’ – i.e. land for business and industrial use in classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution).

Employment Land Review

The ‘Employment Land Review’ is part of the evidence base to inform the Local Plan’s employment land policies and to help determine which sites to protect or allocate for business and industrial use. An Employment Land Review was initially undertaken by consultants on behalf of the Council in 2013 and was updated in 2016 and again in 2019. Key findings from the latest 2019 update include the following:

- Projected demand for additional employment land (over and above existing sites already in employment use) is forecast to be low for the period to 2033 (between 0 hectares and 9 hectares), based on market trends and analysis of different scenarios.
- Sites with extant outline or detailed planning permission already account for over 27

hectares of future employment land and an additional 17 hectares are allocated for employment use in the emerging Local Plan and are available to the open market.

- A further 53 hectares of land across a variety of additional sites have been assessed for their potential suitability for business and industrial use and these might provide options for further development in the longer term (potentially through a future review of the local Plan).
- The existing range of operational employment sites across the district continue to play an important role in meeting the needs of existing businesses and most should continue to be protected, however some sites have been identified as not suitable for further business activity beyond the specific requirements of their current occupiers and could be considered for alternative forms of development if current operations were to cease.

Overall, the Employment Land Review demonstrates that there is already more than enough employment land available in Tendring to meet projected demand for business and industrial floor space up to 2033 and there is consequently no need to include any additional land in the emerging Local Plan over and above what is already allocated.

Policy SP4 – Providing for Employment

Policy SP4 within Section 1 of the emerging Local Plan sets out the overall employment land targets for each of the North Essex Authorities (Tendring, Colchester and Braintree) for the period up to 2033. As published, the plan currently proposes a range of between 20 and 38 hectares of employment land for Tendring; although this is set to be revised down to a range of 12 to 20 hectares in line with the Local Plan Inspector's interim conclusions following the examination hearings that took place in 2018. The latest Employment Land Review broadly supports the view that based on up to date projections, the future requirement for additional employment land is likely to be lower than originally predicted.

Policy PP6 – Employment Sites

Policy PP6 within Section 2 of the emerging Local Plan seeks to protect existing operational sites for employment use. However, having considered some of the constructive criticisms submitted by various parties as part of the last Local Plan consultation in 2017, Officers believe the wording of the policy could be simplified and that the plan would also be greatly improved if the policies maps and local maps could expressly show the location of the existing employment sites to be protected – as opposed to requiring the reader to refer separately to the latest Employment Land Review document. Officers therefore seek the Committee's agreement to put forward some amendments to Policy PP6 for the Planning Inspector's consideration as part of the examination.

Having considered the findings of the updated Employment Land Review, Officers' suggested amendments would include identifying the following employment sites as protected sites in the Local Plan:

- Ford Road (Newman) Industrial Estate, Clacton;

- Oakwood and Crusader Business Park, Clacton;
- Gorse Lane Industrial Estate, Clacton;
- Valleybridge Road Industrial Estate, Clacton;
- Oxford Road Industrial Estate, Clacton;
- SATO Site, Valley Road, Harwich (supporting the current planning proposal to reconfigure the factory within its site alongside new housing);
- Durite Works, Valley Road, Harwich;
- Mercedes Site, Bathside, Harwich;
- Europa Way, Harwich;
- Kirby Cross Trading Estate, Clare Road, Kirby Cross;
- Harmer's Foundry, Walton on the Naze;
- Lawford Dale Industrial Estate, Manningtree;
- EDME Maltings, Mistley (working with owners to secure the future re-use of heritage buildings);
- Crisp Maltings, Mistley;
- Mistley Marine, Mistley;
- Mistley Port, Mistley;
- Morses Lane Industrial Estate, Brightlingsea;
- Shipyard Estate, Brightlingsea;
- Old Ipswich Road, Ardleigh.
- Lanswood Park, Elmstead Market
- Plough Road Centre, Great Bentley;
- Martell's Pit Industrial Estate, Ardleigh; and
- Rice Bridge Industrial Estate, Thorpe le Soken

The simplified wording to Policy PP6, and which would apply to the above sites, would be as follows:

Policy PP6

EMPLOYMENT SITES

The Council will seek to protect existing employment sites, as shown on the relevant Policies Maps and Local Maps. These will be safeguarded for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) purposes.

Proposals for employment uses falling outside of use classes B1, B2 or B8 (such as retail, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

Proposals for non-employment uses on these sites will only be considered if:

- a. it can be demonstrated that the land or premises have become inherently unsuitable for any form of employment use or there is clear and robust evidence of appropriate marketing with registered commercial agents at a reasonable price to demonstrate no realistic prospect for continued employment use; or

b. the alternative use will either facilitate or result in wider economic regeneration benefits that outweigh the potential loss of employment land or premises on the protected site.

If criteria a) or b) are met, the proposal must not have an adverse impact on the operation of any remaining businesses on the protected site and must not give rise to any incompatibility between land uses.

Policy PP7 – Employment Allocations

Policy PP7 within Section 2 of the emerging Local Plan contains the list of sites that are allocated for future business and industrial development. The policy currently lists 8 sites with the potential to deliver between 19 and 22ha of employment land up to 2033 and further development beyond; but this list does not provide an accurate and up to date representation of the full range of employment sites (amounting to some 37ha) that are available for inward investment, many of which already benefit from outline or detailed planning permission. This includes 11.2 hectares of land south west of Horsley Cross which has now obtained detailed planning permission.

Whilst 37 hectares is well in excess of the projected employment land requirement, there is nothing to stop the Council making an ‘over-allocation’ of employment land and, if anything, this will ensure a choice of opportunities for potential inward investment to help create jobs in line with the Council’s priorities.

Officers consider that the plan would be improved if Policy PP7 could be updated to include all of the available employment sites and therefore seek the Committee’s agreement to put forward some amendments for the Planning Inspector’s consideration as part of the examination. The proposed wording for the amended policy would be as follows:

Policy PP 7

EMPLOYMENT ALLOCATIONS

Just over 25ha of land is allocated for new development in use classes B1 (Business and Office Use, B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities, the majority of which has already obtained planning permission. The allocated sites are listed in Table 6.1 below and are identified on the Policies Maps and relevant Local Maps.

Table 6.1

Name of Site	Local Plan Allocation (ha)
Extension to Gorse Lane Industrial Estate, Telford Road, Clacton	6.8ha
Land at Brook Park West, Clacton	1.3ha (as part of a wider mixed use development)
Land at Stanton Europark, Parkeston	3.3ha
Land at Harwich Valley, East of Pond Hall Farm, Dovercourt	6.3ha (as part of a wider mixed use development)

Land at Dale Hall, Cox's Hill, Lawford	0.2ha
Land off Clacton Road/Dead Lane, Mistley	2ha
Extension to Lanswood Park, Elmstead Market	1.2ha
Extension to Plough Road Business Centre, Great Bentley	1ha
Land at Ash Farm, Thorpe Road, Weeley	1ha
Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester	2.3ha
Land south west of Horsley Cross	11.2ha
Total Employment Land Area	36.6ha

On these sites, proposals for development in use classes B1, B2 and B8 will be supported. Proposals for employment uses falling outside of use classes B1, B2 or B8 (such as retail, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

Applications for alternative non-employment uses will only be considered if it can be demonstrated that there is no reasonable prospect of a site being used for the allocated employment use. Such applications will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Proposals for new employment-related development on land outside of these allocations will be considered on their merits having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.

Additional employment land will also be identified as part of the mix of uses proposed at the Colchester Tendring Borders Garden Community within the separate Development Plan Document (DPD) for that area.

It is recommended that the Local Plan's policies maps and local maps would be amended to show all of the above listed sites.

Policy PP13 – The Rural Economy

A large section of Policy PP6, as currently worded, relates to farm diversification schemes and other rural employment developments as opposed to existing protected employment sites. In suggesting a simplification of Policy PP6, Officers suggest moving the wording relating to farm diversification schemes into Policy PP13 which specifically relates to the rural economy. Officers consider that this would be more logical place for such policy wording to be provided.

Making amendments to the Local Plan

The Local Plan has already been submitted to the Secretary of State for it to be examined by a government-appointed Planning Inspector. The Inspector have the power to recommend

'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it will be at the Inspector's discretion which modifications are formally recommended, the Council will have the opportunity suggest changes to the Inspector, for their consideration, as part of the examination process. It is recommended that the changes outlined in this report be put forward to the Inspector for their consideration, at the appropriate time.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) Notes the findings of the 2019 update of the 'Tendring Employment Land Review (ELR) undertaken by Hatch Regeneris and BE Group (September 2019) (as set out in Appendix 1) and agrees to its inclusion in the Local Plan evidence base;**
- b) Considers and approves Officers' suggested amendments to Policy PP6, Policy PP7 and Policy PP13 in the Tendring District Local Plan 2013-2033 and Beyond: Publication Draft (the emerging Local Plan) as set out in this report; and**
- c) Authorises the Head of Planning to put forward the suggested amendments to Policies PP6, PP7 and PP13 to the Planning Inspector for their consideration as part of the examination of the Section 2 Plan.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The protection and allocation of employment land through the emerging Local Plan aligns with key elements of the Council's draft Corporate Plan 2020-2024. These include the Tendring4Growth theme and the specific priorities to have effective planning policies, develop and attract new businesses, support existing businesses and deliver more and better jobs.

RESOURCES AND RISK

The preparation of Section 2 of the emerging Local Plan has been undertaken by the Council's Planning Policy team with assistant from specialist consultants and has been funded through the Council's agreed LDF (Local Development Framework) budget. The independent examination and any future review of the plan will also be funded from this source. The Employment Land Review has been prepared by consultants Hatch Regeneris utilising the Council's approved Economic Development budgets. It has been carried out alongside a new Economic Development Strategy for Tendring which is in the process of being completed and will be reported to Members in due course.

The suggested amendments to the employment land policies in the emerging Local Plan are designed to address comments raised during the last public consultation exercise and ensure that

the policies are as effective as possible. However, the Planning Inspector is under no obligation to accept the amendments and propose them as formal modifications and, if they believe that the policies as currently written adequately meet the 'tests of soundness' from the National Planning Policy Framework (NPPF) and do not require any changes, they might carry forward to the final adopted version of the Local Plan without change.

If the Inspector does however accept the Council's suggested amendments and they do become formal modifications to the Local Plan, they will need to be the subject of public consultation and this may result in further objections requiring consideration by the Inspector and potential further examination before the plan can be adopted. That said, because the amendments being suggested by Officers are aimed at simplifying policies and ensuring the Local Plan reflects the factual reality of where existing employment sites are located and the range of sites that already benefit from planning permission for new employment-related development, they should not be very controversial.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2018 version that was updated in 2019) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The statutory 'development plan' for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore essential to progress the emerging Local Plan through the stages of the plan making process and ensure it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

The NPPF requires a local planning authority to submit a plan for examination which it considers to

be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. Any modifications proposed by the Inspector at the end of the examination process will ensure the plan meets all of these requirements but these have to be published for consultation in their own right before the Council can proceed to the final adoption of the Local Plan.

The amendments being suggested through this report are not an indication that the emerging Local Plan as currently written is ‘unsound’, but are aimed at improving the plan in response to constructive comments received during the last public consultation and to reflect the latest evidence and the factual planning status of employment sites in Tendring.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: The affordable employment land policies in the emerging Local Plan have already been the subject of public consultation at issues and options stage (2015), preferred options stage (2016) and publication stage (2017). All of the sites suggested by Officers for inclusion in Policy PP7 as employment allocations have also been the subject of public consultation; either in relation to their inclusion in the emerging Local Plan or in relation to a site-specific planning application. If the Inspector accepts the Council’s suggestions for amending the employment land policies and proposes them as ‘main modifications’ to the plan following the examination, they will need to be the subject of public consultation in their own right before Section 2 of the plan can proceed to adoption. The consultation may result in further objections; however, unless they raise fundamental issues which require re-examination, they are unlikely to result in further changes. If they do, there is a risk of further delay to the examination process and the timetable for adoption.

PART 3 – SUPPORTING INFORMATION

National Planning Policy on Employment Land

Because the Council’s emerging Local Plan was prepared in accordance with the National Planning Policy Framework (NPPF) that was published in 2012 and was submitted to the Secretary of State before 24th January 2019, the Planning Inspector will be examining the plan to ensure it complies with the 2012 NPPF rather than the latest version published in 2018 and updated in 2019. That said, both the 2012 and 2019 versions of the NPPF have similar policies in relation to supporting economic growth and the development of employment land.

Section 1 in the 2012 NPPF is concerned with building a strong, competitive economy. Paragraph

21 requires Councils to plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 requires Councils to set criteria, or identify strategic sites, for local and inward investment to match their economic vision and strategy and to meet anticipated needs over the plan period which, for Tendring is up to 2033. Paragraph 22 says 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 also says that land allocations should be regularly reviewed and 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.

Paragraph 160 in the 2012 NPPF, in respect of plan making, requires Councils to have a clear understanding of business needs within the economic markets operating in and across their area. Paragraph 161 requires Councils to use this evidence base to assess the quantitative and qualitative needs for land or floorspace for economic development as well the future supply of land available for economic development and its sufficiency and suitability to meet the identified need.

The policies relating to economic growth and employment land in the 2019 NPPF are essentially unchanged and are mainly found within section 6 of that document.

Economic Development Strategy

The approach taken to economic growth in the emerging Local Plan aligns with the Council's 'Economic Development Strategy' which was prepared in 2013 by consultants Regeneris. The Economic Development Strategy is in the process of being updated for 2019 by 'Hatch Regeneris' (renamed following a merger) and will be reported to Members in due course – but the main thrust of the strategy is not expected to change and it will remain important to maintain a supply of employment land in the right locations to support growth in the business and industrial sector.

Employment Land Review

The Employment Land Review is a key component of the 'evidence base' to inform the content of the Council's Local Plan, in particular its Council's policies on the protection and allocation of employment land for business and industrial use including B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) – uses that are generally best located on dedicated business parks and industrial estates and kept separate from housing. Use class B1 is subdivided in B1a) (Offices), B1b) (Research and Development) and B1c) (Light Industrial).

In 2013, Regeneris undertook an Employment Land Review for Tendring which informed early versions of the new Local Plan. In 2016 the evidence was updated by different consultants Aspinall Verdi and that update informed the content of the 2017 publication draft of the Local Plan which was submitted to the Secretary of State to be examined. The Employment Land Review has been updated once more in 2019 by Hatch Regeneris and BE Group to ensure it is up to date – particularly in light of many changes to the planning status of numerous employment sites in

Tending.

The 2019 Employment Land Review (attached as Appendix 1) contains a fresh assessment of the likely projected demand for employment land between now and 2033 based on up to date economic and demographic projections and scenarios. It also contains an assessment of the district's existing stock of business and industrial premises and an assessment of existing and potential employment sites to determine how well the supply of land and premises is likely to meet the projected demand. The assessment then leads to recommendations as to whether certain sites should be protected for employment use or released for alternative forms of development and whether or not certain sites should be allocated for future employment in the Local Plan.

The main headlines from the 2019 Employment Land Review are as follows:

- Looking at economic projections, the projected demand for additional employment land (over and above existing sites already in employment use) is forecast to be low for the period 2017 to 2033 (between 0 hectares and 9 hectares), based on market trends and analysis of different scenarios.
- Under an 'employment led' scenario which uses Experian forecasts, 3.31 hectares of employment would be required, comprising 1.72ha of B1a/B1b), -2.69ha of B1c/B2 and 4.28ha of B8. This is a fairly low requirement.
- Under a 'labour supply' scenario which takes into account the amount of new housing expected to be built in the area, -1.41 hectares (i.e. none) would be required, comprising 0.73ha of B1a/B1b, -3.23ha of B1c/B2 and 1.09ha of B8. This suggests that some employment land and premises might be lost.
- Under a 'past take up' scenario which considers previous trends in actual employment land delivery, 8.7 hectares would be required, comprising 0.3ha of B1a/B1b, 2.6ha of B1c/B2 and 5.8ha of B8. This is the most positive of the three scenarios.
- Sites with extant outline or detailed planning permission already account for over 27 hectares of future employment land and an additional 17 hectares are allocated for employment use in the emerging Local Plan and are available to the open market. This is already well in excess of the projected demand representing a supply of land almost five times greater than the demand.
- A further 53 hectares of land across a variety of additional sites have been assessed for their potential suitability for business and industrial use and these might provide options for further development in the longer term (potentially through a future review of the local Plan).
- The existing range of operational employment sites across the district continue to play an important role in meeting the needs of existing businesses and most should continue to be protected, however some sites have been identified as not suitable for further business

activity beyond the specific requirements of their current occupiers and could be considered for alternative forms of development if current operations were to cease.

Policy SP4 – Providing for Employment

Policy SP4 within Section 1 of the emerging Local Plan sets out the overall employment land targets for each of the North Essex Authorities (Tendring, Colchester and Braintree) for the period up to 2033. As published, the plan currently proposes a range of between 20 and 38 hectares of employment land for Tendring. However, at examination hearings for the Section 1 Local Plan, the Planning Inspector Roger Clews questioned the source of these, as well as Braintree's figures and asked Officers to review the Councils' evidence to either justify the 20-38ha range, or to establish a more up to date figure based on the latest projections.

In reviewing the evidence, Officers discovered an error in the Council's use of the evidence which accounted for the Inspector's concerns. The upper figure of 38ha had come from the Council's 2016 Employment Land Review undertaken by Aspinal Verdi which stated that *"The 2013 Employment Land Review estimated a total requirement of 7.1 Ha additional employment land over the plan period up to 2032 on top of 30.75 Ha identified. This would allow for a further 1,800 'B' class jobs to be created. The study concluded that employment sites located along the Colchester fringe are the most popular."* However, on further investigation, the figure of 38ha was based on Aspinal Verdi's misinterpretation of the Regeneris' earlier study. In the 2013 Review, Regeneris stated: *"The demand assessment suggests that there is an overall requirement for between 2.3 ha (Base Scenario) and 7.1 ha (High Growth Scenario). In terms of supply, we have identified 30.75 ha of employment land which is made up of available land on existing sites and outstanding planning permissions. In quantitative terms, there is a sufficient supply of land to meet future needs even if the most optimistic scenario is adopted."* The correct interpretation of the 2013 Review should have been that, in the high growth scenario, there was a need for 7.1 hectares of employment land in total for which there was more than sufficient land (30.75 hectares) available, for allocation in the Local Plan, to meet.

To provide an updated account of likely employment land demand for the purposes of the examination hearings, Peter Brett Associates' prepared a paper on behalf of the North Essex Authorities which suggested 46,802 square metres of employment floorspace would be needed in Tendring. PBA advised the Council that this would translate to around 12 hectares (@40% plot ratio). In light of that new evidence and advice, Officers suggested to the Inspector that the range of 20-38ha in Policy SP4 be amended to 12-20ha to reflect PBA's figure at the lower end, and the 19-83-21.8ha of land actually allocated for employment use in the Section 2 Local Plan through Policy PP7.

In his post-examination letter dated 8th June 2018, the Planning Inspector concluded that a credible baseline figure had now been derived and that in altering Policy SP4 to including a range of 12-20ha as opposed to 20-38ha, the plan will reflect the evidence on likely future housing land in Tendring.

The updated evidence in the 2019 Employment Land Review suggests that the demand is likely to be, at best, around 8 hectares which is much lower than 12-20ha range the Inspector has accepted for Policy SP4. However, there is nothing in national planning policy to suggest that a Council cannot 'over-allocate' land for employment and, given the Council's priorities around economic growth and job creation, having a supply of employment sites that is well in excess of the projected requirement will provide a range of opportunities for inward investment to maximise the changes of attracting new businesses to the area and enabling existing businesses to grow and diversify.

Policy PP6 – Employment Sites

Policy PP6 within Section 2 of the emerging Local Plan seeks to protect existing operational sites for employment use i.e. existing business parks and industrial estates sites that are already operating in B1, B2 and B8 use and which already provide valuable local employment.

Policy PP6, as currently worded, says that the Council will seek to protect 'existing employment sites', as set out in the Council's current Employment Land Review. However those sites are not specifically listed in the Local Plan itself, nor are they explicitly shown on the policies maps or local maps that form part of the plan. In response to the last public consultation on the Local Plan that took place in 2017, some objectors to the policy suggested that the protected employment sites should be shown on the maps. On reflection, Officers agree that the plan, whilst not unsound in its current state, would be improved if those sites were actually shown. This would avoid the confusion that might be caused by readers having to refer to a separate document and potentially the wrong version.

Tendring's existing employment sites are as follows:

- Ford Road (Newman) Industrial Estate, Clacton;
- Oakwood and Crusader Business Park, Clacton;
- Gorse Lane Industrial Estate, Clacton;
- Valleybridge Road Industrial Estate, Clacton;
- Oxford Road Industrial Estate, Clacton;
- SATO Site, Valley Road, Harwich (supporting the current planning proposal to reconfigure the factory within its site alongside new housing);
- Durite Works, Valley Road, Harwich;
- Mercedes Site, Bathside, Harwich;
- Europa Way, Harwich;
- Kirby Cross Trading Estate, Clare Road, Kirby Cross;
- Harmer's Foundry, Walton on the Naze;
- Lawford Dale Industrial Estate, Manningtree;
- EDME Maltings, Mistley (working with owners to secure the future re-use of heritage buildings);
- Crisp Maltings, Mistley;
- Mistley Marine, Mistley;
- Mistley Port, Mistley;
- Morses Lane Industrial Estate, Brightlingsea;

- Shipyard Estate, Brightlingsea;
- Old Ipswich Road, Ardleigh.
- Lanswood Park, Elmstead Market
- Plough Road Centre, Great Bentley;
- Martell's Pit Industrial Estate, Ardleigh; and
- Rice Bridge Industrial Estate, Thorpe le Soken

The 2019 Employment Land Review includes an assessment of all existing employment sites and recommends that all are protected for employment use. It does however conclude that some of the sites perform poorly against some of the assessment criteria and that the Council might be justified in not protecting those sites in the Local Plan. Harmers Foundry in Walton is not recommended for continued protection for employment use and the SATO site and Durite Works site in Dovercourt are not recommended for protection for employment use beyond the requirements of their current occupiers. As all three sites are currently operational and do provide local employment, Officers are not suggesting that the protection be removed from those sites in the current Local Plan; but the consultants comments are noted and there may a point in the future where alternative uses for those sites might need to be considered. Officers therefore suggest that the Local Plan are amended to show all of the above-listed sites on the policies maps and local maps.

Policy PP6 as currently written does allow some flexibility for non-employment uses to take place on protected employment sites, but only if they meet criteria a) to e) within the policy. These criteria require that proposals clearly demonstrate that the alternative use(s):

- Will not have an adverse impact on the primary employment use(s) in the locality;
- Will not reduce the overall supply and quality of employment land and premises within the locality;
- Will deliver economic regeneration benefits to the site and/or area;
- Will resolve existing conflicts between land uses; and
- Involve a vacant building for which there is clear and robust evidence of prolonged marketing, with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use.

Because the policy would require all of these criteria to be met, it would in reality result in very few circumstances where an alternative to employment use could ever comply with the policy. Some objectors to the policy have highlighted this concern and have suggested that the policy would be better if it were simplified. Officers agree that the policy could be improved and therefore recommend that criteria a) to e) could be replaced with a simplified set of two criteria that require evidence that a) the premises are unsuitable or unviable for employment use or b) the development would bring about overriding benefits that outweigh the loss of employment premises.

Policy PP6 also includes a substantial section about farm and other land based diversification

schemes in rural areas which sets out six criteria a)-f) that would need to be met for such a development to be accepted by the Council. On reflection, Officers consider that these criteria would better fit Policy PP13: 'The Rural Economy' and recommend amendments to that effect.

The simplified Policy PP6 would read as follows:

Policy PP6

EMPLOYMENTSITES

The Council will seek to protect existing employment sites, as shown on the relevant Policies Maps and Local Maps. These will be safeguarded for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) purposes.

Proposals for employment uses falling outside of use classes B1, B2 or B8 (such as retail, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

Proposals for non-employment uses on these sites will only be considered if:

- a. it can be demonstrated that the land or premises have become inherently unsuitable for any form of employment use or there is clear and robust evidence of appropriate marketing with registered commercial agents at a reasonable price to demonstrate no realistic prospect for continued employment use; or
- b. the alternative use will either facilitate or result in wider economic regeneration benefits that outweigh the potential loss of employment land or premises on the protected site.

If criteria a) or b) are met, the proposal must not have an adverse impact on the operation of any remaining businesses on the protected site and must not give rise to any incompatibility between land uses.

A 'tracked change' version of the policy wording is included in appendix 2 so Members can see how the suggested wording compares to the current wording.

Policy PP7 – Employment Allocations

Policy PP7 within Section 2 of the emerging Local Plan contains the list of sites that are allocated for future business and industrial development. The policy currently lists 8 sites with the potential to deliver between 19.83 and 21.8ha of employment land up to 2033 and further 8.4-28.4ha development beyond.

The sites currently listed in Policy PP7 are:

Name of Site	Local Plan Allocation (ha)	Potential further aspirational growth/growth beyond 2033
Carless Refinery, Parkeston	4.5 ha	0 ha
Stanton Europark, Parkeston	2-4 ha	0 ha
Tendring Colchester Borders Garden Community	6 ha	4 -24 ha
Mercedes Site, Harwich	3 ha	4.4 ha
South of Thorpe Road, Weeley	1 ha	0 ha
Land South of Long Road, Mistley	2 ha	0 ha
EDME Maltings, Mistley	0.13 ha	0 ha
Lanswood Park, Elmstead Market	1.2 ha	0 ha
Total Employment Land Area	19 – 21.8 ha	8.4 -28.4 ha

The inclusion of these particular sites was informed by the findings of the 2016 Employment Land Review undertaken by Aspinal Verdi, but on reflection Officers consider that this list does not provide an accurate and up to date representation of the full range of employment sites (amounting to some 37ha) that are now available for inward investment, many of which already benefit from outline or detailed planning permission. It is also now questionable if some of the sites currently included in the policy should remain.

For example, the policy currently includes 4.5ha of land adjoining Carless Refinery. However, this site is also allocated through Policy SAE1 for “employment use as an extension to the west of the existing refinery” rather than for general business and industrial use. Officers therefore suggest that this site is deleted from Policy PP7 but the specific allocation through Policy SAE1 is retained for the future expansion of the existing refinery.

The 2-4ha of land at Stanton Europark is also allocated through SAE7 for employment use (in classes B2 and B8), retail (use class A1) and leisure (use class D2) – an allocation that is supported by its owners Orion Land and Leisure. However there is some inconsistency between the Employment Land Review and what is currently indicated in the Local Plan in terms of the size of the site. A re-measurement of the two parcels of land identified in the Employment Land Review confirms the correct site area to be 3.3ha and Officers suggest an amendment to the policy to include this correction.

The 6ha of land at the Tendring Colchester Borders Garden Community (with the potential for a further 4-24ha in the longer term) is not specifically identified on the Local Plan Policies Maps because it forms part of the area to be covered by its own Development Plan Document (DPD) for which consultation on issues and options has taken place. The source of the suggested 6ha and 4-24ha is not clear from the evidence base in respect of the Tendring Borders Garden Community examined through Section 1 of the Local Plan and the subsequent concept master plan within the emerging DPD. Rather than seeking to specify an area of land to be allocated in this location through Policy PP7, an amendment is suggested to remove it from Policy PP7 and instead have some text within the policy to explain that the Garden Community will contain an allocation of employment land, through the DPD. This approach would be more consistent with that taken by

Colchester Borough Council.

The 3ha of land at the Mercedes Site, Harwich (with the potential for a further 4.4ha in the longer term) is allocated through Policy SAE4 for 7.4ha of employment use, including the potential relocation of some aspects of the current port facility. It is understood that the land is now occupied by a business and therefore it is best shown as an existing protected employment and protected through Policy PP6 site rather than as an allocation in Policy PP7.

The 1ha of land at Thorpe Road, Weeley forms part of the mixed-use allocation made through Policy SAMU5. This proposal has now obtained outline planning permission (19/00524/OUT) for mixed-use development including 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, a pedestrian footbridge and vehicular access from Thorpe Road. It is suggested that this allocation is retained in the plan but renamed 'land at Ash Farm'.

The 2ha of land south of Long Road, Mistley is allocated through Policy SAE2 for B1, B2 or B8 use. It is also the subject of outline planning permission 15/00761/OUT for the wider site that includes the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure. The land in question is the subject of a current planning application for the erection of up to 485 dwellings but continuing to provide up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure, for which the location of the proposed employment land is consistent with the area shown in the Local Plan. That application (17/01181/OUT) was refused and is now the subject of an appeal. The 2019 Employment Land Review raises some questions over viability and demand for employment use on this site, but while it remains subject of an extant planning permission, it is proposed that the allocation remains in the plan.

The 0.13ha of land at EDME Maltings, Mistley forms part of the mixed-use allocation made through Policy SAMU1. However, unlike other employment allocations, this site is already in employment use and the proposal is for a residential-led development including at least 150 new homes, 0.13ha of employment land and recreation and leisure uses. On reflection, it is not considered appropriate to list the EDME site as an employment allocation when, in fact, it is the de-allocation of an employment site with a net loss of commercial floorspace on the site itself – albeit the intention is to relocate the EDME business to a more suitable and modern alternative location.

The 1.2ha of land adjoining Lanswood Park, Elmstead Market is allocated through Policy SAE3 for employment use and now benefits from planning permission (17/00785/OUT) for three new business units. It should therefore remain an allocation in the policy.

There are other sites in the district however that similarly benefit from planning permission for employment use that are not referred to within the policy that would benefit from inclusion in Policy PP7 and being shown on the policies maps and local maps to indicate, to potential investors and others, the full range of opportunities available in Tendring. These include:

- Land at Telford Road, north of Gorse Lane Industrial Estate referred to as 'Telford Park' in the 2016 Review. This 6.8ha site benefits from planning permission (12/00026/OUT) for an extension to the industrial estate with reserved matters (13/00603/DETAIL) approved for two phases of development and with development under construction. The 2016 Review recommended the inclusion of further land to the north of this controlled by the Dunton Alms House Trust, comprising a further 4.7ha, although it is not considered likely that this additional land will come available within the plan period to 2033. The land has however been included within the settlement development boundary for Clacton to enable development to come forward early, if required. In the 2019 Employment Land Review, Hatch Regeneris recommends the protection of this land for employment use.
- Land at Brook Park West off the A133, Clacton benefits from planning permission (16/01250/OUT) for mixed-use development which includes approximately 1.3ha of land for B1 use. The 2016 Employment Land Review does not refer specifically to this proposal, but does consider the employment potential in the wider 'Hartley Gardens/Clacton Gateway area and recommends that the site has the potential for employment uses and that the Council should work closely with the developer to identify the level of floorspace likely to be required in respect of the local/district centre and the nature/scale of the employment floorspace that could be brought forward adjacent to the A133. In Policy SAMU2, criterion b) requires the provision of at least 7ha of land for employment but this is the subject of an objection from the promoters of the Hartley Gardens development and was not explicitly recommended in the 2016 Review. There could however be potential for northward expansion of the Brook Park West scheme onto adjoining land which is enveloped by the wider Hartley Gardens proposal. The land to the north is included in the settlement development boundary for Clacton to enable development to come forward early, if required. In the 2019 Employment Land Review, Hatch Regeneris recommends protecting the land for employment use, as a medium term prospect.
- Land at the Harwich Valley Development, east of Pond Hall Farm, Dovercourt benefits from planning permission (14/01431/OUT) for mixed-use development which includes approximately 6.3ha of land for employment use include start-up units. A reserved matters application for the development (19/00851/DETAIL) is currently under consideration. The 2016 Employment Land Review recognised that the site had development constraints to be overcome but recommends that it could come forward in the medium term, suggesting that the Council, Local Enterprise Partnership and other partners may need to provide assistance in order to provide the infrastructure which unlocks this opportunity. The Harwich Valley development is shown on the Local Map for Harwich as a mixed-use development with consent, but there is currently no reference to it in Policy PP7. In the 2019 Employment Land Review, Hatch Regeneris recommend protecting the land as a medium term mixed-use opportunity.

- Land at Dale Hall, Lawford benefits from planning permission (13/00452/OUT) for the erection of 150 houses which are now under construction and nearing completion (the 'Summers Park' development), as well as the erection of 'approximately 700m²' of B1 use buildings on 0.2 ha of land. Whilst only a small site, there is currently no reference to this in either the Local Plan or the 2016 Employment Land Review. In the 2019 Employment Land Review, Hatch Regeneris suggest that there could be a short-term development for offices, but there might not be sufficient market for such use in this location.
- Land to the east of the Plough Road Business Centre benefits from planning permission (14/01750/OUT) for class B1 development as part of a wider mixed-use development including 150 homes. The employment element of the scheme is the subject of a reserved matters application (19/01440/DETAIL) that is currently under consideration. The 2016 Employment Land Review recognised that Plough Road Business centre be protected for employment use and that the Council should allocate further accessible employment land to accommodate future requirements, although this is not currently reflected in the Local Plan. In the 2019 Employment Land Review, Hatch Regeneris recommend that it is important to protect this land and ensure employment comes forward.
- Land at Old Ipswich Road (Colchester Golf Range), Ardleigh originally obtained planning permission (15/00985/OUT) for a mixed use development incorporating a hotel and approximately 4,000sqm B1 Floor space with associated access arrangements. This was followed by the grant of permission (17/02204/FUL) for the construction of 91 small B1, B2 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping. Most recently, a new permission (18/02118/FUL) was granted for a revised scheme including the construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping. The owners are currently in the process of discharging planning conditions which suggests that development is soon to commence. The 2016 Employment Land Review recommended that this general area around Old Ipswich Road be identified to meet business demand for locations to the west of the district, but this was not reflected in the Local Plan. The 2019 Employment Land Review rates the Crown Business Centre as a very good site for employment and it is therefore suggested that it be included in Policy PP7 and shown on the policies maps and local maps.
- The land south west of Horsley Cross has been the subject of much debate over a number of years with local opinion divided over whether it should form part of the Local Plan or whether it should have obtained planning permission for employment use. The site obtained outline planning permission (13/00745/OUT) for a new

industrial park 13/00745/OUT in 2014 but there were question marks over its deliverability and the site was not included in the Local Plan. However, the site has since obtained detailed consent (17/01310/DETAIL) and the 2019 Employment Land Review advises that the site is good for employment use and recommends bringing the site forward in line with the approval.

Given the above analysis of employment sites across the district, Officers suggest that Policy PP7 be amended to reflect the full stock range of employment sites that are available which amount to 36.6 hectares. In addition, it is recommended that the wording of the policy be amended to improve its clarity and that it refer to additional employment land coming forward as part of the Colchester Tendring Borders Garden Community.

The amended Policy PP7 would read as follows:

Policy PP 7

EMPLOYMENT ALLOCATIONS

Just over 25ha of land is allocated for new development in use classes B1 (Business and Office Use, B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities, the majority of which has already obtained planning permission. The allocated sites are listed in Table 6.1 below and are identified on the Policies Maps and relevant Local Maps.

Table 6.1

Name of Site	Local Plan Allocation (ha)
Extension to Gorse Lane Industrial Estate, Telford Road, Clacton	6.8ha
Land at Brook Park West, Clacton	1.3ha (as part of a wider mixed use development)
Land at Stanton Europark, Parkeston	3.3ha
Land at Harwich Valley, East of Pond Hall Farm, Dovercourt	6.3ha (as part of a wider mixed use development)
Land at Dale Hall, Cox's Hill, Lawford	0.2ha
Land off Clacton Road/Dead Lane, Mistley	2ha
Extension to Lanswood Park, Elmstead Market	1.2ha
Extension to Plough Road Business Centre, Great Bentley	1ha
Land at Ash Farm, Thorpe Road, Weeley	1ha
Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester	2.3ha
Land south west of Horsley Cross	11.2ha
Total Employment Land Area	36.6ha

On these sites, proposals for development in use classes B1, B2 and B8 will be supported. Proposals for employment uses falling outside of use classes B1, B2 or B8 (such as retail, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

Applications for alternative non-employment uses will only be considered if it can be demonstrated that there is no reasonable prospect of a site being used for the allocated employment use. Such applications will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Proposals for new employment-related development on land outside of these allocations will be considered on their merits having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.

Additional employment land will also be identified as part of the mix of uses proposed at the Colchester Tendring Borders Garden Community within the separate Development Plan Document (DPD) for that area.

A 'tracked change' version of the policy wording is included in appendix 2 so Members can see how the suggested wording compares to the current wording.

Policy PP13 – The Rural Economy

As explained above, Policy PP6 as currently worded, contains a large section on the criteria that would apply to proposals for farm and other land based diversification schemes that benefit the rural area. Officers consider, on reflection, that these criteria are best placed within the wording of Policy PP13 which is concerned with the Rural Economy.

The amended Policy PP13 would therefore read as follows:

Policy PP13

THE RURAL ECONOMY

To support growth in the rural economy, the Council may grant planning permission for the following types of development in the countryside outside of defined Settlement Development Boundaries, subject to detailed consideration, including against other policy requirements in this Local Plan:

- a. where appropriate to the historic environment, conversion of re-use of rural buildings in the countryside to employment, leisure or tourism use:
- b. business and domestic equine related activities;

- c. agricultural and key workers' dwellings; and
- d. buildings that are essential to support agriculture, aquaculture, horticulture and forestry; and farm diversification schemes.

The Council will permit sustainable development proposals for farm and other land based diversification schemes that benefit the rural area. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:

- a. the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;
- b. the proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;
- c. the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);
- d. proposals which would create a significant number of jobs should be readily accessible by public transport;
- e. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area; and
- f. early years and childcare provision.

A 'tracked change' version of the policy wording is included in appendix 2 so Members can see how the suggested wording compares to the current wording.

Making amendments to the Local Plan

The Local Plan has already been submitted to the Secretary of State for it to be examined by a government-appointed Planning Inspector. The Inspector will however have the power to recommend 'modifications' to the Local Plan, following the examination, aimed at addressing any issues with the soundness of the plan. Whilst it will be at the Inspector's discretion which modifications are formally recommended, the Council will have the opportunity suggest changes to the Inspector, for their consideration, as part of the examination process. It is recommended that the changes outlined in this report be put forward to the Inspector for their consideration, at the appropriate time. This is most likely to be in response to the Inspector's 'Matters Issues and Questions' which will be issued to the Council ahead of the Section 2 examination.

Any modifications proposed by the Inspector at the end of the examination process may have to be published for consultation in their own right before the Council can proceed to the final adoption of the Local Plan. The amendments being suggested through this report are not an indication that the emerging Local Plan as currently written is 'unsound', but are aimed at improving the plan in response to constructive comments received during the last public consultation and to reflect the latest evidence and the factual planning status of employment sites in Tendring.

APPENDICES

1. Tendring Employment Land Review (ELR)
2. Suggested amendments to Policies PP6, PP7 and PP13 shown as 'tracked changes'