

Central Lincolnshire Local Plan 2012-2036 Examination

**MATTER 7 – Employment Land, the Visitor Economy
and Retailing**

Central Lincolnshire Joint Strategic Planning Committee
Hearing Statement

October 2016

MATTER 7: Employment Land, the Visitor Economy and Retailing

Issue 7a – Employment Land – Policy LP5

Q1. Should the Local Plan set out the requirement for employment land in the same way as it does for housing? Is the OAN/requirement intended to be 23ha?

The Committee believes the supporting text prior to Policy LP5 is sufficient to explain the rationale for the requirement for employment land. The OAN for FTE jobs, at 11,894, is set out at Table 10.3 (page 110) in the ENA (**E008**). The subsequent conversion of jobs to land is partially set out in the ENA (para 10.17-10.32), but the Committee's full approach to calculating the need for land is set out in PS.EVR5. This identifies (para 3.21) that 55.5ha of allocations is an appropriate sum to meet the baseline jobs forecast, and can be regarded as the OAN for employment land (albeit PS.EVR5 does not explicitly use that phrase). This figure is higher than 23ha, because the 23ha figure is based on a simple translation of job growth forecast into land needed. It does not include allowances for losses or flexibility/buffer, unlike the 55.5ha figure which does.

Overall, it is considered the plan is clear, both in policy terms and an explanation of the reasoning for the policy, in line with expectations in the Act and national policy. It is not apparent the plan is 'unsound' due to a lack of clarity or effectiveness, for example. If the reader wants an in-depth understanding of the calculations, then PS.EVR5 would be a good starting point, followed by the ENA for a greater detailed understanding.

Q2. Policy LP5 allocates 153.1ha of employment land on Strategic Employment Sites (SES) and Employment provision on Sustainable Urban Extensions (ESUEs). Given the need identified in the ENA is this appropriate and justified?

Yes.

As set out in **PS.EVR5**, it is accepted that an over-provision of employment land is made in the Local Plan, compared with the identified need. However, **PS.EVR5** explains (p13-17) that this overprovision is due to:

- sites allocated already having the benefit of consent (and thus it would be nonsensical to not allocate them, as there is no clear evidence that they are unlikely to come forward); and
- the need to make provision for an element of employment land within the SUEs.

Q3. Is the job target of 11,894 justified? How much of this will be achieved from development proposals in the Local Plan, including employment sites?

Yes. The ENA (E008) is a comprehensive evidence report, which culminates in a baseline job growth forecast of 11,894 FTE jobs.

Chapter 10 (and Appendix 7) of the ENA also provides details of how jobs forecasts are converted to land. This explains that not all jobs will come forward via 'B-class' development, and an appropriate allowances are made accordingly.

Q4. How were the sites selected? What factors were taken into account? Where is this evidenced? Has a robust process been followed including the consideration of alternatives?

PS.EVR5 answers all of these questions, together with alternatives as set out in the Sustainability Appraisal.

Q4.a How were the Established Employment Areas (EEAs) selected? What factors were taken into account? Are they justified?

See pages 18-22 of PS.EVR5.

Q5. What evidence is there that the amount of land proposed for employment is deliverable and likely to be developed over the plan period? Is the overall strategy for job growth and employment appropriate and justified, and does it adequately reflect the existing and future needs of rural businesses?

It is always extremely difficult to predict the rate at which employment land will be delivered, even more so than dwellings delivery.

However, due to the over-allocation of land, it should not matter if all sites do not fully get delivered in the plan period. Indeed, perhaps only a third to half need do so, in order to meet the forecast growth in jobs.

That said, we are not aware of any fundamental evidence which states the allocated sites are not deliverable, so it will be for the market to take forward the sites as it sees fit to do so, set within the positive framework of the Local Plan.

The future needs of rural businesses are well accommodated for, through:

- LP2 (which permits small scale employment on non-allocated sites in levels 3-6 of the hierarchy)
- LP4 (which includes two specific sites as an 'agri-food enterprise zone', as well as more generic supportive policy, such as expansion of existing businesses)
- LP55 – Part E (which supports rural enterprises)
- LP55 – Part F (which supports agricultural diversification)

The overall strategy for job growth and employment is appropriate and justified.

Q6. How much of the allocated employment land has extant planning permission?

Please see the Committee's response to Q12a of the Inspector's Initial Questions (**ED004**)

Q7. What is the rationale for seeking employment land on most of the SUEs, and will this be deliverable?

Please see response to Q4 of Matter 4

[relevant parts repeated here for ease of reference:

In some cases, the requirement for a particular SUE replicates the principles of a consented scheme. For the other SUEs, the requirements are a result of lengthy discussions over many years

with the promoters of each SUE, to reach a position whereby an agreed set of principles are supported by key parties (the committee, the applicable district Ipa and the promoter). The exception is perhaps the South-West Quadrant SUE, which has only been progressed as an option over perhaps the last 12 months, though in that time period considerable progress and agreement has been reached with the key parties. As can be seen by the Topic Papers ((E014A2 – E014H2), the content of the SUE policies are almost 100% supported by the applicable promoter.

The rationale for requiring employment land within the SUEs is set out from mid way down page 15 of the document 'LP5 Delivering Prosperity and Jobs - Evidence Report' (PS.EVR5).

Q8. Why does the Sleaford South Quadrant SUE contain no employment land?

Partly because it has consent (with no employment land provided for within such consent), but also for reasoning as set out at 9.3.2 of the Local Plan.

Q9. For clarity should the amount of employment land be listed alongside dwelling numbers in Policy LP3? Is reference to an 'appropriate amount of employment land' specific enough to be effective?

Having reviewed the opening sentence of LP3, the Committee accepts it could be clearer, and therefore more effective.

It therefore suggests (modification Main/SC25) to replace:

~~“The Local Plan facilitates the delivery of 36,960 new dwellings and an appropriate amount of employment land over the plan period 2012–2036, distributed as follows”~~

With

“The Local Plan’s strategic aim is to facilitate the delivery of 36,960 new dwellings and the creation of 11,894FTE net new jobs over the plan period 2012–2036, distributed as follows”

The Committee does not consider stipulating an employment land figure is appropriate in this policy, because fundamentally the plan (including the dwelling target) is based on achieving the job target of 11,894FTE net new jobs (not an employment land target). LP5 is the appropriate place to convert jobs to land and subsequently to employment allocations. It is also the job growth forecast which will be monitored closely, especially due to its implications as to whether LP54 provisions are triggered.

Issue 7b – Local Employment Sites – Policy LP5**Q10. What is intended by ‘the amenities of the area’ in Policy LP5? Is this policy effective as currently worded?**

Amenities issues which would need to be considered are set out in LP26.

However, it is accepted the wording of the second bullet point under LES part of the policy could be better phrased, and a suggested modification (Main/SC/26) is as follows:

- “their scale does not harm the character ~~and/or amenities~~ of the locality and/or the amenities of neighbouring occupiers; and”

Issue 7c – Loss of Employment Sites to Non-Employment Uses – Policy LP5**Q11. What is the justification for retaining the established employment areas in Policy LP5?**

The policy itself briefly explains why the sites are in need of protection. Table 3 and 4, from page 19 of **PS.EVR5** sets out further specific reasoning for why each site has been selected for protection (table 3) and which other sites were considered, but rejected, for protection (table 4).

Q12. The first criteria requires consideration of “...whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the catchment area the site or building would likely serve...” How is the catchment area defined? Is the policy effective?

The catchment area is intentionally undefined, because it will be a matter of fact and degree in each specific case. For example, a small employment area, in the Lincoln urban area, close to other employment locations, would mean the decision maker would likely determine that the site has a small catchment area (at most the Lincoln urban area, but potentially less), with potentially minimal impact due to the availability of other employment locations nearby.

However, if a settlement had only one employment area, and surrounding villages had no employment provision of note, then it would be reasonable for the decision maker to interpret the policy to mean a fairly significant catchment area, and with subsequent significant implications if the site was lost. It would be inappropriate to attempt to define what the 'catchment' area was in the policy, as no two situations would be the same. But the policy is appropriately worded for a decision maker to make a judgement as to what reasonable catchment area the employment area would cover, and what subsequent impact would be if it was lost.

Q13. The final criterion requires a marketing exercise based on the lawful use of the premises. What if there is no demand for a B8 use but there is for a B1 or B2 operator? It is intended that all 4 criteria would need to be met or just one? Does the Policy achieve its aims and objectives in this regard? Is this policy effective?

This part of the policy is intentionally flexible, and, read as a whole, clearly does not mean all the bullet points need to be met. The opening sentence explicitly states proposals ‘*will be considered*

on their merits taking account of' the issues raised, or evidence provided, as suggested by the bullets.

The policy does not require the bullet points to be met, in part or full, or even for evidence to be provided for all the bullet points. But it is giving a clear indication to the applicant that, if evidence is provided, this will assist the decision maker in determining whether it is an appropriate proposal. If no evidence is provided, then the decision maker would, on a precautionary basis, potentially lean to refusing a proposal, because there is no justification or evidence to support the loss of employment use. Overall, the policy is intentionally flexible, and recognises that no two sites are the same.

Whilst responding to this question, it is apparent that there is the potential for misinterpretation of the policy in respect of allocated and non-allocated employment sites. This part of Policy LP5 is not intended to apply to allocated sites (indeed, if it did, it would contradict the policy wording for SESs, ESUEs and EEAs). As such, in the opening sentence, the policy needs a modification (Main/SC/27) so as to avoid the potential for confusion and thus be more effective, as follows:

“Conversion and redevelopment of, or change of use from, existing non-allocated employment sites...”

The policy seeks to ensure that valuable employment areas are not lost to other uses and will enable businesses to invest in the area in confidence. It is considered that the policy as currently worded achieves this aim and objective and is effective.

Note: some changes of use between the various B classes do not require consent, and this policy does not over-ride any national such policy.

Q14. Is Policy LP5 consistent with paragraph 22 of the Framework which states 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? Does it provide the necessary flexibility?

Yes.

As PS.EVR5 sets out, a thorough process has been undergone so that only appropriate sites are protected for employment use. Additional EEAs could have been identified for protection, for example, but as PS.EVR5 explains, only the most important ones have been.

In terms of the part of the policy entitled ‘*loss of employment sites and buildings to non employment uses*’, the policy allows for conversion to non-employment uses on their merits – it is considered a suitably flexible policy, though appropriately prevents an automatic right to convert employment land to other uses.

Issue 7d – Retail and Town Centres – Policy LP6**Q15. What criteria have been used to determine the hierarchy of centres? Does this relate to the size and existing provision within settlements?**

The hierarchy is based on the City and Town Centres Study 2012 (**E019**), particularly section 5 (see page 26-39) and section 10 (see page 98-101) and Update 2015 (**E019A**), particularly section 4 (see page 26-32) and Appendix 1 (see page 1-5). The policy also cross refers to the Spatial Strategy and Settlement Hierarchy.

Q16. Have the town centre boundaries, primary and secondary shopping frontages, and secondary shopping areas been appropriately defined in Lincoln, Gainsborough and Sleaford?

Boundaries have been defined based on the City and Town Centres Study 2012 (**E019**) particularly Appendix 9 with cross reference to the Update 2015 (**E019A**) particularly Appendix 1. A 'sense check' was also undertaken with officers at the district authorities.

Sleaford and Gainsborough town centres and primary shopping areas have been clearly defined.

Lincoln has a much larger and more complex centre with a defined City Centre Primary Shopping Area and primary and secondary shopping frontages. These are located within a much larger Central Mixed Use Area where a wider range of uses are supported, offering greater flexibility.

For all three settlements, policies make clear which uses will be permitted in which designated centres, as required by NPPF.

Q17. Should Policy LP6, or elsewhere in the Local Plan, set out a requirement for additional convenience and comparison floorspace as established by the Central Lincolnshire and Town Centre Study Update? How will this be delivered?

Retail forecasting is notoriously difficult, especially beyond the short term. For example, no significant group of bodies predicted the recent, and relatively quick and massive shift of the supermarkets from seeking large scale out of centre 'superstores' to small scale 'local' format stores.

As such, rather than stipulating some form of fixed floorspace target(s) in the Local Plan, that could easily become quickly dated, a more flexible approach involving boundaries, mixed use areas, and primary and secondary shopping frontages have been set which ought to be able to accommodate demand and 'forecast' additional floorspace requirements.

If time and applications prove this not to be the case, for all forms of proposals, then the policy (second half) is suitably flexible to allow for consideration of out-of-centre and edge-of-centre locations.

Q18. Is the requirement for 'other town centre uses' to carry out a sequential test consistent with the Framework?

Para 24 of the NPPF states that the Local Planning Authority should apply the sequential test to planning applications for main town centre uses (as defined by Annex 2). Policy LP6 as submitted refers to applying the sequential test to 'retail and/ or other town centre uses', meaning all 'main town centre uses' as listed in Annex 2 of the NPPF.

However, to avoid any misinterpretation, the Committee makes the following suggested modification (part of modification Main/SC/28):

"Development proposals for ~~retail and/or other~~ main town centre uses in ..."

Q19. Where an impact assessment is required, Policy LP6 refers to retail proposals. Is this consistent with paragraph 26 of the Framework which refers to applications for retail, leisure and office developments? Does it need to be?

The Committee agrees that the policy is not consistent with national policy. As such, a suggested modification (part of modification Main/SC28) is made:

“In addition, a robust assessment of impact on nearby centres will be required for any ~~retail proposal~~ **main town centre use** that:”

*Note: The Committee notes that the above modification is not an identical replication of words used in the NPPF (which, for reasons the Committee is not clear, refers to ‘retail, leisure and office’ developments rather than ‘main town centre uses’), but the phrase ‘main town centre use’ is considered more appropriate and ensures consistency throughout the plan. If the Inspector feels that the NPPF should be replicated exactly then the Committee has no objection to the modification being “In addition, a robust assessment of impact on nearby centres will be required for any ~~retail proposal~~ **retail, leisure and office developments** that:”*

Q20. How have the thresholds and locations for impact assessments been derived? What are they based on?

Thresholds have been set in accordance with the tiered approach set out in the Central Lincolnshire City and Town Centre Study (E019) (see page 100-101), apart from the element ‘within 1km of Lincoln city centre boundary’ where it is considered that the national, default threshold should apply. This is because, unlike the Study’s conclusion, the Committee believes that Lincoln City Centre is of such a scale and strength, that moderate scale ‘main town centre use’ developments (i.e. less than 2,500m²) near the city centre would not undermine the city centre’s viability or vitality.

In answering this question, it is felt that the structure (rather than intention) of this part of the policy could be better presented, as follows (part of modification Main/SC/28), which also incorporates modifications in response to Q18 and Q19:

“Development proposals for ~~retail and/or other~~ **main** town centre uses in out-of-centre and edge-of-centre locations will be required to demonstrate their suitability through a sequential site test in line with the NPPF. In addition, a robust assessment of impact on nearby centres will be required for any ~~retail proposal~~ **main town centre use** that **is located**:

- a. ~~Provides a floorspace that is greater than 500 m² gross unless it is located within 1km of Lincoln city centre boundary and is greater than 2,500 m² whereby a 2,500m² threshold applies; or~~
- b. Is located within 500 m of the boundary of a District Centre and is greater than 300 m² gross; or
- c. Is located within 500 m of the boundary of a Local Centre and is greater than 200 m² gross; **or**

d. Is located in any other location not covered by a-c above and is greater than 500 m².

Q21. In accordance with paragraph 23 of the Framework does the Local Plan set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres?

Yes.

Policy LP6 states how proposals in out-of-centre and edge-of-centre locations should be determined and is considered to reflect the sequential approach as set out in the NPPF, whereby main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Issue 7e – Sustainable Visitor Economy – Policy LP7

Q22. Does Policy LP7 need to recognise that some visitor sites are location specific, for example, their operation needs to be situated close to a particular area and so cannot always be located within existing settlements?

Policy LP7 addresses this point already.

It states that development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that such locations are unsuitable for the nature of the proposal.

No further wording is necessary.

Q23 Does Policy LP7 need to set out how a decision maker would respond to development that seeks to expand or consolidate an existing visitor facility?

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities will be supported, subject to a number of criterion and a distinction is not, and need not be, made between new or existing facilities.

Q23.a Does the Local Plan adequately take into account the role and function of Market Rasen Racecourse?

The Committee is of the view that Policy LP7 adequately takes into account the role and function of Market Rasen Racecourse. The policy recognises the rural nature of some visitor attractions and makes specific reference to sporting attractions.

If the racecourse seeks permission for development proposals in the future, LP7 provides an appropriate framework and starting point to consider such proposals.

Issue 7f – Lincolnshire Showground – Policy LP8**Q24. What is the current status of the Local Development Order (LDO)?**

It is understood, following a discussion with West Lindsey District Council officers (West Lindsey DC being the applicable body to progress this LDO), that no formal stage has been reached on progressing the Showground LDO at the present time, but, working with the Showground, progress is hoped to commence formally in 2017/18.

Q25. What are the specific uses and thresholds in Policy LP8 based on? Are they justified and appropriate?

The uses proposed in this policy are considered complementary to the main showground use and existing development on the site – specifically the existing Epic Centre (exhibition and conference space), the existing Bishop Burton college campus and the existing recently built ‘eco’ housing development by Gusto Homes. The quantum of development has been informed through consultation with West Lindsey District Council, existing occupiers and the Lincolnshire Agricultural Society as site owners.

Space is required for the further expansion of the Agricultural College and for related B1 units. This is also consistent with priority sectors for economic growth within the LEPs Strategic Economic Plan (agri-food). Hotel and conference facilities are also consistent with the main showground use which promotes a major events programme attracting large numbers of visitors (over 60,000 per year) to the area. A study in 2009 by Locum Consulting, ‘Opportunities for Hotel Development In Lincolnshire’ confirmed a need for a hotel in this location. The proposal to host the air-show at nearby Scampton RAF base from 2017 will create further need and demand for hotel space in the area. Again, this is consistent with the SEP, which identifies expansion of the visitor economy as a priority for growth.

Q26. Policy LP8 states that a masterplan will be ‘welcomed’ – is this effective? Is a masterplan necessary, if so, should it be reflected in the plan?

The word ‘welcomed’ is intentional, in that it is not required prior to submission of proposals for the site. But, if a masterplan is produced, that would be supported and the applicable council (West Lindsey) would respond to it positively and constructively. It may also assist future investment decisions of the landowner.

The wording of the Policy has been developed with, and is supported by, the applicable council (West Lindsey).