

Examination of the Central Lincolnshire Local Plan 2018 – 2040 Hearing Statement.

Matter 11 – Employment and Economic Development.

On behalf of Persimmon South Yorkshire

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1. Introduction.

- 1.1. This Hearing Statement has been produced by Pegasus Group on behalf of our client, Persimmon South Yorkshire. It focuses upon the Inspectors Matters, Issues and Questions which relate to our previous representations.
- 1.2. Our client wishes to ensure that the Central Lincolnshire Local Plan (CLLP) is prepared in a robust manner that passes the tests of soundness contained in paragraph 35 of the 2021 NPPF, namely that the plan is:
 - Positively Prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.3. The CLLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.4. Our client submitted representations to previous stages of the Local Plan Review production including the Regulation 18 Draft Local Plan Consultation (June 2021) and Regulation 19 Proposed Submission Local Plan Consultation (March 2022). Despite the issues our client has identified with the CLLP, the amendments made to the plan do not reflect the comments which we have made. Accordingly, the Joint Strategic Planning Committee (hereafter referred to as the JSPC) have not overcome the issues identified and we therefore believe the CLLP is unsound.
- 1.5. Persimmon are one of the largest home builders in the country with an excellent track record of delivery. Our client has a direct interest in respect of their site at Land to the East of Station Road, North Hykeham (ref: NK/NHYK/009). Our previous representations identify why this site should have been selected for allocation.

2. Response to the Inspector's Matter 11 Issues and Questions.

- 2.1. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions (MIQs) and provide the following responses to selected questions. Our client reserves the right to respond to specific issues raised by the JSPC and other parties within the hearing session in so far as they relate to our previous representations.

Issue 4: Important Established Employment Areas – Policy S31

Q1: How were the sites selected and has a robust process been followed including the consideration of alternatives?

- 2.2. As articulated within Policy S31 and the Employment Policies S28–S34 Evidence Report (March 2022) (EVRO28–O34), Important Established Employment Areas (IEEA) have been defined and selected as sites located in tiers 1–4 of the Settlement Hierarchy, measuring 2ha or more, and with at least 7,500 sq. m. of ground floor space.
- 2.3. This blanket approach to site selection strictly focuses on a site's location, overall size, and the amount of ground floor space it accommodates. What this approach fails to take into account are the factors which are key in establishing what makes employment areas 'important', such as the quality of its floorspace and the subsequent value it provides the Central Lincolnshire economy; and the site's long-term future potential over the Plan Period. On this basis, it is not considered that a robust process has been followed to site selection.
- 2.4. For example, a site could be located within tiers 1–4 of the settlement hierarchy, measure 2ha or more, and accommodate over 7,500 sq. m of ground floor space, however the actual value of that site to the Central Lincolnshire economy could be very little. In such a case, the IEEA allocation places great importance on the site than perhaps more than it is worth in real terms. Similarly, a site could meet the IEEA criteria and currently be performing well as a strategic employment site, however the use of the site could change within the Plan Period which means the site ceases operation. In such a circumstance, the IEEA allocation would place greater importance on the site, above its actual worth to the Central Lincolnshire economy.
- 2.5. Our client's site is partially covered by a narrow strip of IEEA which links an area to the north of the railway line with a much smaller parcel to the south (see figure 1). The identified employment area of the site was formerly occupied by Lincoln Castings and all buildings associated with its former use have since been demolished. The formerly developed area is small at just 0.68ha and its loss would be negligible in terms of the wider designation and district-wide supply. In addition, the size of this parcel means it is unlikely to be attractive to most B2 and B8 uses as identified in Policy S31.
- 2.6. The March 2020 'Economic Needs Assessment Update' (ECO01) suggests an indicative need for 11.6ha of additional employment land over the plan period (2018 to 2040). However, Policy S29 identifies that proposed strategic sites provide a net undeveloped (May 2020) capacity of a further 97.27ha of employment land. Whilst a buffer is required for churn and choice this is over 8 times the indicative requirement. The loss of this small element would therefore neither impact upon the existing Employment site (LN6) nor create any harm to the delivery of economic growth.

Figure 1: Site and Employment Area designation



- 2.7. If Important Established Employment Areas are to be retained, the site selection process needs to be more robust to consider both a sites existing condition and short-term opportunity as an important employment site, as well as the longer-term plans and potential for the site within the Plan Period, accounting for the potential for the operation of sites to change over time. This approach would ensure sites are not burdened by the IEEA designation if its role as an employment site changes during the Plan Period.
- 2.8. Paragraph 86(d) is clear that planning policies should be flexible enough to accommodate needs not anticipated in the plan.
- 2.9. Whilst it is acknowledged that Policy S31 incorporates a degree of flexibility for development within IEEA, in the case of our clients site the accepted uses are restrictive and do not account for the sites' significant sustainability credentials nor the scale of this parcel of the IEEA. The site is highly sustainable; comprising previously developed land positioned within the Lincoln Urban Area, served by a range of public transport options including the nearby North Hykeham Railway Station, and the significant number of services, facilities and amenities which the area has to offer. It is considered the site would be suitable for a wider range of uses than those prescribed by Policy S31, including residential.
- 2.10. We consider Policy S31 unduly restricts development of the site to B2, B8 and E(g) uses primarily, and greater flexibility should be provided to enable the plan to deal with sites such as our clients.
- 2.11. The Employment Policies S28-S34 Evidence Report (March 2022) identifies the alternate option to not designate IEEAs and to rely on national policy to ensure employment is directed to the most sustainable and appropriate locations. This alternative is considered to be appropriate in the case of our clients' site which is now considered to be an inappropriate

location for employment development, and more suitable for a range of main town centre uses.

Q2: Is it clear to decision-makers, developers and local communities how applicants for planning permission should demonstrate that any loss would not have an unacceptable impact on the overall supply of employment land or premises?

- 2.12. No, while Policy S31 is clear in relation to the situations where the loss of business uses under B2, B8 and E(g) use classes would be supported, it fails to clearly confirm how it should be demonstrated that any loss would not have an unacceptable impact on the overall supply of employment land or premises.
- 2.13. Consequently, Policy S31 takes a broadly restrictive approach to the loss of B2, B8 and E(g) use classes, notwithstanding that there may not be any material harm arising from such a loss to the overall supply of employment land or premises.
- 2.14. This is of concern, particularly because the Local Plan seeks to allocate significantly more employment land than required, as the Inspector notes in Matter 6, Issue 5, Q5. Therefore, it is highly probable that losses of B2, B8 and E(g) use classes may not have any material adverse impacts to the overall supply of employment land or premises.
- 2.15. Of further concern is the restriction of other E class uses, beyond E(g) unless the sequential test is passed or unless the proposed use is clearly ancillary to existing uses on site. This restriction contradicts the UK Government's aims of the Use Classes Order amendments introduced in September 2020. The aim of the introduction of Class E was that any change of use of a building or land between those uses falling within the new E use class will not constitute development and will therefore not require planning permission. This flexibility introduced by the UK Government enables the property market to be responsive to changing economic circumstances.

Q3: What is the justification for suggested modification MMSC7? Is it necessary for soundness?

- 2.16. The proposed modification does not address the concerns we have raised with Policy S31 within this Hearing Statement.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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