

Tending Local Plan 2033 Examination: Supplementary Statement of TW Logistics Ltd

We wish to register an interest to participate in the following hearings session:

Matter 7: Prosperous Places

Our interest concerns Mistley Port and Mistley Marine and Policy PP6.

It is our understanding that the position is the Council in its Proposed Modifications is:

- deleting the policy, inset maps and supporting text associated with Mistley Port and Marine;
- identifying existing Employment Land on the Policies Maps and Local Maps, including Mistley Port and Marine;
- deleting the original policy wording PP6 and inserting a new policy wording for PP6.

In relation to Proposed Modifications to Policy PP6, the Matters and Issues and the Schedule of Representations and Council's Responses [RR7, pp 14-18], our submission is some of the Proposed Modifications to Policy PP6 are not sound or effective.

In relation to the deletion of the original consultation draft policy criterion PP6(d):

"d. Will resolve existing conflicts between land uses;"

The deletion of this criterion is unsound. The deletion is also unexplained as the new modified policy wording is expressed in the alternative, unlike the original consultation draft policy wording.

None of the published Representations on the consultation draft object to this specific criterion.

In considering its response to PP6 objections, the Council includes the following comment:

"Criteria d) then also requires the development to resolve existing conflicts between land uses, which is not always relevant or possible." [RR7, p17]

We agree this is correct. However, the original consultation draft policy set out a series of criteria to be met in all cases, whereas the modified policy sets out alternative criteria to be met in different cases.

It is unsound to delete criterion PP6(d) as it is an important criterion in some cases and the requirement to avoid and resolve land use conflict is a key objective of good and sound planning.

The new reference to land use conflict in the modified policy PP6 is different in substance. The modified requirement is a reference to the avoidance of creating land use conflict. The original requirement was a reference to facilitating the resolution of existing land use conflict. Both are important.

There is no evidence base to justify deleting this policy criterion. The employment sites falling under Policy PP6 have not been assessed for land use conflict.

Consultation draft policy criterion PP6(d) should therefore be reinstated as a third alternative policy criterion to render the modified policy sound. This is shown below.

In relation to the new wording in modified policy criterion PP6(b):

“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”

We are concerned this criterion may produce an ineffective weighting exercise, if it has the effect of discounting from consideration potential employment use of the protected site.

For example, the Council references in its response document the intention: *“3) the change to a non-employment use would bring about other wider regenerative benefits that would outweigh the concerns about the loss of the existing use”* [RR7, p17]. This comment suggests the criterion could prove ambiguous in interpretation, as it is unclear whether “the existing use” includes potential employment uses of an employment site.

We are also not clear what “potential” in “potential loss” means as a loss of a protected site, in whole or in part, is contemplated by PP6(b).

We propose a revised wording below to render the modified policy effective.

Other amendments to modified policy PP6:

The original policy wording stated “considered acceptable”, whereas the new modified wording states “considered” only. We believe it would be correct to state “permitted”.

Proposed amendments

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 B2 (General Industry) and B8 (Storage or Distribution) purposes.

Proposals for employment uses falling outside of use classes B2 or B8 (such as retail, offices, 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~~ **permitted** 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 **for existing or potential employment uses; or**

c. the alternative use will resolve existing conflicts between land uses.

If criteria a) or b) **or c)** 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.

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