

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

TOPIC PAPER 4: EMPLOYMENT LAND

October 2020

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Executive Summary

This Topic Paper has been prepared by Tendring District Council for the purposes of the independent examination for Section 2 of the Tendring District Local Plan 2013-2033 Publication Draft – hereafter the ‘emerging Local Plan’. It deals with the subject of ‘Employment Land’ for predominantly business and industrial uses; providing an update on the current employment land position in Tendring and the changes since the submission of the emerging Local Plan to the Secretary of State in 2017 that might warrant amendments to relevant policies.

Much of the commentary, findings and suggested amendments set out in this paper is based on the content of a report on employment land presented to, and endorsed by, the Council’s Planning Policy and Local Plan Committee on 29th October 2020 with further updates included as necessary.

This paper reports on the findings of the latest Employment Land Review undertaken in 2019 on behalf of the Council by consultants Hatch Regeneris and its implications for the content of the emerging Local Plan. This paper also considers the representations received in 2017, the latest evidence and government changes to the Use Classes Order and recommends amendments to relevant policies in the plan for the Inspectors’ consideration as potential Main Modifications.

The requirement for employment land for the plan period 2013-2033 has been confirmed, through the Inspector’s proposed Main Modifications to Policy SP4 in Section 1 of the Local Plan, as being between 12 and 20 hectares. Policy PP7 in the Section 1 Plan, as submitted, made provision for around 20 hectares of employment land for the plan period however it did not provide a full account of the land available for employment use, including sites already benefitting from planning permission. It is suggested that the policy should be updated to ensure it does identify the full range of available land, which actually represents close to 37 hectares – a significant over-allocation against projected requirements which provides flexibility and choice across different parts of the district to maximise opportunities for attracting inward investment and business expansion.

Policy PP6 in the Section 2 Plan deals with the protection of existing established or operational employment sites however the policy was criticised through some representations on the plan for being confusing in its criteria and unclear as to the location and extent of the sites being protected. The Council accepts some of these criticisms and suggests both amendments to the policy to improve its clarity and additions to the policies maps and local maps to be explicit in identifying the sites to be protected – informed by the findings of the Employment Land Review.

The information set out in this topic paper demonstrates that the Council can identify more than sufficient land to meet the projected needs for employment within the plan period to 2033 and that, with suggested amendments to relevant policies, the emerging Local Plan will provide a robust and suitably flexible planning framework for protecting existing sites, encouraging inward investment and delivering upon the Council’s objectives for job creation.

Part 1: The employment land requirement

- 1.1 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 and submitted, the plan proposed 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 questioned the source of these, as well as Braintree's figures and asked the Council to review its evidence to either justify the 20-38ha range, or to establish a more up to date figure based on the latest projections.
- 1.2 In reviewing the evidence, the Council 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.
- 1.3 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.
- 1.4 To provide an updated account of likely employment land demand for the purposes of the examination hearings, Peter Brett Associates (PBA) 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, the Councils 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.
- 1.5 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. This change has progressed to being one of the Inspector's Main Modifications.
- 1.6 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 (in different parts of the district) for inward investment to maximise the changes of attracting new businesses to the area and enabling existing businesses to grow and diversify.

- 1.7 In conclusion, the requirement for employment land in Tendring for the period 2013-2033 is 12 to 20 hectares as set out in the Modified Policy SP4 or, at worst, 8 hectares as indicated in the updated Employment Land Review – a requirement that can be comfortably met and exceeded, as demonstrated in the following parts of this paper.

Part 2: Findings of the 2019 Employment Land Review

- 2.1 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 policies on the protection and allocation of employment land for business and industrial use including B1 (Business) (as was, prior to September 2020 changes to the Use Classes Order), 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 was subdivided in B1a) (Offices), B1b) (Research and Development) and B1c) (Light Industrial) before it was moved into new Use Class E through September 2020 changes to the Use Classes Order – the implications of which are discussed elsewhere in this paper.
- 2.2 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 Aspinal Verdi and that update informed the content of the 2017 publication draft, as 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 Tendring.
- 2.3 The [2019 Employment Land Review](#) 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.
- 2.4 In 29th October 2019, the findings of the 2019 ELR update were reported to the Council's Planning Policy and Local Plan Committee and were summarised 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.

2.5 The main implications arising from the updated evidence in the 2019 ELR update are, as explained in Part 4 of this paper below, that the Local Plan continues to make more than adequate provision for the projected employment land requirements up to 2033 with many opportunities for longer-term growth available. Also, as explained in Part 3 of this paper, there remains a need to protect the majority existing operational employment sites from loss to non-employment uses as they continue to play an important role in meeting the needs of existing businesses.

Part 3: Protection of existing employment sites

- 3.1 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 (now E), B2 and B8 use and which already provide valuable local employment.
- 3.2 Policy PP6, as worded in the publication draft as submitted, 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 (including TW Logistics ref: LPPuD289, Briton Properties Ltd ref: LPPuD383 and Mistley Parish Council ref: LPPuD200) suggested that the protected employment sites should be shown on the maps. On reflection, the Council does agree that the plan, whilst not unsound in its current state, would be much 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.
- 3.3 Tendring's existing employment sites are considered to include the following:
- 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;
 - 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;
 - Moses 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.
- 3.4 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 for example 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, the Council is not suggesting that the protection be removed from those sites in the current Local Plan; but the consultants comments are noted and there may be a point in the future where alternative uses for those sites might need to be considered.

- 3.5 The Council suggests that the Local Plan is amended to show all of the above-listed sites on the policies maps and local maps and, with the full endorsement of the Council's Planning Policy and Local Plan Committee, the Inspectors are invited to consider this as a potential Main Modification to the Local Plan.
- 3.6 Policy PP6 itself, 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):
- a) Will not have an adverse impact on the primary employment use(s) in the locality;
 - b) Will not reduce the overall supply and quality of employment land and premises within the locality;
 - c) Will deliver economic regeneration benefits to the site and/or area;
 - d) Will resolve existing conflicts between land uses; and
 - e) 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.
- 3.7 Because the policy as written 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 (including Stanfords ref: LPPuD442) have highlighted this concern and have suggested that the policy would be better if it were simplified. The Council agrees 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. Again, the Inspectors are invited to consider amendments to Policy PP6 as potential Main Modifications.
- 3.8 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, the Council considers that these criteria would better fit Policy PP13: 'The Rural Economy' and recommend amendments to that effect, for the Inspectors' consideration.
- 3.9 Finally, the incorporation of B1 (Business) Use into a new Use Class E in September 2020 requires some amendments to Policy PP6 to ensure that development best suited to a town centre location, such as retail use, is not directed to out of town employment sites without following the sequential 'town centre first' thrust of national and local policy.

3.10 The suggested amendments to Policy PP6 are set out below in the form of tracked changes:

Policy PP 6

EMPLOYMENT SITES

The Council will seek to protect existing employment sites, as ~~set out in the Council's current Employment Land Review 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 and uses that are classified as sui generis if they are akin to employment type uses and also where appropriate A1 (Retail).

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 acceptable if they clearly demonstrate that the alternative use(s):

- a. ~~Will not have an adverse impact on the primary employment use(s) in the locality;~~*
- b. ~~Will not reduce the overall supply and quality of employment land and premises within the locality;~~*
- c. ~~Will deliver economic regeneration benefits to the site and/or area;~~*
- d. ~~Will resolve existing conflicts between land uses;~~*
- e. ~~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.~~*

Proposals for retail and town centre on these sites will also be subject to the requirements of Policies PP1 – PP5 (inclusive) of this Local Plan.

- 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.

~~*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.*~~

This Policy contributes towards achieving Objectives 2, 4 and 6 of this Local Plan

3.11 The location and extent of the employment sites to be protected through this policy and suggested for inclusion on the policies maps and local maps are to be shown in a separate Topic Paper dealing specifically with suggested mapping changes.

3.12 It is suggested that some of the criteria proposed for deletion from Policy PP6, as suggested above, are best placed within Policy PP13 'The Rural Economy' and that the Policy be worded as follows (again shown in tracked changes):

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:

- e. the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;*
- f. 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;*
- g. 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);*
- h. proposals which would create a significant number of jobs should be readily accessible by public transport;*
- i. 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*
- j. early years and childcare provision.*

This Policy contributes towards achieving Objectives 2, 6, 8 and 10 of this Local Plan.

Part 4: Allocation of new employment sites

4.1 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.

4.2 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

4.3 The inclusion of these particular sites was informed by the findings of the 2016 Employment Land Review undertaken by Aspinal Verdi, but on reflection the Council considers 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 in 2020 to attract 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.

4.4 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. The Council therefore suggests 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 (with a bespoke designation to be shown on the policies and local maps).

4.5 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 (ref: LPPuD362). 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 the Council suggests an amendment to the policy (and Map SAE7) to include this correction.

4.6 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).

The source of the suggested 6ha and 4-24ha is not clear from the evidence base in respect of the Tendring Borders Garden Community, however the Inspector's findings in relation to the Section and subsequent proposed Main Modifications (MM18 to Policy SP7) now confirm that the Garden Community is expected to deliver 7 hectares of employment land within the plan period up to 2033, of a total 25 hectares overall. 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 - an approach more consistent with that taken by Colchester Borough Council in its Section 2 Local Plan.

- 4.7 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.
- 4.8 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' to provide more clarity over its precise location.
- 4.9 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 17/01181/OUT for the wider site that includes the erection of up to 485 dwellings, up to 2 hectares of employment land, 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. 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.
- 4.10 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 (with Horsley Cross being the preferred location).
- 4.11 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.

Other sites benefiting from planning permission

- 4.12 Whilst Policy PP7 currently identifies some sites with the potential for employment use, there are numerous other sites that benefit from planning permission 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 are described below.
- 4.13 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.
- 4.14 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 which is now under construction. 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.

Note: A separate Topic Paper is being prepared by the Council on the Hartley Gardens development which will contain more detail about the potential for additional employment land and how it might come forward for development.

- 4.15 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.

- 4.16 Land at Dale Hall, Lawford benefits from planning permission (13/00452/OUT) for the erection of 150 houses which have been completed (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.
- 4.17 Land to the east of the Plough Road Business Centre in Great Bentley 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 also the subject of an approved reserved matters application (19/01440/DETAIL). 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.
- 4.18 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.
- 4.19 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 is the subject of a current application 19/01706/OUT

to enable the relocation of EDME Maltings from its outdated premises in Mistley. 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.

Suggested amendments to Policy PP7

4.20 Given the above analysis of employment sites across the district, the Council suggests that Policy PP7 could be amended to reflect the full 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 suggested amendments, for the Inspectors’ consideration as potential Main Modifications are set out below in the form of tracked changes.

Policy PP 7

EMPLOYMENT ALLOCATIONS

~~New Employment allocations are needed to provide job opportunities for residents in Tendring District and to support the growth aspirations for the towns. To achieve this objective, at least 20 hectares of new employment land is provided for through the allocation of sites listed below, and defined on the Policies Map, to provide for B1 (Business and Office Use), B2 (General Industry) and B8 (Storage and Distribution) uses. The range of uses will allow for diversification of employment opportunities within Tendring District will increase the skills base and retain employees within the towns.~~

~~Proposals for employment development in the B use classes specified will be supported. Sites allocated for employment use will be protected against future loss to alternative uses. Additional sites suitable for small and medium sized businesses will be considered on a site by site basis within settlement boundaries, as defined by the Policy ‘The Rural Economy and in close proximity to public transport nodes’.~~

Employment Allocations

Table 6.1

<i>Name of Site</i>	<i>Local Plan Allocation (ha)</i>	<i>Potential further aspirational growth/growth beyond 2033</i>
<i>Carless Refinery, Parkeston</i>	<i>4.5 ha</i>	<i>0 ha</i>
<i>Stanton Europark, Parkeston</i>	<i>2-4ha</i>	<i>0ha</i>
<i>Tendring Colchester Borders Garden Community</i>	<i>6 ha</i>	<i>4-24 ha</i>
<i>Mercedes Site, Harwich</i>	<i>3 ha</i>	<i>4.4 ha</i>

<i>South of Thorpe Road, Weeley</i>	<i>1 ha</i>	<i>0 ha</i>
<i>Land South of Long Road, Mistley</i>	<i>2 ha</i>	<i>0 ha</i>
<i>Lanswood Park, Elmstead Market</i>	<i>1.2 ha</i>	<i>0 ha</i>
<i>Total Employment Land Area</i>	<i>19—21.8 ha</i>	<i>8.4—28.4 ha</i>

Just over 36ha of land is allocated for new development in use classes 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

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

On these sites, proposals for development in use classes B2 and B8 will be supported. 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.

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.

This Policy contributes towards achieving Objectives 2, 4 and 6 of this Local Plan.

- 4.21 The suggested wording also ensures consistency with Policy PP6 over the uses for which employment sites will be protected and, in light of the incorporation of B1 (Business) Use into a new Use Class E in September 2020 the suggested wording also aims to ensure that development best suited to a town centre location, such as retail use, is not directed to out of town employment sites without following the sequential 'town centre first' thrust of national and local policy.

Part 5: Objections and alternative employment land proposals

5.1 The emerging Local Plan attracted relatively few objections to its employment land policies or alternative employment land proposals when it was published for consultation in 2017. As such, the issue of employment land is not particularly contentious locally – although the Council is very keen to ensure that the policies and proposals in the plan are suitably robust and flexible to ensure the maximum opportunities for job creation, and retention moving into the future and the Council has given very careful consideration to the comments and suggestions that were received.

Comments on Policy PP6

5.2 In respect of Policy PP6, representations were made by:

- LPPuD289 – TW Logistics Ltd: Requesting that protected employment sites be specifically shown in the Local Plan.
- LPPuD73 - Williams Group: Requesting that it be made clearer that Policy PP6 applies to existing established employment sites as opposed to allocated future sites.
- LPPuD383/376 – Britton Properties Ltd: Requesting that the wording of Policy PP6 be simplified and that employment sites are specifically shown in the Local Plan.
- LPPuD424 – Silverton Aggregates: Requesting that the policy be made more flexible, avoiding excessive and unnecessary barriers.
- LPPuD442 – Stanfords: Requesting that Policy PP6 be better defined and that requirements for ‘prolonged’ marketing be removed.
- LPPuD218 – Silverbrook Estates: Requesting that Titchmarsh Marina, Walton on the Naze be allocated for employment growth.
- LPPuD200 – Mistley Parish Council: Requesting that protected employment sites be explicitly shown in the Local Plan.

5.3 The Council believes that it has given these representations proper consideration and whilst it does not propose the allocation of Titchmarsh Marina as an employment site, the suggested amendments to the wording of Policy PP6 and to the policies maps and local maps (see Part 3 of this paper) should address the rest of the issues raised.

Comments on Policy PP7

5.4 In respect of Policy PP7, representations were made by:

- LPPuD53 – University of Essex: Supporting the potential employment land at the Tendring Colchester Borders Garden Community.

- LPPu268 – Tendring Farms Ltd: Supporting the allocation of employment land through Policy PP7 (including the land off Clacton Road/Dead Lane, Mistley which is under their control).
- LPPuD13/15 – Thorpe Hall Leisure Ltd: Requested the inclusion of their ‘Lifehouse Regeneration Project’ (including 1,000 square metres of business units) in the Local Plan.
- LPPuD307 – NEEB Holdings: Requesting the allocation of land at the A120 west of Little Bentley for employment or transport services.
- LPPuD260 – Taylor Wimpey: Requesting the allocation of land north of Colchester Road, Weeley for a mixed-use development including 2.8ha of employment land.
- LPPuD361 – Orion Land and Leisure: Support for the allocation of the Stanton Euro Park site for employment.
- LPPuD427 – Mr. D. Brasted: Requesting the allocation of land at Old Ipswich Road, Ardleigh for employment use.
- LPPuD447 – Croland Developments: Requesting the allocation of land at Horsley Cross for employment use.
- LPPuD481/83 – Carol Bannister: Raising concern over the difference in the employment land requirements in Policy SP4 and the amount of land allocated for employment in Policy PP7 – especially the land at Ash Farm proposed for employment as part of the wider development at Weeley through Policy SAMU5.

5.5 Of these nine representations, three are in support. Mrs. Bannister’s objection to the Ash Farm allocation has been superseded by the grant of planning permission 17/02162/OUT at that site and the Inspector’s conclusions in respect of the employment land requirement set out in Policy SP4 (see Part 1 of this paper). The request of Croland Developments to allocate land at Horsley Cross for employment use is agreed and the Council suggests that the site is included in amendments to Policy PP7 set out in Part 4 above.

5.6 The remaining four representations are promoting alternative employment sites for allocation in the Local Plan.

Alternative employment site proposals

5.7 From the representations received to Policies PP6 and PP7, there are five alternative proposals for employment sites which are:

- Land at Titchmarsh Marina, Walton on the Naze (LPPuD218 – Silverbrook Estates);
- The Lifehouse Regeneration Project, Thorpe le Soken (LPPuD13/15 – Thorpe Hall Leisure Ltd);
- Land at the A120 west of Little Bentley (LPPuD307 – NEEB Holdings);
- Land north of Colchester Road, Weeley (LPPuD260 – Taylor Wimpey); and

- Land at Old Ipswich Road, Ardleigh (LPPuD427 – Mr. D. Brasted).

- 5.8 The evidence set out in this topic paper clearly demonstrates that the emerging Local Plan makes more than sufficient provision for employment land and that the suggested amendments to Policy PP7 to include consented sites increases the employment land provision from 20 hectares to more than 36 hectares – against a requirement of 12-20 hectares. There is consequently no need, in quantitative terms, to include any additional sites in the Local Plan for employment.
- 5.9 The 2019 Employment Land Review update did consider a range of alternative employment land options including some of the proposals above. Some of the sites have also been the subject of planning applications that have been refused or otherwise dismissed on appeal.
- 5.10 For land at the Lifehouse site, the ELR reports that it is doubtful that there is a sufficient market for business units in this location with no obvious office or industrial market that would require collocation with a spa hotel in this location, and that the site lacks prominence from a B—class employment perspective. A planning application (17/00440/OUT) for the Lifehouse Regeneration Project was refused by the Council in June 2017. That proposal was for the construction of up to 200 residential units, up to 92 supported and independent care units, 50 luxury holiday units, a health centre, 1,000 square metres of business units, 20 space public car park together with vehicle parking, servicing, landscaping, infrastructure and ancillary works. There were concerns over the transport impact, surface water flooding, impact on heritage assets and the principle of development outside of the settlement development boundary. That application was followed by another proposal (17/01739/OUT) for 200 residential units, an 8-acre park, landscaping, access roads, associated infrastructure and ancillary works. There was no employment units included in the later proposal which was refused by the Council in January 2018 for similar reasons (excluding surface water flooding) and later dismissed on appeal.
- 5.11 For land at the A120 west of Little Bentley (2.2ha), the ELR concluded that the site offered a reasonable location for employment but that any employment development would have to ensure frontage and access to the A120 and the limited population in the vicinity might limit the market for the site to that associated with the rural economy. The land being promoted is in a remote location away from any established settlements so the economic case for development would need to be very strong to override any issues about the sustainability and accessibility of the location. Such a case is better determined on its merits through the Development Management process through an application rather than an allocation in the Plan and the suggested wording for Policy PP7 set out in Part 4 of this paper above would provide a suitable level of flexibility to allow a scheme to be considered on its merits. It should however be noted that a 1994 planning application (94/00445/FUL) for a vehicle service station with refreshment facilities was refused however land adjoining nearby Cliphedge Farm has been granted planning permission 17/02014/FUL, on appeal, for two office buildings, including ancillary site works.
- 5.12 For land north of Colchester Road, Weeley the ELR reports that the site would be a good location for employment development with direct access and prominence to the A133 or B1033. It be an appropriate location for employment development given close proximity to Clacton, but

more likely to be a longer-term aspiration. A planning application (16/01847/OUT) for development on land north of Colchester Road was refused by the Council in April 2017. That proposal was for up to 380 dwellings, approximately 2.8ha of B1 employment land (including a local centre (A1 and D1/D2 use), land for a primary school together with associated amenity and open space provision, landscaping and access. There were concerns over the transport impacts and the impact of development on the character of the area in that location as well as the timing and provision of infrastructure. The promoters, a national house builder, chose not to appeal against the Council's decision and clearly see the site coming forward as part of a larger residential-led mixed-use development rather than an employment site in isolation. Given that the Local Plan makes sufficient provision for both housing (see Topic Paper 2) and employment land for the plan period to 2033, this is clearly an option best revisited for the longer-term as part of a future Local Plan review.

- 5.13 For the site off Old Ipswich Road, whilst not given specific assessment in the 2019 ELR, it should be noted that planning permission 18/02118/FUL has been granted for land further north for 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. This site is recommended for inclusion as an employment allocation in Policy PP7 and there is no need to allocate this additional land, however, applications could be considered on their merits in line with the suggested additional wording to Policy PP7 suggested in Part 4 of this paper above.
- 5.14 Titchmarsh Marina was not specifically assessed as part of the ELR update, but is not considered by the Council to offer a suitable location for general employment use due to its limited access and its location at Hamford Water SPA/Ramsar Site. However, if a suitable development proposal that was complementary to the marina and addressed any concerns over flood risk and ecology came forward, it could be considered on its individual merits.

Conclusion on objections and alternative employment land proposals

- 5.15 The commentary above demonstrates that employment land provision is not a particular controversial planning issue in Tendring however the relatively few objections and alternative employment land proposals have been given careful consideration by the Council and the suggested amendments to Policies PP6 and PP7 aim to address a number of the issues raised.

Part 6: Overall conclusions

- 5.16 This topic paper aims to provide the Planning Inspectors with an up to date account of the employment land position in Tendring and the findings of the latest Employment Land Review. It also contains suggested amendments to Policies PP6, PP7 and PP13 that address some of the issues raised in representations received at publication stage, aim to improve the clarity of the policies and seek to ensure the Local Plan provides an accurate account of the full range of available employment land in the district, including sites that benefit from planning permission.
- 5.17 Part 1 of the paper clarifies the employment land requirement for Tendring in the plan period 2013-2033 which, based on the Inspectors proposed Main Modifications to Policy SP4 in Section 1 of the Local Plan, sits between 12 and 20 hectares.
- 5.18 Part 2 sets out the key findings of the updated Employment Land Review which includes projections suggesting that the need for employment land could be even lower than the SP4 requirement, that the Local Plan makes more than adequate provision and that existing employment sites should be protected for employment use as they continue to play an important role in meeting the needs of existing businesses.
- 5.19 Part 3 sets out suggested amendments to Policy PP6 which include simplification of the policy wording and the identification, on the policies maps and local maps, of the existing employment sites the policy aims to protect. The amendments are put forward, along with consequential changes to Policy PP13, for the Inspectors' consideration as potential Main Modifications.
- 5.20 Part 4 demonstrates that Policy PP7, as currently drafted in the emerging Local Plan as submitted, does not reflect the full range of employment sites in the district – including sites that have already obtained planning permission. Suggested amendments to the policy are put forward for the Inspectors' consideration including the identification of more than 36 hectares of employment land across many parts of the district offering flexibility and choice for inward investment and business expansion.
- 5.21 Part 5 sets out the Council's consideration of the relatively few objections and alternative employment sites put forward through representations received at publication stage. It demonstrates that the Council has taken the comments seriously and that amendments to the relevant policies can be made to address the issues raised.
- 5.22 The Council hopes that the information provided as part of this topic paper will assist the Inspectors in preparing for the examination of the Section 2 Plan and establishing the key issues that might require further discussion.