

Ward: All
Portfolio: Regeneration

FROM: Cllr Elizabeth John **Date:** 2nd October 2006

SUBJECT: Protection of Employment Sites – Interim Policy

<p>Summary:</p>	<p>Mendip is currently losing employment sites to higher value uses such as housing. The Local Development Framework is developing and will address the issue in the longer term to ensure an adequate supply to support the future economy of Mendip. However, in the shorter-term we have inadequate policy to prevent the loss of large scale employment sites.</p> <p>In July 2006, Cabinet supported the intention to move forward with an interim policy to protect against the loss of employment sites and agreed to a six-week consultation on the potential form of the policy. This paper sets out the results of the consultation and suggests amended policy wording for the interim policy.</p>
<p>Recommendation:</p>	<p>It is recommended that the Council :</p> <p>a) note the summary of consultation responses received b) adopt the suggested policy wording as a Mendip District Council Policy</p>
<p>Links to Priorities and Impact on service Plans:</p>	<ul style="list-style-type: none"> ▪ Supports the Corporate Priority of 'Greater Prosperity' ▪ Commitment in Draft Economic Strategy to address issue ▪ Links to MSP short-term priority of Strengthening the Mendip Economy ▪ Issue raised strongly in consultation for Mendip LDF Core Strategy (April - June 2006) ▪ Implications for development control decisions especially the resource associated with the defence of decisions made in accordance with any revised policy in the interim period prior to the preparation and adoption Core strategies in the LDF
<p>Financial Implications:</p>	<p>The financial implications of writing and consulting on interim policy to protect employment sites will be included within the current contract planning policy contract that MDC hold with Baker Associates. Legal costs relating to advice on the interim policy will be dealt with under existing arrangements.</p>
<p>Risk Assessment:</p>	<p>A number of risks exist :</p> <p>a) Taking action to stem the loss of employment sites may encourage developers and landowners submit applications in shorter timescales b) The resulting policy would have status as a 'material consideration' rather than a development plan policy</p>
<p>Scrutiny Recommendation (if any)</p>	

INTRODUCTION

Mendip is currently losing employment sites – primarily to higher value uses such as housing. Between 2001 and 2005 there was a net loss of space categorised as use class 'B2 general industrial of approximately 10,000sqm a year.

The Local Development Framework is tasked with ensuring an adequate supply of employment sites to support the future economic prosperity of Mendip. In the longer term, the Framework will address the loss of employment sites however, in the shorter-term, the current policy framework does not offer sufficient protection for some sites.

It is therefore felt an interim policy should be considered until the LDF Core Strategy is adopted.

BACKGROUND

As part of the plan-making process for the Local Development Framework, Mendip District Council are required to assess the supply and future demand for employment land in the district. The Local Development Framework will then be required to :

- a) maintain a ready supply of sites and premises to meet business requirements,
- b) effectively manage a portfolio of employment land, in order to best contribute to the delivery of identified economic potential in the District
- c) maintain a sustainable mix of activities in our communities.

In the period before the parts of the LDF are put in place, the intentions for the employment land strategy within the LDF are being undermined as employment land is lost to other higher-value forms of development – residential primarily – through decisions on individual planning applications.

Proposals for changes to the use of land are difficult to resist, because:

- the current policy for the protection of employment land in the Mendip Local Plan (primarily Policy E3 - Protecting Employment Sites in Towns) is limited to protection of sites for 'small business or general industrial premises at the modest end of the market' and has proved ineffective in preventing changes in the use of larger employment sites
- national policy is written to strongly favour the development of land within existing settlements for housing in order to avoid the use of greenfield land, with express targeting of employment land
- if a site becomes the subject of an appeal, an inspector is likely to take a narrow view, considering the site alone and only applying a simplistic view of the effect on the overall supply of employment land

The concern is that the loss of employment land that is taking place is irreversible and if no action is taken, the District could be left with insufficient employment land to meet its future needs.

There may be some development sites in which redevelopment for other purposes may be appropriate – for example, the particular location and circumstances of the site, the

overarching housing need in that location or impacts of economic re-structuring meaning that a comparable number of jobs can be retained on a smaller site. However, this should be assessed strategically and in advance of the receipt of individual development proposals.

Therefore the objective for an interim policy is effectively one of 'buying time' to prevent the loss of employment land until the various components of the LDF secure the employment land strategy for the District. By slowing the loss of employment land, we can be sure the council retains the ability to develop a strategy for achieving the economic potential of the District and creating sustainable communities.

POLICY APPROACH

The recommended approach is adopt a Mendip District Council policy on protection of employment sites. The policy would be adopted by the Council, and therefore become a 'material consideration' in the planning process but would not form part of the development plan. The policy would have added weight due to the consultation process undertaken and the strategic justification provided by the Corporate Priority of 'Greater Prosperity', the MSP short-term priority of Strengthening the Mendip Economy and the consultation for Mendip LDF Core Strategy (April - June 2006).

RESULTS OF CONSULTATION

In July 2006, Cabinet supported the intention to move forward with an interim policy to protect against the loss of employment sites and agreed to a six-week consultation on the potential form of the policy. Stakeholders were written to with a summary of the proposed policy wording and asked for responses regarding the appropriateness. Unfortunately, the proposed stakeholder workshop to discuss the issue was cancelled due to lack of attendance.

Generally, the responses to the consultation fell into three types of comments :

- a) Respondents who were concerned about the impact of the policy on the value of their premises
- b) Respondents from the local business community who were generally supportive of the policy, reflecting the difficulties they are having securing premises or retaining employment uses. Many expressed concern on employment land not being brought forward where land owners are seeking higher value uses.
- c) Responses from agents both in support and against the policy. The main concern expressed around the policy was in relation to the flexibility in its implementation. In particular, flexibility was sought to respond to issues such as differing supply in different localities, to ensure the policy would prevent the conversion or restrict the re-use of derelict buildings, to ensure the policy would not impact on the regeneration of key sites such as Garsdale, Frome and that consideration should be given to the quality of employment created (rather than just the number of jobs created).

In conclusion, it is felt that the interim policy approach received sufficient support to be recommended for adoption by Mendip District Council, with amendments incorporated. The particular concern around flexibility of implementation is addressed by the Policy's status as a material consideration in the determination of an application and if there were other material considerations that outweighed it (such as regeneration or environmental objectives) then they may be the determining factor.

POLICY

Pending adoption of the Local Development Framework Core Strategy, permission will not be granted for development of land or buildings previously or currently used for, or currently allocated for, activities falling within Use Classes B1, B2 or B8 unless it can be demonstrated that :

a) the re-use for non-B class employment generating uses or for mixed-use schemes will deliver equivalent employment generation (based on number of jobs created) or wider economic benefit.

and

b) the proposal would not prejudice the development or likely application of an employment land strategy for the Local Development Framework, which is currently in preparation

The policy should apply to all of Mendip District and embrace all types of settlements.

The aim of this policy approach is to provide comprehensive yet flexible restrictions on the re-use of employment land for other purposes. It effectively argues for prematurity until the LDF is in place but offers the Council the ability to apply discretion according to circumstances as the various documents within the LDF progress.

OPTIONS CONSIDERED

A number of potential options were considered – these include :

a) No action - The concern is that the loss of employment land that is taking place is irreversible. If no action is taken, the District could be left with insufficient employment land to meet its future needs and meet the requirements of sustainable development.

b) SPD to expand on existing Local Plan Policy – SPD could either be used to explain the detail behind existing policies within the current local plan. However, this approach gives us less ability to tackle the issue in a straight-forward manner and be clear about the intention, remit and justification for action.

c) Bringing forward new policy through the Mendip LDF Core Strategy – we are taking forward this approach but the timescales for adoption of the LDF Core Strategy as set out in the Local Development Scheme (October 2008), mean that a number of significant sites could be lost in the interim.

LEGAL IMPLICATIONS

Legal advice supports the approach for interim employment policy adopted by the Council. The approach will have added weight as it has been through a consultation process but will not have development plan policy status.

The background to the policy approach is set down in PPS 1 – the need to deliver sustainable development and reduce the need to travel through promoting mixed-use

developments. At a local level, the justification of the policy will be required to draw strongly on the Mendip Community Strategy (and implementation of the economic strategy) together with on-going work to build the evidence base for the Local Development Framework (including consultation responses to the recent Issues & Options consultation).

EQUALITIES IMPLICATIONS

None

RECOMMENDATION

It is **recommended** that the Council :

- a) note the summary of consultation responses received
- b) adopt the suggested policy wording as a Mendip District Council Policy

REASONS FOR RECOMMENDATION

To protect against the loss of employment sites until further work has been completed on the Mendip LDF.

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Background Papers

None