

**PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Town and Country Planning (Local Development) (England) Regulations 2004**

**Regulation 18 (4) (b)**

**BABERGH DISTRICT LOCAL PLAN Alteration No2. 2006  
SUPPLEMENTARY PLANNING DOCUMENT  
SAFEGUARDING EMPLOYMENT LAND.**

**Summary of issues raised by representations and how the Council has addressed the issues.**

The Safeguarding Employment Land SPD has been prepared under the Town and Country Planning (Local Development) (England) Regulations 2004. In accordance with regulation 18 (4) (a) the Council considered the representations made to the consultation draft at it's Strategy Committee. In accordance with regulation 18(4) (b) a summary of the main issues raised and the Council's response to these are attached, as they were presented to and agreed by the Strategy Committee on 6<sup>th</sup> March 2008.

**Babergh District Council, Safeguarding Employment Land SPD,  
Response to Consultees Comments. February 2008**

<b>Name of Consultee</b>	<b>Section of Consultees Response</b>	<b>Subject</b>	<b>Proposed Change</b>	<b>The Council's Response</b>
Suffolk CC, Strategic Development	Short email	Whole document, made on behalf of SCC	No comment	Noted
Sudbury Town Council	1st part	Whole document,	None the Town Council fully supports the document in its current form, saying it clarifies and strengthens the policy.	The support is welcomed.
Sudbury Town Council	2 <sup>nd</sup> part	The name of the local paper	The name of the local paper is the Suffolk Free Press	Noted
Suffolk Preservation Society	1st part	The society thanks Babergh for the consultation, wants the whole letter reported to the appropriate committee and <b>does not authorise any précising of this letter.</b>	None	Noted
Suffolk Preservation Society	2 <sup>nd</sup> part	Objects to not being consulted before the draft was produced. They object to the process. SPS reserves the right to make an objection later.	None at present.	The objection is noted but at this stage the process is considered to be in accordance with legal requirements.
Suffolk Preservation	3 <sup>rd</sup> part	Offers cautious support	None	Noted

Society				
Suffolk Preservation Society	4 <sup>th</sup> part	Sustainability and sustainable communities.	Sustainable or sustainability should be added to para 4.4 in the sentence in the 3 <sup>rd</sup> line. It also refers to PPS1 and developing sustainable communities.	Reference should be made to these points somewhere in the document; it is referred to in the Sustainability Appraisal and SEA.
Suffolk Preservation Society	4 <sup>th</sup> part point 2	Sustainability and sustainable communities.	The document and policy delivers on sustainability and the loss of employment land can lead to less sustainable communities.	Additional wording will be added to this effect. The SA and SEA does refer to this.
Suffolk Preservation Society	4 <sup>th</sup> part point 3	Sustainability and sustainable communities.	Policy EM 24 should be amended to add a criterion which would require that any loss of employment would not harm or impact on the sustainability of the community.	The point is noted but the policy has only been adopted since 2006 and cannot be changed at the moment. However this does seem a good suggestion and may be covered by a general policy in the Core Strategy.
Suffolk Preservation Society	5th part	Letter acknowledgement, committee report and further consultation.	They would like the letter to be acknowledged and any committee report sent to them.	An acknowledgment letter will be sent, the report will be on the web site as will any proposed changes.

Home Builders Federation	1 <sup>st</sup> part	Thanks BDC for the consultation.	None	noted
Home Builders Federation	2 <sup>nd</sup> part	SPD and saved policies.	The policies referred to should all have been saved and agreed by GO-East	The Local Plan policy EM 24 has been saved. SP policies have changed in status and will be checked for the final document.
Home Builders Federation	4 <sup>th</sup> part	SPG and SPD	Cover says SPG and should be SPD	Noted and final version will be SPD
Home Builders Federation	5 <sup>th</sup> part	Para 4.1	Text should only refer to adopted and saved policies.	Noted, Local Plan Policies have been saved and most SP policies are not. The final SPD will reflect this.
Home Builders Federation	6 <sup>th</sup> part	Paras 4.5 and 6.1 to 6.12	The definition of viability has changed.	The Council have not changed the definition of viability but the note below Para 4.5 has been amended.
Home Builders Federation	7 <sup>th</sup> part	The restrictive nature of the SPD	This is contrary to PPS3	PPS3 encourages development of brownfield sites for housing but the whole planning system is trying to create sustainable, mixed and balanced communities and employment is and important part of that.

Home Builders Federation	8 <sup>th</sup> part	Paras 5.1 – 5.13	They question under which legal powers the Authority seeks to micro manage the marketing campaign, without regard to costs.	The approach has been through a local plan inquiry and accepted, a marketing campaign would have to be carried out in any event, and it now has to be to the satisfaction of the District Council.
Home Builders Federation	Consultation, the last 3 parts	The LDF process	They would like to be involved in other LDF documents, they would also like to be informed when DPD's or SPD's are adopted or submitted to the Secretary of State	This is noted.
East of England Development Agency	2 <sup>nd</sup> part	EEDA's role	The document must provide a spatial framework for sustainable economic development and regeneration	It is considered that the SPD plays an important part in this process by safeguarding employment sites.
East of England Development Agency	3 <sup>rd</sup> part	Regional Economic Strategy	Goal 4 Priority 3 aims to 'ensure a quality supply of business land and premises'. Only sites which no longer meet regeneration and growth objectives should be made available for	The point is noted and supports the general approach of the SPD.

			alternative uses.	
East of England Development Agency	4 <sup>th</sup> – 7 <sup>th</sup> parts	Employment Land Reviews Guidance Manual	EEDA will produce a new manual which should be read before the SPD is finalised and parts of it may need to be included in the document.	This is noted and if the document is available it will be considered.
East of England Development Agency	6 <sup>th</sup> part	BSC decision and issues relating to employment land retention.	These issues extend beyond marketing and viability and include meeting local and sub regional objectives.	The point is an important one and is noted.
Peal Estates LLP	1 <sup>st</sup> and 2 <sup>nd</sup> part	'Marketing' is flawed, does not distinguish between speculators and occupiers.	Not specified	Any person or company may change from one to the other very quickly.
Peal Estates LLP	3 <sup>rd</sup> part	The SPD is inflexible	Should allow consideration of other uses as in PPS3	PPS3 encourages development of brownfield sites for housing but the whole planning system is trying to create sustainable, mixed and balanced communities and employment is an important part of that. There would be increased pressure for development on all employment sites reducing the chance

				that they will be available for employment uses.
Peal Estates LLP	4 <sup>th</sup> part	Discounting marketing not agreed by the Council	Earlier marketing by agents before the Council has approved it should be allowed as evidence.	If the approach adopted in the SPD is followed it allows consistency of approach and is clear for all to see.
Peal Estates LLP	5 <sup>th</sup> part	Some sites might become bad neighbour development.	Allow more flexibility in the SPD	If this approach is adopted then it might encourage bad neighbours to cause problems and then seek permission for an alternative use.
Peal Estates LLP	6 <sup>th</sup> part	Mixed uses might create more jobs than certain employment uses e.g. Warehousing B8 use.	Allow more mixed use development.	B8 uses have to be located somewhere and job creation is not the sole criterion.
Peal Estates LLP	7 <sup>th</sup> part	Buildings might be obsolete.	Make the SPD more flexible.	It is more sustainable to renovate buildings for other uses.
Peal Estates LLP	8 <sup>th</sup> part	Businesses may need to raise capital from land sales.	Make the SPD more flexible.	All businesses need to raise capital so all employment sites would be vulnerable.
Sandhurst Newhomes	The whole letter	Seeks greater flexibility	Would like the SPD to be less prescriptive	These arguments have been dealt with above, but the approach suggested by the objector would put many

				employment sites under pressure from other developments.
Sandhurst Newhomes	10 <sup>th</sup> part	Advertisements	There should be flexibility allowed where these are placed.	The approach is designed to allow consistency but does not stop advertisements being placed elsewhere in addition.
Bidwells	Part 1	Viability tests.	More information should be given on this option.	The Council has amended the document
Bidwells	Part 2	Marketing campaign	Should say whether it is agreed with a planning officer or Economic Development Officer.	This will have to be agreed with the Development Control Case Officer.
Bidwells	Part 3	Marketing campaign	This should be tailored to each site.	The SPD is trying to achieve consistency and it does allow some flexibility.
Bidwells	Part 4	Length of marketing campaign	There should be a six month review.	The text has been amended to take this on board.
Bidwells	Part 5	Price on particulars	It may be better sometimes not to include a price.	As a general rule it will be expected that a price will be on the particulars, this is to ensure that it is clear and realistic, but if it is agreed before that it is best omitted and the price people are asked

				is still realistic then it may be acceptable to omit the price.
Savills on behalf of Ashwells	4 <sup>th</sup> and 5 <sup>th</sup> part	Marketing campaign	Why should this be carried out as a rule?	Marketing will help us understand the market and allows consistency of approach.
Savills on behalf of Ashwells	6 <sup>th</sup> part	Cascade approach to alternative uses.	Each site should be decided on a site by site basis.	There are a variety of uses which are important to have in a community but they may not be the most commercially valuable, it is important to safeguard these not just allow the highest value use on every site.
Savills on behalf of Ashwells	7 <sup>th</sup> part	Marketing campaign	Suggests that a marketing campaign should be agreed before an application is submitted.	This is the advice but the alternative is also mentioned, this is really the purpose of SPD's to try and improve the operation of the planning system and save time and resources, but also retain employment land.
Savills on behalf of Ashwells	8 <sup>th</sup> part	Smaller sites and length of campaign	There is no definition of a small site, shorter marketing periods should be considered.	The text has been amended and 12 months is the minimum time period however big

				the site is. In answer to the second part, the intention is to safeguard employment sites and so it is not intended that they should be lost quickly or over a short period of time.
Savills on behalf of Ashwells	9 <sup>th</sup> part	Paragraph 6.3	Implies that an owner should refurbish and then market the property.	This is not the interpretation that the Council puts on this paragraph, but it is a possibility, an evaluation may also be acceptable.
Savills on behalf of Ashwells	9 <sup>th</sup> and 10 part	Paragraphs 6.3 and 6.5, mixed use developments.	If the site is unviable for employment then it will be unviable for employment in a mixed use scheme.	This point is not accepted in general terms but there may be cases where this is true.
Savills on behalf of Ashwells	11 <sup>th</sup> part	Paragraph 6.9	Seems to pre-empt the outcome of redevelopment.	This paragraph is trying to ensure that the location is sustainable and that appropriate facilities are available if required.
Savills on behalf of Ashwells	12 <sup>th</sup> Part	Appendix 2	This is too prescriptive	The aim is to ensure that the approach is clear and consistent with the best chance of selling/leasing the site for employment uses.

GeraldEve	2 <sup>nd</sup> part	The whole document.	Is poorly prepared.	This is not accepted.
GeraldEve	4 <sup>th</sup> part	The LDS	The SPD has been prepared too early	It is acceptable to produce documents before the timetable in the LDS.
GeraldEve	6 <sup>th</sup> part	Is the document an SPD or SPG?	This needs clarifying.	The document will be an SPD
GeraldEve	7 <sup>th</sup> part	Evidence base	This is unsound.	This argument is not accepted and there are studies which contradict the point made.
GeraldEve	8 <sup>th</sup> to 19 <sup>th</sup> part	Marketing and Viability	The approach is heavily criticised and a definition of viability given	The points made are noted however it is considered that the approach is reasonable in the light of the Councils aim to safeguard employment land.
GeraldEve	21 <sup>st</sup> part	Paragraph 2.5 and Employment Land Assessment	It is impossible for an authority to make a decision without an ELA.	This is not accepted and guidance is being updated on producing one. There is other evidence that there is a need to retain employment land.
GeraldEve	22 <sup>nd</sup> part	Paragraph 4.4	RSS policies should be referred to as well.	The SPD is linked to the Local Plan and so they are the main policies to assess any development against.

				RSS policies are not adopted and therefore cannot be referred to.
GeraldEve	23 <sup>rd</sup> part	Paragraph 4.5	The approach is flawed.	The Council does not accept that 'non domestic' is not clear. If the approach is agreed with LPA before, then it can help the process, and ensure that the method used is consistent.
GeraldEve	24 <sup>th</sup> part	Paragraph 5.1	There is no need for a marketing campaign to establish viability.	The market must be tested to establish what interest there might be, this point is not accepted.
GeraldEve	25 <sup>th</sup> part	Paragraph 5.3	Why is retail included in the list of employment uses.	The policy can be applied to a wide range of uses and employment on different scales.
GeraldEve	26 <sup>th</sup> part	Paragraphs 6.5 and 6.6 mixed use proposals.	These paragraphs go beyond Local Plan policy.	The Council are seeking to retain as much employment land as possible.
GeraldEve	Technical Matters	The overall production of the document.	The document is not capable of being adopted, and should be an SPD. Staff at the company would welcome the opportunity	The document will be an SPD and will seek to retain employment land so this will be in the final title in some way. The offer of discussions is

			to advise on the document.	noted.
Hopkins Homes	The whole letter	The draft SPD is considered too prescriptive and too inflexible.	<p>The SPD should be more flexible and allow more housing on employment sites which is in accord with PPS3.</p> <p>They would like a copy of the document when it is adopted.</p>	<p>The whole planning system is geared towards creating mixed and balanced communities and employment opportunities close to where people live is an important part of the overall approach. To seek to retain employment sites is considered an important part of the planning process particularly in an attractive district like Babergh.</p>