

# **Identified Employment Land Supplementary Planning Document**

## **Consultation Statement 2020**

# 1 Introduction

- 1.1 This Public Consultation Statement (Statement) has been prepared in support of the Council's revised Identified Employment Land Supplementary Planning Document (SPD) that was publically consulted upon between midday Friday 26<sup>th</sup> June 2020 and midday Friday 21<sup>st</sup> August 2020.
- 1.2 In conformity with Part 5 of the 'Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, this Statement sets out;
  - The persons that the Council consulted during the abovementioned 8 week public consultation;
  - A summary of the main issues raised by those persons who submitted comments during the consultation period; and,
  - How any issues raised during the consultation period have been addressed by the Council.
- 1.3 Appendix One of this Statement sets out all of the comments that were received during the public consultation period and Council officer responses to each of these comments.

## **2 Public consultation period**

- 2.1 A public consultation for the revised Identified Employment Land SPD was undertaken by the Council during June and August 2020. The specific consultation dates are specified at paragraph 1.1 of this document.
- 2.2 The public consultation was undertaken in conformity with the relevant planning regulations (see paragraph 1.2 of this document) and the Council's Statement of Community Involvement (SCI).
- 2.3 The SCI sets out the Council's approach / requirement to involving and consulting local people and stakeholders in planning related document production, for example SPD's.
- 2.4 In line with requirements, the following persons and bodies were notified via letter, of the consultation that was taking place;
- Duty to Cooperate partners
  - Specific Consultation bodies
  - General Consultation bodies, and
  - Other stakeholders held on the Local Plan consultation database.
- 2.5 Due to the content of the Identified Employment Land SPD, four local commercial agents and 1 more regional commercial agent was/ were also consulted due to their specific employment based knowledge. In addition, mention of the consultation was made in OWBCBiz and an advert was sent to the Leicester and Leicestershire Enterprise Partnership. To note, of the 5 commercial agents contacted, only one was available for a telephone meeting.
- 2.6 The notification letter sent out to all of the above explained;
- The purpose of the consultation
  - How to find further information
  - The consultation period
  - How to make representations, and
  - How a person or body could be added to the Council's Local Plan consultation database.
- 2.7 In addition to the notification letter, the Council; made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on the Council's website; and, made available for inspection electronic copies of all relevant information and documentation on the Council's website.

### 3 Summary of the main issues raised

3.1 During the public consultation a total of nine persons / bodies submitted representations to the Council relating to the revised Identified Employment Land SPD. Representations were received from Milners Bakery, Sport England, Tone Consultancy, ESP Utilities, the Environment Agency, National Grid, Severn Trent, Natural England, and Historic England. In addition to the representations received, a telephone meeting was had with commercial agents, Pygott and Crone.

3.2 The key topics / main issues raised were;

- How will a proposal for change of use from B Class employment use to a use relating to a specific faith related community centre be assessed?
- The term 'significant community benefits' needs defining.
- Is the information set out within paragraphs 3.36 to 3.44 there to put extra burden on an applicant?
- It was mentioned, that in terms of marketing of a property, 6 months may be a more reasonable period rather than the 12 months specified, as Rate Relief for empty buildings tended to be for either a 3 or 6 month period depending on the type of property...ie Office is generally 3 months and industrial is generally 6 months.
- It was suggested that bullet 6 under paragraph 3.39 could be removed, as the points are picked up in bullets 4 and 5; also, if the property is being marketed online, once a web-link is removed a copy of the advert may no longer be available.
- Although it was acknowledged that it was not meant to ask for personal information, the existing wording of bullet 8 under paragraph 3.39, could be seen as requiring personal details of those who have expressed an interest in the property and / or land.
- In relation to the information required within paragraph 3.42 and 3.43, it was suggested that this type of work would require specific Quantity Surveyor advice and could be a costly exercise if the applicant was just doing it to conform to the requirements and wasn't actually necessarily looking to redevelop the site. It was suggested that the Council should dictate that the applicant discusses these requirements at a Pre-app stage and it is this Pre-app discussion that dictates what would be required of the applicant in relation to Bullet 5 of the Local Plan Policy.
- It was also suggested that the term 'robust' within paragraph 3.42 and 3.43 could be construed as being overly onerous. Whereas, just saying evidence, should suffice.
- The timescales set out for maintenance evidence within paragraph 3.44 are onerous, it was suggested that 2 year time period would be more appropriate.

## 4 How the issues raised have been addressed

4.1 Taking account of the comments received during the public consultation, amendments have been made to the SPD document. There were a number of minor wording amendments relating to clarity, repetition and grammar, with some more significant changes. The more significant changes are summarised below.

- An additional sentence has been added to paragraph 1.10 to suggest that an applicant should check with the appropriate statutory stakeholders to find out whether or not there are any restrictions relating to the site or the proposed development in relation to gas, electricity and water supplies. This was amended due to standing advice from Severn Trent and ESP Utilities.
- Paragraph 3.19 was reworded slightly to remove the request for 'minimum' levels of information required. It was reworded to suggest the sort of information that would be required. This was amended through advice from Pygott and Crone.
- An additional sentence was added to paragraph 3.29 to state that each application will be assessed on its own merits rather than a standardised approach to each application, as the Council is aware that benefits stemming from one application can be different to another application, yet they both produce benefits. This was amended from queries raised by Tone Consultancy.
- A new paragraph has been added (3.34) to define what the SPD means when it specifies 'community' and 'significant benefit'. This was added from queries raised by Tone Consultancy.
- An additional sentence has been added to paragraph 3.36 to suggest that there may be some flexibility in the length of time that a property is marketed for, if it has been empty for a period of time already. Such flexibility will be on a case by case basis and would be agreed during the pre-application process. This was amended through advice from Pygott and Crone.
- Bullet point 6 under paragraph 3.40 has been removed. This was amended through advice from Pygott and Crone.
- The now bullet point 7 has been reworded so that there is now no confusion as to whether personal information was required. The wording clarifies that it is not personal information required. This was amended through advice from Pygott and Crone.
- Paragraph 3.43 has been reworded to remove the requirement for minimum levels of detail. The wording now states that applicants should discuss the proposal with the Council through pre-application discussions; and it is these pre-application discussions that will determine the levels of information required, as not all proposals will require the same levels of information in support. This was amended through advice from Pygott and Crone.
- In all bullet points under paragraph 3.43, the word 'robust' has been removed. Also bullet points 5 and 8 have been removed. These bullet points referred to detailed costings being required relating to redevelopment or refurbishment of the site / premises. To note, this information may still be required, however not in all cases, and will be determined at the pre-application stage. This was amended through advice from Pygott and Crone.
- Paragraph 3.45 has been amended to require a minimum of 2 years maintenance evidence rather than 10 years worth of maintenance evidence. This was amended

through advice from Pygott and Crone.

Appendix One – comments received during the consultation period and officer responses

Name of person / body submitting comment	Date on which comment was received	Comment received	Officer response to comment received
Milners Bakery	2 <sup>nd</sup> July 2020	<p>I read through the proposed policy document with interest.</p> <p>I was curious to learn what exactly were the proposed changes of use to the commercial property in the Oadby+Wigston area?</p> <p>And which particular properties were being alluded to with regard to being marketed for long periods without hope of reuse within the borough- maybe there is something I could make use of?</p>	<p>The Council would like to thank Milners Bakery for taking the time to respond to the consultation.</p> <p>The Council's Identified Employment Land Supplementary Planning Document (Employment SPD) that is currently on public consultation, is not proposing any changes of use; it is seeking to manage changes of use from an employment use to a non employment use appropriately. Any proposed change of use would usually come from an applicant submitting a planning application to Council. The Employment SPD would then be used to inform the outcome of the submitted application.</p> <p>The Employment SPD is not relevant to every employment use site / property within the Borough area, it is focussed on the eight Identified Employment Land Areas only. The eight Identified areas are contained within Appendix 1 of the Employment SPD.</p> <p>When the Employment SPD highlights the use of marketing, it is</p>

			<p>relating to when applicants have submitted a planning application for change of use from an existing employment use, to a use that is not employment in its use. As mentioned above, this only relates to proposed changes of use within one of the Borough's eight Identified Employment Areas. Picking up on your point relating to whether you could make use of any redundant sites, there may well be opportunities for you, however this would very much be dependant on the use you would be proposing.</p>
Sport England	2 <sup>nd</sup> July 2020	<p>Thank you for consulting Sport England,</p> <p>We do not wish to comment on the above.</p>	<p>The Council would like to thank Sport England for taking the time to respond to the consultation.</p>
Tone Consultancy	8 <sup>th</sup> July 2020	<p>I understand from the media reports that the Government is going to relax planning laws. If this is true, wouldn't it be prudent to wait for the Government guidelines/views/legislation before starting consultations on this document?</p>	<p>The Council would like to thank Tone Consultancy for taking the time to respond to the consultation.</p> <p>You are correct that the Government has relaxed some planning laws. However, as far as the team is aware, none of the changes would relate to the change of use of properties and / or land on designated Identified Employment Areas. To note though, Government policy and / or legislation, does take precedence over local planning policy.</p> <p>As you will be aware, the planning</p>

			<p>profession is extremely fluid, with the Government announcing changes to policy / legislation on an ongoing basis, whether it be new policy / legislation or retracting of current or old policy / legislation. Due to this, it would not be possible for the Council to respond to each and every change made by Government. However, the Council must be in a position whereby it has up to date planning policy and guidance of its own that responds to planning development / issues at a local level.</p>
Tone Consultancy	8th July 2020	<p><b>Page 14 Significant Community benefit</b></p> <p>Para 3.33</p> <p>This para refers to community centres. I agree with the principle that applications that provide for all the communities would receive favourable planning consideration. But the statement from the community centres saying ‘all are welcome’ but if the ethos and the environment discourages others to use it could be a problem. More than that I wonder how an application from the Hindu community for a centre primarily for use by Hindus would fair under this policy. How will it be judged?</p> <p>Read bullet 3 and 3.28 on page 12</p>	<p>Although the Council must protect Identified Employment Areas from inappropriate development, it is aware that some changes of use from an employment use would be acceptable, subject to it conforming to adopted policy. One of the considerations when assessing whether a proposal is acceptable or not, is – is the negative impact of the proposal outweighed by the community benefit of the proposal.</p> <p>The type of benefit that one proposal has on the community, may be very different to what another proposal has; however both proposals could have a positive benefit to the community in its own way. Due to this, it would not necessarily be possible to consider proposals objectively</p>

		<p>in conjunction with my above point. EG if a community wants to convert an industrial premise on Kenilworth Road to a community centre para 3.3 will apply. Considering shortage of land and suitable available recreational premises in O&amp;W, it is most likely that a community will have to look at the option of vacant industrial premises.</p> <p>The Council needs to clarify in more detail what it means by 'significant community benefits' -it has to be specified like what it has done about 'economic regeneration benefit' in para 3.30.</p> <p>2. It looks like the officers do not know how to define 'significant community benefits'! First of all the definition of the 'community' needs to be agreed—do they mean local residents living in nearby streets or a community defined by eg faith or indoor sports eg bridge club?</p> <p>3. Then there is the matter of 'Significant' - Who determines and how what is significant? This may sound petty or trivial but when you are faced with a planning application in a committee where officers have made a recommendation based on their opinion, and in the public gallery you have hundreds of people</p>	<p>against a set of criteria. The assessment would need to be subjective and based on a case by case basis.</p> <p>However, taking account of the comments in relation to the definition of 'significant' and 'community', the following additional wording has been proposed;</p> <p><i>'3.34 For the purposes of this SPD, the following definitions will be applicable;</i></p> <p><i>Community – is defined as a group of local people, irrespective of whether they share common characteristics or not, that reside within the Borough area.</i></p> <p><i>Significant benefit – is defined as a positive impact / benefit to a number of local people, not necessarily, a number of different user groups.'</i></p> <p>In response to point 4 – the SPD is not adding any additional burden on an applicant...it is setting out what is expected from an applicant to conform to the Council's adopted planning policy position. The SPD is offering advice and guidance to any prospective development proposal situated within one of the</p>
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		<p>watching the debate, these issues suddenly liven up and may become very sensitive.</p> <p>4. Para 3. 36 to para 3.44 (bullet point 5 ) page 16 . I find this very interesting. Is the aim to reduce red tape or is it to burden business/potential businesses with more work? Para 3.42 is very interesting !</p>	<p>Borough's Identified Employment Areas, as well as helping the Council approach all planning decisions in a positive and robust way.</p> <p>Paragraphs 3.35 through to 3.45 have been amended taking account of comments received during the public consultation. See changes set out in response to comments received from Pygott and Crone.</p>
ESP Utilities Group Ltd	22 <sup>nd</sup> July 2020	<p>Thank you for your recent plant enquiry at: Wigston &amp; Oadby.</p> <p>I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works. However, there is an electric network nearby, for which an as-laid drawing is enclosed.</p> <p>ESP Utilities Group Ltd are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.</p>	<p>The Council would like to thank ESP Utilities Group Ltd for taking the time to respond to the consultation.</p> <p>Should there be a development proposal put forward within any of the Identified Employment Areas, the Council will endeavour to consult ESP Utilities Group Ltd.</p>
National Grid	30 <sup>th</sup> July 2020	<p>We have reviewed the above document and can confirm that National Grid has no comments to make in response to this</p>	<p>The Council would like to thank National Grid for taking the time to respond to the consultation.</p>

		consultation.	
Environment Agency	5 <sup>th</sup> August 2020	<p>Thank you for giving the Environment Agency the opportunity to comment on your Authority's Identified Employment Land Supplementary Planning Document and which was received on 26 June 2020.</p> <p>We have reviewed the submitted information and the only comments we have to make are regarding the environmental constraints associated with a number of the Identified Employment Areas as given in Appendix 1.</p> <p>The following Areas are underlain by historic (closed) landfill. Therefore these sites are sensitive from the perspective of controlled waters. During any redevelopment of these sites the necessary investigations and remediation works must be undertaken which ensure there is no pollution risk to the water environment:</p> <p>Magna Road, South Wigston – southern portion of site</p> <p>Tigers Road, South Wigston – north-western element (Tigers Road)</p> <p>St Thomas Road – the whole site</p>	<p>The Council would like to thank the Environment Agency for taking the time to respond to the consultation.</p> <p>Although the SPD document itself is not proposing any development, the Council will endeavour to consult with the Environment Agency should development be proposed that may affect any of the sites mentioned in their consultation response.</p>

		Kenilworth Drive, Oadby – south-western portion of the site. Areas of this site also lie within Flood Zones 2 and 3, according to the latest information available to the Environment Agency. Therefore any redevelopment of this site and which lies within flood zone would be subject to the (flooding) sequential test.	
Severn Trent	12 <sup>th</sup> August 2020	<p>Thank you for the opportunity to comment on your consultation regarding the Identified Employment Land SPD, as the SPD relates to existing employment land there is limited opportunity for input from Severn Trent.</p> <p>We would however note that where development changes from one employment class to another that there is potential for water consumption and sewerage demands to change, i.e. if land was previously used for storage and Distribution to a food production usage there is potential that additional capacity within the sewerage and water supply systems may be required. We would therefore recommend that where land usage changes, Severn Trent is contacted with detail of the proposed water consumption and sewerage requirement.</p>	<p>The Council would like to thank Severn Trent for taking the time to respond to the consultation.</p> <p>The Council will endeavour to consult Severn Trent should a proposal be submitted to the Council for change of use to a use that may have an impact on water supply and waste sewerage.</p>
Severn Trent	12 <sup>th</sup> August 2020	Are there any specific design	The Council will endeavour to

		<p>criteria that will be applied to employment land uses?</p> <p>If so Severn Trent appreciate that complications can arise through brownfield development, but would note that through redevelopment of these sites there can be opportunities to provide wider benefits. We would therefore recommend that any redevelopment is designed in line with current best practice, in particular SuDS and that surface water is discharged in accordance with the drainage hierarchy, even where an existing combined sewer connection exists. Re-development should also implement water efficient design and technology, to ensure that development is undertaken sustainably. The consideration of rainwater harvesting should also be utilised where appropriate, particularly where the new employment usage is identified as being more water intensive than the existing land use.</p>	<p>consult Severn Trent should a proposal be submitted that could have a positive impact / wider benefits.</p>
Natural England	12 <sup>th</sup> August 2020	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments.</p>	<p>The Council would like to thank Natural England for taking the time to respond to the consultation.</p>
Historic England	19 <sup>th</sup> August 2020	<p>Thank you for the opportunity to</p>	<p>The Council would like to thank</p>

		<p>engage with the consultation for the employment land SPD.</p> <p>I can confirm that we have no comments to make on the document in respect of our remit for the historic environment.</p> <p>One general comment is there appears to be a typo in the last sentence of Para 2.14 which possibly should read 'Losses' rather than 'Loses'.</p>	<p>Historic England for taking the time to respond to the consultation.</p> <p>The Council will ensure that the typo is corrected.</p>
Pygott and Crone	20 <sup>th</sup> July 2020	<p>Telephone meeting took place on the 20<sup>th</sup> July 2020. A summary of the key points mentioned are;</p> <ul style="list-style-type: none"> <li>• In response to the wording of paragraph 3.35 (now 3.36), it was mentioned by Pygott and Crone that 6 months may be more reasonable rather than the minimum 12 months proposed, as Rate Relief for empty buildings tended to be for either a 3 or 6 month period depending on the type of property...ie Office is 3 months and industrial is 6 months.</li> </ul>	<p>The Council would like to thank Pygott and Crone for taking the time to undertake a telephone meeting in relation to the consultation.</p> <p>An additional sentence has been added to paragraph 3.36 to suggest that there may be some flexibility in the length of time that a property is marketed for, if it has been empty for a period of time already. Such flexibility will be on a case by case basis and would be agreed during the pre-application process. This was amended through advice from Pygott and Crone.</p>
Pygott and Crone	20 <sup>th</sup> July 2020	<p>It was suggested that bullet 6 under paragraph 3.39 could be removed, as the points are picked up in bullets 4 and 5; also, if the property is being marketed online, once a web-link is removed a copy of the</p>	<p>Bullet point 6 under paragraph 3.40 has been removed.</p>

		advert may no longer be available.	
Pygott and Crone	20 <sup>th</sup> July 2020	Although it was acknowledged that it was not meant to ask for personal information, the existing wording of bullet 8 under paragraph 3.39, could be seen as requiring personal details of those who have expressed an interest in the property and / or land.	The now bullet point 7 has been reworded so that there is now no confusion as to whether personal information was required. The wording clarifies that it is not personal information required.
Pygott and Crone	20 <sup>th</sup> July 2020	In relation to the information required on within paragraph 3.42 and 3.43, it was suggested that this type of work would require specific Quantity Surveyor advice and could be a costly exercise if the applicant was just doing it to conform to the requirements and wasn't actually necessarily looking to redevelop the site. It was suggested that the Council should dictate that the applicant discusses these requirements at a Pre-app stage and it is this Pre-app discussion that dictates what would be required of the applicant in relation to Bullet 5 of the Local Plan Policy.	Paragraph 3.43 has been reworded to remove the requirement for minimum levels of detail. The wording now states that applicants should discuss the proposal with the Council through pre-application discussions; and it is these pre-application discussions that will determine the levels of information required, as not all proposals will require the same levels of information in support.
Pygott and Crone	20 <sup>th</sup> July 2020	It was also suggested that the term 'robust' within paragraph 3.42 and 3.43 could be construed as being overly onerous. Whereas, just saying evidence should suffice.	In all bullet points under paragraph 3.43, the word 'robust' has been removed. Also bullet points 5 and 8 have been removed. These bullet points referred to detailed costings being required relating to redevelopment or refurbishment of the site / premises. To note, this information may still be required, however not in all cases, and will determined at the pre-application

			stage.
Pygott and Crone	20 <sup>th</sup> July 2020	The timescales set out for maintenance evidence within paragraph 3.44 are onerous, it was suggested that 2 year time period would be more appropriate.	Paragraph 3.45 has been amended to require a minimum of 2 years maintenance evidence rather than 10 years worth of maintenance evidence. The requirement has been amended as it could have been restrictive to some development proposals.