

Matter 7 – Employment (Policies EG1, EG2, EG7, EG8 and Part 2 Allocations)

Issue 1 - Employment Site Allocations

LEB3 – Aiskew Moor, Leeming Bar

- Q1. The response to the *Inspectors' Initial Questions* confirms that there is no quantitative need to allocate safeguarded land at Leeming Bar in order to meet the overall employment land requirement. What is the justification, therefore, for the area of safeguarded land identified under Policies EG1 and LEB3?**

Council's response

The council is aware of local demand for land in the area and would refer the Inspectors to Item 2 of the report to the Chief Executive, June 2020, identified in the council's response to the Initial Questions, specifically paragraph 2.1:

'An established Leeming Bar business needs further land to enable its development and has expressed an interest in the new site at Leeming Bar, requiring approximately 8-9ha (20-22ac) Meetings have taken place with the business to discuss their requirement and how this might fit into the wider scheme.'

The report had been in preparation for several months prior to publication; at the time of submission of the local plan the land requirement from the business had increased to circa 15ha. The content of the report should have been increased before it was published.

The council is also aware of interest from other businesses.

- Q2. Policy LEB3 states that the 10 hectares of safeguarded land is intended to come forward following a future Local Plan review. Are there any circumstances where the safeguarded area would be permitted to come forward ahead of a Local Plan review? Does the Local Plan provide a clear and effective mechanism for controlling the release of this land?**

Council's response

If the business requirement identified above takes 15ha of the 20.65ha allocation the Council may need to bring the safeguarded land forward ahead of a review to allow other businesses to secure land for development. This would be to ensure the Council supports the development plans of as many businesses as possible.

If demand were to advance to a stage that release of the safeguarded land was required within the plan period the council considers that the provisions set out within LEB3 to manage delivery of the allocation would apply equally to the safeguarded land.

- Q3. Taking into account the area of safeguarded land, is the scale of employment development proposed commensurate with the scale and character of Leeming Bar?**

Council's response

As described in the council's response to the Inspectors' initial questions Leeming Bar has been a place of industry for many years as can be seen on the Wikipedia page (https://en.wikipedia.org/wiki/Leeming_Bar).

Strategically, Leeming Bar is an important location for such growth within the A1/A19 Growth Corridor and reflecting the excellent transport connections and existing cluster of successful food manufactures and distribution.

- Q4. Will the measures set out in the development requirements and summarised in the response to the *Inspectors' Initial Questions* be effective in terms of the impact on the landscape and local character and the living conditions of nearby residents?**

Council's response

Yes. The masterplan will provide the overall vision for the site in terms of access, layout and landscaping. Critical to the masterplan will be an associated design code that sets out precise, measurable and enforceable parameters to address issues associated with the landscape, local character and living conditions of nearby residents. Preparation of the documents will provide an opportunity for further engagement with local communities, developers and landowners and enable more detailed development requirements to be established beyond those appropriate for a local plan document. At the masterplan's core will be the requirement to appropriately mitigate impacts identified.

- Q5. How will it be determined if a secondary point of access will be required? Is it clear what measures would be put in place to restrict heavy goods vehicle movements along Low Street?**

Council's response

Via the masterplan and subsequent planning applications, transport assessments and modelling will be carried out in conjunction with the Local Highways Authority to determine whether a secondary access point is required.

If required, HGV movements along Low Street could be controlled via a range of measures from physical interventions to prevent vehicles turning into Low Street, to signage and traffic notices. Specific provisions would be detailed within conditions associated with any planning consents. The Local Highway Authority can also implement a traffic regulation order to prohibit HGVs using Low Street that is legally enforceable.

- Q6. The development requirements identify a number of constraints relating to utilities. How have these constraints been considered as part of the allocation of the site? Is the site deliverable and viable over the plan period?**

Council's response

The reports are considered appropriate to support the proposed allocation of the site. The constraints and costs are not deemed to prohibit the deliverability or viability of the site or to be exceptional for a site of this type. It

is envisaged that provisions within the masterplan will address the constraints and will ensure that the site is deliverable and viable over the plan period.

NOR2 – West of Darlington Road, Northallerton

Q7. Is it clear to decision-makers, developers and local communities how the site will be developed and for what uses?

Council's response

The council considers the allocation is clear about how the site will be developed.

Q8. Is allocation of the site for offices (defined as a main town centre use) consistent with paragraph 85 of the Framework, which states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, and, where suitable and viable town centre sites are not available, allocate appropriate edge of centre sites that are well connected?

Council's response

While the allocation identifies the full range of 'B' uses to be acceptable for the site the majority is expected to be developed for non-office B1 uses and those within B2 and B8. It is considered likely that any office floorspace would be ancillary to other uses.

The Housing and Economic Development Needs Assessment (HEDNA) (SD08) identifies that there is not an extensive market for office floorspace in Hambleton. While the council and other organisations have numerous active programmes to promote Hambleton as a business location, it is considered unlikely that significant office development will take place during the plan period. The HEDNA also identifies that the majority of businesses in Hambleton are micro businesses with less than 9 employees and that the most available office units are those below 185m². This indicates that the available premises are well matched to the likely demand. Space at the Northallerton Treadmills (the former Prison) site is intended to meet demand for office space in a central location.

Q9. Is the boundary of the site as shown on the inset map accurate and justified?

Council's response

The inset map does not correspond with the allocation as shown on the Policies Map and as such is not correct.

The council can confirm that the site boundary put forward by Emma Winter of Carter Jonas for Beckwith Knowle Developments in the representation LPreg19-968 is accurate.

A modification is proposed to correct the site boundary to allocation NOR2.

NOR3 – Former Northallerton Prison Site

Q10. In response to the *Inspectors' Initial Questions* the Council stated that development is under construction. What is the latest position?

Council's response

Phase 1 is complete. The new build elements on the south part of the site will be open mid to late October 2020.

Phase 2 is currently underway. This consists of the conversion of the retained buildings in the northern part of the site. The office elements are to be completed and occupied whilst the restaurant offer is to be completed to the pre-fit out stage.

Phase 3, the main component of which is the cinema has not commenced and the council understands that this element is still going through procurement.

Q11. Is it clear to decision makers, developers and local communities what scale of retail development is permitted on the site?

Council's response

The council considers that the scale of retail development permitted on the site is clear because all elements of the scheme have planning permission. As such the scale of development is agreed.

Q12. How have the effects of development on designated heritage assets been considered? Is the Plan effective in ensuring addressing the potential impact on their significance?

Council's response

Listed Building consent (18/01850/LBC) has been granted for those elements of the scheme affecting heritage assets, and the full planning permission (18/01849/FUL) considered the impact on the character and setting of the listed buildings and conservation area.

TIS3 – Sowerby Gateway, Sowerby

Q13. What is the current status regarding the outline planning permission for the site? What was it for and does it reflect the proposed allocation in the Local Plan?

Council's response

The outline planning permission has been followed by reserved matters consents and works have been implemented. The infrastructure of roads and sewers are approved and implemented for the majority of the site. More than 300 houses have been built, extra care housing, bistro, day nursery and commercial floorspace, a primary school, hotel, food store, community gardens and sports

village are in use. Business units are nearing completion and planning permission granted for a veterinary surgery, specialist vehicle workshops and vehicle storage yard.

TIS 3 is a sub-area of the larger Sowerby Gateway scheme and was originally allocated under the LDF as site TM2B

The original application for the Sowerby Gateway scheme, application 10/02373/OUT , although not a formal hybrid application nevertheless is "hybrid" in nature, it gave full planning permission for the 1st Phase of residential development (which has been built out) with outline permission for the remainder of the site.

10/02373/OUT & 15/00145/MRC provides the in-principle approval within the Sowerby Gateway scheme for commercial development.

TIS3 comprises 11.6ha of which nearly 4.0ha are subject to detailed approval for employment use.

Application 19/00546/REM on the south eastern part of TIS3, for 9 industrial units (B1, B2, B8 use) covering 0.72ha and providing 2,215m² floorspace Application 20/01128/REM for a vehicle servicing facility (use B8) this covers 3.1ha, this is on the western part of site the preferred location for such uses as identified in the Publication Draft plan. These applications very much reflect the spirit and letter of proposed allocation in the new local plan. Further developments are expected.

Q14. Is it clear to decision makers, developers and local communities what type of development will be considered acceptable in principle on this site?

Council's response

Policy S3 Spatial Distribution and EG1 Meeting Hambleton's Employment Land Requirement both clearly identify Sowerby Gateway as an important location for economic and employment development. Part 2 of the Local Plan identifies TIS3 Sowerby Gateway as allocated for employment uses whilst, reference is made in relation to the delivery of any B8 storage and distribution development to the west of the site. As such, the Council considers the intended role of the allocation is clear.

Q15. Will the measures set out in the development requirements be effective in ensuring that development does not harm the character and appearance of the area or the living conditions of neighbouring residents?

Council's response

The Council is confident that the range of measures identified within the Local Plan will be effective. The Sowerby Gateway site already benefits from an outline planning permission meaning many of the principle issues regarding the impacts of development have already been assessed in detail. However, the allocation is for a proposed employment related development of a currently greenfield site and the Council recognise that, as such, it will bring

about change for the local area. However, measures that have been identified are intended to ensure development proposals that come forward at Sowerby Gateway are of a high quality reflective of the sites strategic and prominent location to the edge of Thirsk and Sowerby.

This includes protection of existing trees and hedgerows on the site and requiring new planting and landscaping features. No detailed proposals for planning permission will be approved by the Council without provision of evidence demonstrating how the proposals safeguard the amenity of residents in the vicinity of the development proposals and how biodiversity and green infrastructure linkages will be safeguarded and created.

DAI1 – Extension to Dalton Industrial Estate, Dalton

- Q16. What is the justification for the range of uses permitted at the Dalton Industrial Estate? Is the site intended to provide additional storage land, or a mix of new employment uses?**

Council's response

The allocation is intended to provide space for existing businesses to expand and similar activities. An update to take account of the changes to the Use Classes system which came into effect in September 2020 is considered necessary. It is therefore proposed that the uses classes that the site is suitable for are listed as B2 and B8.

- Q17. What is the justification for requiring the principal access to be taken from the existing industrial estate?**

Council's response

This is considered necessary to ensure that no HGVs are routed through Dalton village. The current industrial estate access and roads have capacity to accommodate additional vehicle movements associated with this expansion.

- Q18. Is it clear under what circumstances a secondary access will be required? What measures would be required to restrict heavy goods vehicles from being routed through Dalton village and will these be effective?**

Council's response

There are a range of potential circumstances that may lead to a secondary access point being required. This could include specific requirements or location of a single new occupier, the specific nature of the uses and potential value in separating access arrangements for a particular function and the general layout of the site to facilitate appropriate levels of accessibility.

The Highway Authority have been consulted and have not identified a potential secondary access point as an issue. However, they have confirmed that a secondary access would be required if the number of vehicle movements within the site caused congestion or conflict of movement on the wider network which needed to be mitigated. Current

highway restrictions make Dalton Lane “access only” for heavy goods vehicles of 7.5 tonnes and above. Should a secondary access point be required at Dalton Lane this provision would remain in place to prevent additional heavy goods vehicle movements heading east along Dalton Lane from the access point to the allocation.

EAS2 – Shires Bridge Mill, Easingwold

Q19. How does the proposed allocation correspond to the spatial strategy for the area?

Council’s response

The extension to the Shires Bridge Mill employment area has been assessed through the preparation of the Local Plan as part of the Easingwold Sub-area, reflecting the sites location approximately 2.5km from the centre of Easingwold.

In this proposed extension of the employment area, the council considers it has identified an appropriate strategy for securing an increase in the delivery of employment land in the Easingwold sub-area to meet identified needs for the area. This strategic role for allocation of the site is recognised through Policy EG1 that establishes the site is identified to support the Market Town role of Easingwold. As an extension to the existing business park would benefit the local economy much needed to meet the Hambleton employment requirement in EG 1.

Q20. Is the proposed allocation in an accessible location? Can it be accessed by modes of transport other than the private car?

Council’s response

The Council recognise that spatially the Shires Bridge business park is isolated from the main settlement of Easingwold. However, the location in the context of a market town within a wider rural hinterland is accessible and has been assessed by the Council as the most appropriate location for expansion of employment provision in the area. As previously noted the site is located just 2.5km from the centre of Easingwold and is strategically located on the A19 between York and Thirsk and just south of the York Road roundabout providing access to Easingwold. The city of York is identified in the ELR 2016 as being just a 20 minute drive to the south of the site.

In terms of public transport, there is a currently unmarked bus stop at The Lodge, approximately 150 metres away from the business park. The stop is served by the 31X service from the centre of Easingwold – a journey of approximately 6 minutes, which terminates in York. Whilst, it is recognised that current service levels may not fulfil the needs of morning commuters such a service offers potential for improvements in public transport provision over the Plan period as the allocation is delivered.

Q21. Is the type of development proposed commensurate with the character of the site?

Council's response

Yes, east of the site is the existing Shire Bridge Business Park, a cluster of commercial premises of a range of types and styles centred originally upon the conversion of the Shire Bridge Mill and other agricultural buildings for industrial / business use. The converted Mill extends to some 3 floors in height whilst the mix of modern and converted industrial units range from single to 1.5 floors in height.

The business park has proved particularly successful as a location for business to invest with the ELR 2016 (SD07) identifying just a 5% vacancy rate and noting that the business park provides an attractive mix of development for business in use in former B1 office use and B8 storage and distribution use.

The proposed allocation that would be a direct extension of the site provides for an open range of employment use classes including former B1, and use classes B2 industrial manufacturing and B8 storage and distribution. The provisions for design and layout of the extension with EAS2 set out that development will be expected to accord with the scale and massing of existing buildings at the business park.

Q22. What effect will the allocation have on the local landscape character of the area? How has this been considered as part of the preparation of the Local Plan?

Council's response

The Hambleton Landscape Character Assessment and Sensitive Study (SD27) identifies that Shires Bridge Mill is located on the border of the Tholthorpe Moors. Paragraph 5.236 of the study presents the area as primarily arable farmland, in particular around Easingwold with scattered areas of pasture, and several areas of small-scale, narrow fields with parallel lines of hedgerows. The existing employment development at Shires Bridge Business Park already introduces a range of buildings of varying height and massing to the landscape. The site of Shires Bridge Mill specifically, is surrounded by hedgerows, fields and the existing business park. From key viewpoints such as the A19, the visual impact of the current development is limited, but the Council recognises that such development in this countryside setting may impact the character of the area, therefore, has stated that there will need to be additional screening and landscaping in the development requirements.

The relatively modest extension of the business park to the west, subject to appropriate and high quality design of the extension, can be accommodated in the Council's view without any notable additional impact upon the landscape character of the area. The current western boundary of the business park – that borders the proposed extension – currently provides no landscaping or screening measures with the development essentially sitting within the same field parcel as the allocation.

The provisions within the Local Plan at EAS2 are proposed to ensure appropriate measures are in place to mitigate any negative impact the introduction of additional buildings into this landscape might have it has on the surrounding areas. In EAS 2, the Local Plan ensures that the retention of existing hedgerows and the introduction of a range of landscaping and enhanced screening will minimise visibility to the area. Overall, the proposed extension offers an opportunity to reinforce effective landscaping and screening measures to the western boundary of the business park – potentially addressing the minor landscape impacts that arise from the existing development.

STK2 - East of Stokesley Business Park & STK3 - Southeast of Terry Dicken Industrial Estate, Stokesley

Q23. The Local Plan includes offices in the list of uses which are permitted under Policy STK2 but excludes offices from site STK3. What is the reason for this distinction?

Council's response

Broadly the Council considers a small element of office development would be appropriate at this location, extending the recent office development constructed at the adjacent Mount Pleasant Way. However, given the scale and location of the site the Council's view was that it would be inappropriate for the site as a whole to be developed for office uses and therefore took the opportunity to specify that office development would be limited to within the allocation of STK2.

The Council's approach to the identification of potential office development will require amendment following the change to the Use Class order and removal of use class B1. The Council is clear that other uses within Class E, would not be appropriate at this location so would seek to avoid this potential outcome.

Q24. Is allocation of site STK2 for offices (defined as a main town centre use) consistent with paragraph 85 of the Framework, which states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, and, where suitable and viable town centre sites are not available, allocate appropriate edge of centre sites that are well connected?

Council's response

The Local Plan responds to the Employment Land Review which identified the opportunity for modern office accommodation that was suitable to business needs that may require an edge of centre location ideally within the Stokesley area. STK2 responds to this and although it is an out of centre location the Council is supportive of making such space available to attract future investment.

Additionally, the site is suitably accessible to the town centre and to the foodstore at the eastern end of the town, including a pleasant off-road river side pedestrian route.

Q25. Parts of both allocated sites are within Flood Zones 2 and 3. Are the allocations consistent with paragraph 157 of the Framework, which states that all plans should apply a sequential, risk-based approach to the location of development so as to avoid, where possible, flood risk to people and property?

Council's response

Parts of these sites do lie within flood zones 2 and 3. However, these areas are a small percentage of the site and in line with NPPF and application of criterion K. of Policy RM2 Flood Risk, the site layout can avoid these areas. The site is allocated for employment uses which are considered 'less vulnerable' and therefore the exception test is not required.

Q26. What effect will the proposed allocations have on the flood alleviation scheme at Ellerbeck? Is it clear to decision makers, developers and local communities what measures would be necessary to meet the requirements in Policies STK2 and STK3?

Council's response

The site specific development requirements given with each allocation set out the expectation that a developer will work with the Environment Agency and align with work ongoing for the flood alleviation scheme and that attenuation of surface water from the site is required. Additionally, the site is protected by flood protection measures.

Q27. What effect will the allocation have on the landscape character of the area, having particular regard to the setting of the North York Moors National Park?

Council's response

The site is sufficiently distant from the NYMNP such that any potentially harmful impacts can be moderated by careful consideration of the scale, massing and roofscape of any development on the sites and the colour of materials used, as well as the design of other elements that may be required, such as security fencing, in combination with other landscaping measures. Furthermore the backdrop to the allocation sites includes the existing industrial estate developments.

Q28. To what extent would the development requirements and other environmental constraints identified affect the ability to provide a suitable access between STK2 and STK3. In particular, are requirements to retain and enhance boundary features and provide landscaping strips achievable?

Council's response

The development requirements appropriately address some of the main issues that would need to be considered when submitting a planning application for both sites. The requirements are not considered to affect the deliverability of either site. Access is limited with a single access to each of

the allocation site. The routes to the sites will need to pass through adjoining land occupied by existing commercial uses. Flood risk does not provide significant constraint and any hedgerow removal will be limited such that it would not cause significant landscape harm and compensatory planting can be provided.

- Q29. What is the justification for identifying the sites as two allocations? Subject to access arrangements being in place, the Plan does not prohibit site STK3 being delivered in advance of site STK2? Is it the intention that both sites would come forward independently?**

Council's response

The sites have been identified independently throughout the plan preparation process and have been considered as such as a reflection, primarily of landownership and on site characteristics – including the clear distinction between the two sites created by the landscape buffer to the south of STK2. This has enabled the Council to consider the individual implications of each site and the flexibility, if it had been required, to allocate a smaller total area of land. It is established with Part 2 that development of the two sites with a shared access route through Mount Pleasant Way is the Council's preferred – and the most likely outcome for delivery of the sites. However, subject to suitable alternative access arrangements being in place via Ellerbeck Court, the Plan does not prohibit site STK3 being delivered in advance of site STK2 and does not take a position either way about whether the identified sites come forward as a joint scheme or independently. The key consideration for the Council in either scenario would be that the proposals accord with the provisions set out in relation to STK2 and STK3.

- Q30. Is the allocation effective in relation to the protection of water courses running near to the site? Is it clear what measures would be necessary to meet the particular development requirements?**

Council's response

The two sites are allocated for employment uses that fall within the 'less vulnerable' category and as such do not require application of the exception test to be allocated. However, it is still important that the adjacent water course is considered when these sites are developed which is why the site allocation development requirements necessitate an applicant to provide a site specific flood risk assessment and dialogue with the environment agency. There will be a requirement for attenuation of surface water and interceptors on roads and parking areas.

- Q31. The *Employment Land Topic Paper* states that site STK2 is an existing allocation which has not come forward for development. Is the continued allocation of the site therefore justified? Will the site be developable within the plan period?**

Council's response

Site STK2 is an existing allocation and the Employment Topic Paper (SD09) outlines how it has been subject to recent planning applications in 2019 and a reserved matters approval in 2017 that demonstrate interest in the site and its

appeal to developers. The site is considered to be justified allocation based on the evidence available (Employment Land Review and Employment Topic Paper), with the wider site noted to have a high occupancy rate and the area is one of the more sought after locations in the district as demonstrated by the low vacancy rate. The continued and extended allocation of the land is therefore reasonable.

Issue 2 – Protection and Enhancement of Existing Employment Land – Policy EG2

Protection

- Q1. What is the justification for the 2,000 square metre / 2 hectare threshold for the assessment of proposals leading to the loss of employment land? What is this based on and how has it been established?**

Council's response

The Council has identified the threshold of 2,000 square metres or 2 hectares on the basis of evidence collated within the Employment Land Review (ELR) 2016 (SD07).

It is important for the Local Plan to include such a threshold as the basis upon which the level of available employment land supply can be monitored and safeguarded both at a District wide and local area level.

For employment related developments, such thresholds are frequently used through evidence and monitoring to distinguish the scale of development, relative to the wider availability and provision of employment land in an area. This therefore influences consideration of the value, impact and significant of a site or building's delivery or loss for the supply of employment land in an area.

Within the context of Hambleton and its employment land supply, the ELR 2016 recommended Paragraph 11.32 that 2,000 square metres was an appropriate threshold above which proposals for the loss of employment land should be required to provide evidence that the proposal would not lead to undersupply of employment land.

- Q2. How have the 'key' and 'general' employment areas been identified? What factors were considered in deciding whether or not to include sites under Policy EG2?**

Council's response

All employment land, both Key and General is included within Policy EG2 and is protected by provisions for the protection and safeguarding of existing built employment areas and available land.

Firstly, the identified key employment areas dwarf the remaining general employment land identified through the Plan. In total the general employment areas extend to approximately 40 hectares, with the largest single general employment area a 6 hectare site at Carr Lane / Cleveland Industrial Estate, Easingwold. By contrast the smallest Key employment allocation is the 18 hectares of land at Thirsk Industrial Park.

This scale and mass of employment land is therefore the first factor that has informed identification of the Key employment sites. Their retention and capacity for further delivery of employment related development is significant and therefore key to the Local Plan meeting its requirements for employment land delivery.

Secondly, each of the identified Key employment sites align with the general provision for growth and the strategy for economic development set out within Policy S3 Spatial Distribution. Leeming Bar Industrial Area and Old Dalton Airfield are both large areas of employment land that are integral to the delivery of major employment opportunities within the Central Transport Corridor aligned with the A1(M) and A19. The remaining Key employment areas at Northallerton, Thirsk and Stokesley are each the largest and most significant areas of employment within the Districts remaining Market Towns (with the exception of Easingwold).

Q3. Does the list of 'key' and 'general' employment areas adequately reflect the role and function of the District's employment sites?

Council's response

Yes, the list is a reflection of the nature and distribution of employment land supply across the District and reflects the nature of various different sites in fulfilling;

Firstly, for Key sites the strategic requirements for growth at a range of priority locations across the District. The role and function of these sites in meeting employment needs for the District has been explored further in response to Q2 above.

Secondly a range of General sites at various locations in towns and villages across the District that locally are of importance to providing employment opportunities and cumulatively make an important contribution to the overall economic base of Hambleton.

Each of the sites identified have been reviewed through the ELR 2016 (SD07) that establishes their continued role and importance to the economic growth and prosperity of the District.

Q4. What is the justification for restricting changes of use away from employment in the 'key' areas? Is Policy EG2 consistent with paragraph 81 of the Framework in this regard, which states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and enable a rapid response to changes in economic circumstances?

Council's response

The restriction to changes of use away from employment in the 'key' areas identified from the ELR (SD07) is in accordance with paragraph 81 of the Framework, which sets out that Local Plans should proactively encourage sustainable economic growth, based on local evidence, to ensure the District has sufficient strategic sites to meet anticipated needs over the plan period. The key employment sites identified within Hambleton have each been identified due to the particular role they can play as part of the economic growth and development of Hambleton. Frequently such uses, which may

involve high volume movements of heavy goods vehicles, large format buildings, open storage and generate noise and other disturbance have particular locational requirements. This means it is important within Local Plan policy to have a framework that supports and safeguards suitable locations for the growth or continued operation of such businesses. There are also additional benefits associated from the clustering of activities into specific locations that can generate specific expertise and benefits that further boost economic growth, whilst the introduction of other potentially conflicting uses (perhaps that are sensitive to noise) would potentially harm the operation of otherwise successful businesses. As such, restricting changes of use from those supported in the policy at 'key' employment areas is vital to ensuring that such employment uses can secure sufficient land to grow and thrive.

Despite this, Policy EG2 is consistent with paragraph 81 of the Framework in allowing flexibility to future needs not anticipated in the plan and allows for new and flexible working practices that will enable a rapid response to changes in economic circumstances. The policy outlines a range of criteria that employment generating uses would need to consider outside of a B1, B2 or B8 use, making specific provision for development of sui generis and ancillary development within such sites. This would extend to consideration of a range of activities that benefit economic growth and investment and support the overall success of the key employment areas.

Q5. Is Policy EG2 clear about non-employment uses in key employment locations, particularly in terms of what would be considered 'ancillary' or 'complementary'?

Council's response

Policy EG2 is clear about non-employment uses in key employment locations. The Policy clearly outlines how it would consider non employment uses, requiring applicants to demonstrate that a proposal would not have an unacceptable impact on the amenity, the overall operation of the site and the supply of employment land in both qualitative and quantitative terms in a supporting statement. It also provides additional guidance in the supporting text of paragraph 4.21. The supporting text explains this further by making it clear that a non B1, B2 and B8 use could be acceptable where it would provide a service to employees and their clients, having a clear functional requirement to the employment site and what impacts it would have on neighbouring uses.

Q6. For general employment areas, what is the justification for requiring a site to be marketed for a minimum period of 2 years before planning permission is granted for an alternative use? Should this requirement be in the policy, or the supporting text?

Council's response

For general employment areas the justification for requiring a site to be marketed for a minimum period of two years before planning permission is granted for an alternate use is based on a timeframe that the Council considers allows sufficient flexibility in accordance with the Framework to changing economic needs and circumstances, whilst providing a clear strategy of the intended development of an allocated site.

The Council is satisfied that the informative establishing that marketing evidence for a two year period should be provided is appropriate within the supporting text. The policy requirement is for evidence to be submitted to demonstrate that a site has been comprehensively marketed. The further informative set out within paragraph 4.22 provides further detail and guidance for the applicant in demonstrating a comprehensive marketing exercise.

- Q7. How would a decision-maker react to a proposal for the change of use or redevelopment of an existing employment site that was under the 2,000 square metres / 2 hectares threshold, but was not identified as a 'key' or 'general' employment area?**

Council's response

Such a proposal would be considered by a decision-maker as the redevelopment of an existing employment site, as outlined within the final part of Policy EG2. This establishes that proposals for redevelopment of existing employment sites, either for employment uses or that contribute to the improvement in the appearance of an existing employment site would be supported. On this basis a decision maker would not be called upon to consider the wider strategic implications for retention of a building or land in employment use. Given such sites or buildings are not identified by the Council as contributing to achieving wider strategy goals of employment land provision this flexible and positive approach to the redevelopment of such sites, is considered by the Council to be appropriate and in accordance with national policy.

- Q8. Is it clear to decision-makers, developers and local communities how applicants for planning permission should demonstrate that any loss would not have an unacceptable impact on the overall supply of employment land or premises?**

Council's response

The Council consider that an appropriate level of detail is available within the policy to provide a suitable starting point for assessment of whether a given proposal would have an unacceptable impact upon employment land supply. The Council do not consider it feasible to define unacceptable impact within the Local Plan. Such an assessment, at any given time would be required to take into account the total remaining supply of employment land within the District or the local area, the ongoing attractiveness and take up rates of identified employment land and the level of remaining employment land supply following loss of the site. Such considerations are matters of technical assessment and judgement to determine whether loss of the site would then undermine the strategic aims of the Plan to provide sufficient land to meet identified employment land requirements and maintain a sustainable supply of general employment land for local areas.

Enhancement

- Q9. Is it clear to decision-makers, developers and local communities what 'ancillary' and 'sui generis' uses are for the purposes of Policy EG2?**

Council's response

For the purposes of Policy EG2 the support justification at paragraph 4.21 is clear that ‘ancillary’ and ‘sui generis’ uses are forms of development that do not fall with the B1, B2 and B8 use class. The broad range and character of ancillary uses is further outlined within paragraph 4.21 noting that this includes service and other supporting activities to the primary role of the employment use or site. Further specific details on “sui generis” use is not set out within the supporting justification or Glossary. However, the Council would note that the former and 2020 Use Classes amendments include a defined range of uses that are considered to be “sui generis”. The Council do not consider there to be any requirement for this to be repeated within the Local Plan.

Q10. Is it clear to decision-makers, developers and local communities that ancillary and sui generis uses are permitted as part of the allocated sites?

Council’s response

The Policy clearly states that development for ancillary and sui generis development would be supported at key employment sites subject to certain considerations. For sui generis uses, this includes a sequential approach to the consideration of such development being accommodated at general employment locations or allocated sites and then outlines the specific criteria for the development of such uses at key employment locations. Whilst this sequence establishes delivery of sui-generis uses at allocated sites as preferable to key employment sites, in the Council’s view this does not equate to specific support for the delivery of sui generis development at the allocations. The provisions set out within Part 2 of the Local Plan clearly set out the use classes that the Council has identified as appropriate for each allocation. The delivery of sui generis uses would be considered as an exception for any sites allocated solely for former B1 use classes or B2 or B8 use classes.

Q11. Policy EG2 refers to support for Class B uses within key employment areas, but not general employment areas. Is this a deliberate distinction and, if so, is it justified?

Council’s response

In the Council’s view whilst provisions within EG2 relating to B use classes for Key employment areas, and “non-employment” uses for general employment areas reflect the distinct change in emphasis and policy approach for the two types of designation. Key employment areas have been identified and are recognised as strategically important locations for the District and the Local Plan places greater emphasis on their development for employment based B use classes. It is equally apparent from EG2 that employment uses would be supported within General employment areas. However, the emphasis of the Local Plan for such areas, in accordance with NPPF, is to set out a positive and flexible framework within which a range of non-employment uses can be considered and supported.

Q12. Is the approach to office development consistent with Policy EG3 on main town centre uses?

Council's response

The Council do not consider there to be a specific conflict between the provision within Policy EG3 to prevent office development at inappropriate locations, and the positive choice taken through the Local Plan to allow an element of office development at allocated sites and designated employment areas. For such allocations and designations, the suitability of the proposed location and impact upon town centres has been addressed through the plan making process that arrived at the proposed allocation.

- Q13. How would a decision-maker react to a development proposal for a new employment use that was not in a 'key' or 'general' employment area?**

Council's response

If a new employment use was proposed at a location that was neither a key or general employment area, a decision maker would be required to consider the impacts of a proposal with regard to the wider provisions of the local plan for the control of development. This would include as a starting point S2 Spatial Distribution and EG7 Rural Businesses; but would include all policies reading the Local Plan as a whole and with regard to the specific circumstances and material considerations relevant to the site proposed for such development.

Other Matters

On 21 July 2020, the Government published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The changes came into force on 1 September 2020.

- Q14. In summary, parts of use classes A, B and D no longer exist, and have been replaced by a new class E (commercial, business and service). As a result of these changes, does Policy EG2, and the associated supporting text, need to be modified to reflect the most up-to-date Use Class Order?**

Council's response

The changes to the Use Class Order have the effect of removing B1 and replacing previous B1 uses appropriate to a residential area, within a new E Use Class. As a consequence, the existing wording of Policy EG2 that refers to use class B1 is no longer an accurate reflection of the most up to date use class order and will require a modification in response to the changes.

Issue 3 – Rural Businesses and the Visitor Economy – Policies EG7 and EG8

Rural Businesses - Policy EG7

- Q1. Is Policy EG7 intended to apply to development proposals outside 'key' and 'general' employment locations? Is this clear to users of the Local Plan?**

Council's response

Yes, Policy EG7 addresses proposals for development outside defined key and general employment locations. The opening line of Policy EG7 states that development will be supported in locations outside the main built form of a defined settlement in the settlement hierarchy. Each of the key and general employment locations within Hambleton form part of a defined settlement, and so in the Council's view it is clear to any user of the Plan that policy EG7 would not apply to key and general employment locations.

The supporting text (paragraph 4.75) explains how spatial strategy of the Local Plan is to focus new employment development on sites allocated through Policy EG1 and EG2, but that the Local Plan recognises that rural areas play a key role in the economy of the district and whilst towns and larger villages may provide the most sustainable locations for rural economic development this policy accounts for existing rural enterprises that may seek to expand or other forms of rural businesses that need to be located in the countryside.

Additional wording at EG7 and EG8 to provide this clarification should be included.

- Q2. Is it clear to decision makers, developers and local communities how applicants will be expected to demonstrate that developments cannot be located within the built form of an identified settlement? Is the expectation that applicants should consider sites within the nearest settlement, or the entire District?**

Council's response

It is understood that this question relates to criterion c. of EG7 which states "a new building that is well-related to an existing rural settlement where it is demonstrated that the proposal cannot be located within the built form of a settlement."

Further discussion of this is provided within the supporting text at paragraph 4.78 where reference is made to considering potential for a development to be accommodated within other nearby settlements. In the Council's view it will be important to take a flexible approach to such assessments and the area of search that would be appropriate for any given business. Where the proposal may relate to the expansion or redevelopment of an existing established firm associated with a particular settlement and providing local employment opportunities for the surrounding community it would be inappropriate to require their relocation to a remote settlement elsewhere – assuming the proposed site can otherwise be viewed as acceptable. However, if a proposal exhibits no specific requirements or association with a particular countryside location the importance of thoroughly reviewing and demonstrating that there are no suitable alternative locations within a settlement would be greater.

- Q3. Policies EG1, EG2 and EG7 deal with employment development on allocated sites, existing key and general employment locations and other locations outside settlement respectively. Is it clear to decision makers, developers and local communities how planning applications for employment uses *within* settlements will be considered?**

Council's response

Policies EG1, EG2 and EG7 deal with employment development on allocated sites, existing key and general employment locations and other locations outside settlement respectively. Policy S1 and S3 support the overarching development principles for applications of employment uses within settlements and Policy EG5 also supports a main town centres uses within the designated centres that could include appropriate employment development. Further to this a decision maker would be expected to subsequently read the Local Plan as a whole and have regard to the specific circumstances and material considerations relevant to the site proposed for such development.

Q4. What is the justification for suggested modification M26? Is this necessary for soundness?

Council's response

The suggested modification reflects a response to the consultation and the opportunity for the Local Plan to support the role that agriculture related development can make towards a reduction in carbon emissions. The proposed modification has been proposed in recognition that there is a role for such proposal in tackling climate change and the Council therefore considers the amendment brings about an improvement in the Policies effect upon an aspect of sustainable development. However, the Council do not consider the modification is necessary to correct an issue of soundness.

Q5. Is Policy EG7 consistent with paragraphs 83 and 84 of the Framework, which, amongst other things, states that planning policies should enable the sustainable growth and expansion of all types of business in rural areas and enable the development and diversification of agricultural and other land-based businesses?

Council's response

The Policy is consistent with paragraphs 83 and 84 of the Framework as it clearly supports sustainable growth and expansion of all types of business in rural areas and enables the development and diversification of agricultural and other land-based businesses. Criterion a) refers to expanding businesses in a location outside of the main built form of a defined settlement and criterion e) would support all other proposals specifically requiring a countryside location. These criteria support paragraph 83 and 84 of the Framework. Criteria i), j), k) and l) specifically support the development of agricultural and farm diversification. The Council recognises that this does not extend the definition to "other land based businesses" as set out within paragraph 84 of the framework. However, the Council would consider proposals arising from such businesses against the wider provisions of EG7 that provides appropriate support to such potential development.

The Visitor Economy – Policy EG8

Q6. Where a countryside location is proposed, is it clear to decision-makers, developers and local communities how an applicant would meet criterion (d)? Is the expectation that applicants should consider sites within the nearest settlement, or the entire District?

Council's response

If the site is not considered to be part of the settlement or adjacent to the settlement identified in the settlement hierarchy, it would be expected that the applicant would need to consider the entire District. However, where the proposal may relate to the expansion or redevelopment of an existing established firm associated with a particular settlement and providing local employment opportunities for the surrounding community, it would be inappropriate to require their relocation to a remote settlement elsewhere – assuming the proposed site can otherwise be viewed as acceptable.

- Q7. Are criteria (d) and (i) consistent with paragraph 84 of the Framework, which states that policies should recognise that sites to meet local business needs may have to be found in locations beyond existing settlements that are not well served by public transport?**

Council's response

The Council considers criteria d. and i. are broadly consistent with paragraph 84. Whilst the Council consider it important that proposals are in locations that “will be accessible by sustainable travel options” (that includes modes including walking, cycling and public transport), it does not interpret criteria i. and d. as requiring such proposals to be in locations that are well served by public transport or in locations already accessible to sustainable travel options. This accords with the principles of paragraph 84 that states it is important such proposals exploit opportunities to improve sustainability, for example by improving scope for access by walking, cycling or public transport and sites well related to existing settlements should be encouraged.

- Q8. Is it clear to decision makers, developers and local communities what is meant by ‘planning problems’ in criteria (c) and (f)? Is the policy effective?**

Council's response

Planning problems refers to the failure a proposal has in meeting and maintaining the high-quality standard of environment and character on-site as well as its surrounding area and as a consequence the impact of a proposal upon the amenity of adjacent residents or businesses.

Policy E2 ensures that any proposed development has to have a high standard of amenity for all users including neighbouring land and occupiers for the future. A planning problem may refer to a proposal failure to meet the E2 policy. This could include an inadequate amount of sunlight, the physical relationship arising from design and separation causing a loss of privacy, noise, air pollution, dust, odour, overheating, obtrusive light, contamination, water pollution and insufficient storage for the collection of waste and recycling.

In the Councils view the use of the term planning problems provides a clear indication that the impacts of relevance in relation to criteria d. and f. are those that would be considered material planning issues.