

Protected Employment Land – Clarification of the Council’s position, having regard to the evidence available

This authority did confirm, following the discussions at the two Hearing sessions on Matter 8, that this authority’s preferred approach to the undeveloped land at Greenhills Enterprise Park (GEP) would be to allocate the land under Policy MD4.

This authority took this position following the unsatisfactory outcomes of the two Hearings, following which, it was apparent that the LPA, David Haston and latterly the landowner PxP could not jointly or severally present a satisfactory assessment of the issues. This arose in part, because the participants:

- had limited knowledge of the planning history of GEP at that time;
- did not have sufficient evidence at the Hearings to address the issues being raised;
- did not have the benefit of legal advice on the arguments they were presenting.

On this basis, this authority could only state an ‘interim’ position after the two Hearings. This authority considered that, from the two SAMDev employment Policies (i.e. MD4 or MD9), it appeared MD4 offered the most satisfactory solution to the issues identified under Matter 8. This was an ‘interim’ position as it preceded our knowledge and consideration of the Inspector’s questions, the legal advice subsequently obtained by this authority and further assessment of the planning history of GEP and its implications.

In response to the Inspector’s current request, and on the basis of the evidence now available, this authority’s preferred approach is to maintain the designation of the undeveloped land within GEP as a Protected Employment Area under Policy MD9. This was confirmed in para 2 of our second submission to Inspector question IQ5 – that the MD9 designation is sound. This authority based their preferred approach on the Counsel’s advice which we have disclosed and our two submissions (with supporting evidence documents) made to Inspector’s questions IQ1 – IQ5 already provided. This authority addresses in general the issue of ‘soundness’ in para 11 of our first submission and in detail throughout our second submission.

Some key elements of this evidence are:

- the undeveloped plots in GEP do not have extant permission and further development requires a new grant of consent but this is not an impediment to their protection as employment areas as indicated in paras 12 – 13 of the legal advice obtained by this authority;
- this legal advice establishes that the need for a new permission does not prevent the land being protected as part of an existing employment area, as a matter of planning judgement, where the evidence base justifies this approach;
- the Core Strategy or SAMDev Plan do not define “existing employment areas” and so, do not limit the protection under Policy MD9 only to land with permission as further indicated in paras 5 – 6 of the legal advice obtained by this authority.

- The designation of land under Policy MD9 uses proportionate evidence and this evidence (in the Strategic Sites and Employment Areas Study, Phase 1 Report) has identified the role and function of GEP as supporting the delivery of the portfolio of allocations in Shrewsbury as required in Core Strategy Policy CS14. This is indicated in paras 7 – 10 of our first submission and paras 16 – 23 of our second submission;
- this authority accepts that the established development at GEP was unlawful at the time of delivery but is now established development. These works and their effects on the character and utility of the land mean that an allocation under Policy MD4 could not achieve anything further in relation to the Core Strategy definition of “readily available land”. This definition provides key objectives for the implementation of Policies MD4 and MD9. This is identified in para 11 of our first submission in relation to the general tests of ‘soundness’;
- further, this authority should now encourage a new permission to regularise the planning of the undeveloped plots and bring them to built development and into a productive use;
- this authority has sought to ensure that our preferred approach is robust by providing evidence of the suitability of the undeveloped land for employment use. This includes the preparation of detailed guidance with Historic England (HE) to protect the adjoining Registered Battlefield which resolved an objection by HE (see separate email to follow);
- this authority has responded to Inspector’s questions IQ1 – IQ5 setting out our position. We hope this will assist the Inspector to make a sound planning judgement as the appropriate decision maker as advised throughout the Counsel’s advice disclosed by this authority.

This statement seeks to clarify the key elements of the LPA’s position but we continue to rely principally on our Counsel’s advice and our two submissions as our statement of case.

24 April 2015