

PxP West Midlands Ltd Land at Greenhills Enterprise Park 3866 11 December 2014 **Policy S16: Shrewsbury Area** 

- 1. Spawforths are Planning Consultants for PxP West Midlands who own the site at Greenhills Enterprise Park, Shrewsbury (referred to as Land east of Battlefield Enterprise Park in Schedule S16.1 of the SAMDEV Plan). PxP West Midlands are a Public / Private Joint Venture between the Homes and Communities Agency and the Langtree Group PLC, specifically set up to develop, regenerate and invest in a diverse portfolio of properties and sites throughout the West Midlands to deliver economic growth and regeneration. PxP West Midlands brings together detailed knowledge of the property market and the access to public and private resources to seek to bring forward difficult sites. PxP therefore has a very specific role in job creation and regeneration. PxP West Midlands purchased the site now marketed as Greenhills Enterprise Park site in April 2007 as a fully serviced employment site from Advantage West Midlands (AWM).
- 2. PxP West Midlands wish to submit this Participant Statement and appear at the SAMDev Plan EiP in respect of Policy S16 : Shrewsbury . We understand that at the Matter 8 Employment Hearing Session on Thursday 13 November 2014, concern was raised by the Inspector in respect of duly made representations and objections by Haston Reynolds (251) in relation to the designation of the Greenhills Enterprise Park, Shrewsbury (referred to as Land east of Battlefield Enterprise Park in Schedule S16.1 of the SAMDev Plan) as a "protected employment area" under Policy MD9 of the SAMDev Plan and consideration may be given to its designation as Countryside primarily because the Greenhills Enterprise Park does not have a current planning permission.
- Spawforths wish to attend the Hearing Session on 17<sup>th</sup> December 2014 on behalf of PxP West Midlands to represent the landowner's interests at the Hearing.
- 4. This Participant Statement sets out PxP West Midlands position in response to the matters raised:
  - This Statement will show how the site accords with Policy MD9 and the Core Strategy, why the site is a key component of the employment supply within Shrewsbury and therefore why the protection of this site under Policy MD9 is sound i.e. and also justified (see Inspector's Guidance Note). Soundness Test - Positively Prepared in relation to the plan strategy
  - This Statement will draw on the planning and development history of the site which is highly relevant to the continued protection of the site as an existing employment area Soundness Test Positively prepared in relation to infrastructure requirements

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- The Statement will also demonstrate through the physical attributes of the site (including topography, urbanised development characteristics and its physical disposition), that the site is not characteristic of Countryside and hence that it would be unsound to designate it under Policy CS5 of the Core Strategy as Countryside. Soundness Test Justified by evidence as the most appropriate strategy when considered against alternatives
- It will also show the significant public and private sector investment that has already been put into this site and the scale and nature of the ongoing property and marketing strategy. Soundness Test Effective deliverable over the plan period?
  The designation of the site will protect other interests of recognised importance i.e. managing the impacts of development on the Registered Battlefield, flood risk from Battlefield Brook, ecological significance of the site. Soundness Test: Consistency with national policy

# Protection of Greenhills Enterprise Park (referred to as Land east of Battlefield Enterprise Park in Schedule \$16.1 of SAMDEV) under Policy MD9 and Policy \$16 Id

- 5. PxP West Midlands understands that the Inspector has raised concerns that without any extant planning permission in place, the land referred to as Greenhills Enterprise Park should not be afforded protection under Policy MD9 (Protected Employment Areas). PxP West Midlands consider that Greenhills Enterprise Park is a key employment area for Shrewsbury. Policy MD9 relates to "protected employment areas" and within the policy it refers to "existing employment areas". The policy notes that they exist to "safeguard key employers, local businesses and employment opportunities" and "provide development opportunities for business start-up, growth and inward investment". It is therefore clear that the policy relates to employment areas, not just sites and that it envisages that development opportunities will exist within these areas as shown in the supporting evidence document Shropshire Stratgeic Sites and Employment Areas Assessment Phase I : Shrewsbury (see Appendix I Battlefield Enterprise Park pages 82 87).
- 6. Neither the policy nor its supporting explanatory text state that "protected employment areas" need to have the benefit of any extant planning permission. In fact, the policy text (paragraph 4.82 of the SAMDev Plan) states that employment areas protected in this policy comprise "<u>accessed</u> and <u>serviced</u> employment land". Paragraph 4.76 also refers to the need to protect <u>serviced</u> employment land.
- 7. In this context, it is important to understand the overall approach to the Greenhills Enterprise Park. The planning history, planning strategy and chronology of relevant planning applications and permissions is set out in detail in Appendix 1 of this Statement.



- 8. A comprehensive approach was taken to the site at the outset. The original planning strategy for the site was to secure outline permission for the whole Enterprise Park to ensure comprehensive development. This outline permission was granted in 2003 for B1, B2, B8 uses, but with a restriction that the use should be food related. It was granted due to its strategic location inside the Shrewsbury bypass (Battlefield Link Road), its proximity to the existing employment allocation of Battlefield Enterprise Park, and the requirement for a development site of 10 hectares to create a critical mass to aid the ability to link external business development activity to the proposed food related uses on Greenhills Enterprise Park. The outline permission included all the land which is now protected as part of Policy MD9.
- 9. AWM and Shropshire County Council made significant investment into this site and constructed the first section of the access road (Phase 1), in 2004. The later section of road (Phase 2) servicing plots 3 and 4 was procured and completed jointly by AWM and Shropshire County Council in early 2007. Plot 5 was brought forward by Shopshire County Council with construction starting in 2007 for the Food Enterprise Centre and plot I was granted permission and brought forward in 2013 which houses Mercedes (12/03574/FUL). In addition to the roads, sewers, utilities, lighting columns and footpaths, structural landscaping has been implemented on site and an electricity substation has been built to service the whole development. Plan I contained within Appendix 2 confirms the extent of the site that was granted outline planning permission, those elements that have been granted full permission, permission that have lapsed and remaining three plots that continue to be marketed.
- 10. The scale of the Public Sector investment into the site, which included the construction of the Food Enterprise Centre and road infrastructure is in excess of £10 million all aimed at bringing the site forward for employment use. It is clear from the above therefore that this is an established "existing employment area" and that it exists to "safeguard key employers, local businesses and employment opportunities" and "provide development opportunities for business start-up, growth and inward investment." Further it is also clear that it comprises "accessed and serviced employment land". This is evident from a visit to the site and from the photographs of the site, illustrating the access road contained in Appendix 2.
- 11. Despite the significant investment that has been put into the site by public and private sector partners and the former County Council and Borough Council's Economic Development team who all worked jointly to market the site, parts of it remain undeveloped. Marketing evidence appended to this Statement demonstrates that the site has been actively marketed and the fact that there are undeveloped plots has been dictated by market forces and the recession rather than a lack of activity by the owner. The investments in Greenhills Enterprise Park and the ongoing property and marketing activities by PxP West Midlands would already exceed the



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proposed requirements of Policy MD4 as set out in para 4.28 of the policy explanation. The history and development of Greenhills Enterprise Park does leave little to be achieved by redesignating the site as a new employment allocation when compared with Policy MD9. These considerations would in turn render Policy CS5 as a wholly inappropriate designation for Greenhills Enterprise Park. Therefore, Policy MD4 would appear to be the only suitable alternative designation for the land.

- 12. With the infrastructure in place to service the plots, following implementation of the means of access into the site, a decision was made by PxP West Midlands to market the site as serviced plots. It is an entirely legitimate approach to pursue the development of the site in this way, responding to the prevailing market forces and is a strategy familiar to most developers. It is a common approach to secure outline permission with means of access, implement the means of access and strategic infrastructure, market the site and then build out each plot as part of separate full planning permissions. The advantage of this approach is that full planning permission is sought only when a future occupier has been secured. The approval of the application for the Mercedes Car Showroom on Plot I is a prime example of this approach.
- 13. Whilst the outline application was still extant, PxP West Midlands actively sought to apply for full planning permission for unrestricted B1, B2, B8 uses on the plot of land east of Battlefield Enterprise Park, now referred to as Greenhills Enterprise Park, in order to stimulate the market for the site, previously restricted to food related uses. This speculative development to secure three units was pursued prior to the recession. The application to lift the restriction received the support of the Council and their economic development team and permission was subsequently granted.
- 14. An application (11/03191/FUL) was made in 2011 to extend the time limit on the existing full permission (08/0448/F); however this was subsequently withdrawn given that there was no end user occupier interested in the buildings which had already been granted permission.
- 15. The outline permission and Masterplan had established the design principles for the site and both the roads, sewers and services, and the strategic landscaping had been implemented in accordance with it. There was therefore no need for the outline to be renewed and the decision was taken to move the plots forward via full planning applications for specific users as these were identified by the marketing agents. The nature of the employment market in Shrewsbury had become Occupier led (as is the case for much of the Country) and hence properties are now developed on the principle of "build to suit" rather than speculatively. This strategy of marketing the site and securing full planning permission on a plot by plot basis for specific occupiers was agreed by PxP West Midlands with the Council.



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  - . Cooper Green Pooks, commercial agents, have been responsible for actively marketing the site since PxP West Midlands purchased the site in 2007. Prior to 2007, the site was marketed by King Sturge on behalf of AWM, following the grant of outline planning permission. Appendix 2 provides evidence to demonstrate that this site has been continually marketed during this period to the present day, with proof of all interest they have received over this period. In fact, Pooks can confirm that they are currently in discussions with a future occupier and established local employer looking to secure 100,000 sq ft premises which could include more than one of the identified plots. Following agreement of Heads of Terms this is expected to result in a planning application in the first quarter of 2015. Whilst these discussions are encouraging, the nature of the Occupier is still confidential. This is clear evidence that this site has been continually marketed as an existing serviced employment site.
- 17. Whilst the outline permission (02/1429/OUT) has lapsed, physical development which has occurred on site to service the whole site is now established development, initial phases of development have been completed around the principal highways within Battlefield Enterprise Park, active marketing is ongoing and real Occupier interest is being shown. The fact that the site does not currently benefit from outline permission is not therefore relevant to it being an "existing employment area". The decision not to renew or submit reserved matters was part of a clear strategy for marketing and development, in response to changing market forces and the restrictive nature of the outline planning permission which limited the site to food related "B" uses, which suppressed market interest in the site.
- 18. PxP West Midlands therefore consider that the protection of this site under Policy MD9 is sound as it is consistent with criteria 1 of Policy MD9 in that it will:-
  - safeguard key employers and local business;
  - provide development opportunities for business start-up, growth and inward investment; and
  - contribute to the choice of employment land in Shropshire.

The site should therefore be retained in this policy under Schedule S16.1d.

19. Policy MD9 also states that the protection of sites in this policy will be proportionate to the significance of the employment area in the hierarchy referred to in Table MD9.1. The first tier in the hierarchy of existing employment sites is regional and sub-regional sites, followed by Key Shropshire / Local Sites and Mixed Commercial Sites. The Greenhills Enterprise Park (referred to as Land east of Battlefield Enterprise Park (7.9 ha) in Schedule S16.1 of SAMDEV), is considered as a sub-regional Grade A site, which identifies its significance, profile and



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importance to the employment land supply in the Borough. This is evidenced in the Council's Strategic Sites and Employment Areas Assessment: Phase I Report (Ev8) which has been used as the evidence base to inform the Core Strategy and SAMDEV. This Report recognises the importance of the Greenhills Enterprise Park to the central zone of employment land in Shropshire. 80 percent (25 sites) of the central supply are located in Shrewsbury, I3 of which (totalling 21.49 ha) are at the Battlefield Enterprise Park. Greenhills Enterprise Park includes 9.15 ha of that 21.49 ha area. This highlights the role this site plays in the Council's employment land supply and confirms <u>it is the largest available development site in Shrewsbury and Shrewsbury's main source of unconstrained employment land</u>, which is likely to remain the case until the Sustainable Urban Extension (SUE) sites are brought forward.

- 20. This confirms the importance of the site and adds further weight to its protection as an existing employment area under Policy MD9. The key policy recommendations contained within the Strategic Sites and Employment Areas Assessment: Phase I Report (Ev8) confirms that the Greenhills Enterprise Park is a key strategic employment site in Shropshire and should be protected for inward investment. It states that any development which would prevent this area from supporting future business growth in the town should be avoided. The methodology set out in the Strategic Sites and Employment Areas Assessment: Phase I Report (Ev8), which grades this employment site as Grade A, also reaffirms the need to protect this site. This demonstrates that protection of this site is in accordance with the evidence base for the SAMDEV which is a key element of the tests of soundness set out in The Framework.
- 21. The Battlefield Enterprise Park (including Greenhills Enterprise Park) also forms part of the strategy for the Northern Enterprise Quarter which looks to consolidate employment uses in this part of Shrewsbury.
- 22. The Employment Land Review and Sites Assessment Report (2011) (Ev7) recognises that previous restrictions on the use class permitted as part of the outline planning permission (02/1429/OUT) was a constraint to the development of this site. This supports the development strategy and approach PxP West Midlands took in 2008 to secure unrestricted B1, B2, B8 uses on the site and market the site on a plot by plot basis, letting the outline permission for restricted use lapse. The Employment Land Review and Sites Assessment Report (Ev7) also scores the plots at Greenhills Enterprise Park highly in terms of location, accessibility, planning policy and (lack of) site constraints.
- 23. Paragraph 4.78 of Policy MD9 states "As required in Policy CS14, the protection of existing employment areas is based on evidence of the purpose, viability and redevelopment potential of the sites." These evidential reports confirm the importance of the site to the employment strategy



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of the SAMDEV. To delete the site from employment use would therefore be at odds with the evidence base of the SAMDEV and hence undermine the soundness of the Plan. Paragraphs 160 and 161 of The Framework confirm that in drawing up Local Plans, Planning Authorities should "work closely with the business community to understand their changing needs and identify and address barriers to investment" and Planning Authorities should use their evidence base to assess the needs for land and business. Any de-allocation of this land from employment use and redesignation of it for Open Countryside would be inconsistent with the evidence base used to prepare the Core Strategy and the SAMDev Plan and hence would be contrary to the "Justified" test of soundness in The Framework. In addition, de-allocation of the site from employment use would mean that the  $\pm 10$  million of public sector investment put into the site would be rendered useless which clearly is a waste of public sector money. This would mean that the SAMDev Plan would not be "sound" as it would not be "positively prepared" and would be contrary to the Core Principles set out within The Framework especially Core Principle 3 "proactively drive and support sustainable economic development....". It would also be contrary to paragraph 19 "Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

24. De-allocation of the site would have no regard to the market, or economic signals and the relevant up-to-date employment evidence base used to inform SAMDEV and the economic, social and environmental characteristics and prospects of the area contrary to paragraph 158 of the Framework.

## Policy MD4 – Managing Employment Development

- 25. If the Inspector was minded not to support the protection of this employment land under Policy MD9, PxP West Midlands consider that given the prestige nature of this employment site and its importance to the employment supply, it should be retained for employment development under Policy MD4 – "Managing Employment Development". When testing the Greenhills Enterprise Park site against the policy criteria and explanation set out in Policy MD4, PxP West Midlands consider that it is "sustainable development", which "comprises Class B uses"; is "compatible with adjoining uses" and can "satisfy the relevant settlement policy and accompanying development guidelines".
- 26. It is a readily available, serviced development opportunity and in accordance with paragraph 4.28, evidence contained within this Statement confirms that the landowner (PxP West Midlands) has already provided "expeditious intervention to ensure their site is readily available and can be brought to the market". Indeed the Report from Cooper Green Pooks (Appended)



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demonstrates the continuing marketing strategy to deliver the site within the plan period to satisfy Policy MD4, para 4.28. Market demand is now returning and advanced negotiations are currently being undertaken with a potential Occupier, interested in building 100,000 sq ft of employment space on the site (subject to planning). The SAMDEV evidence base in the form of the Strategic Sites and Employment Areas Assessment: Phase I Report (Ev8) already confirms that there are no significant physical constraints on site to further satisfy Policy MD4, para 4.28. Previous planning permissions also confirmed that there were no adverse impacts that would warrant refusal of planning permission that could not be controlled through appropriate planning conditions and on-site mitigation. Significant infrastructure investment has already been made into Greenhills Business Park by all public and private sector partners including AWM who invested £10 million into the site to further satisfy Policy MD4, para 4.28. The site can clearly therefore contribute towards the five year supply of readily available employment land assessments all confirm this is a high ranking, sustainable site which is currently the largest available unconstrained site in Shrewsbury which can readily be delivered within the plan period as required by Policy MD4.

27. PxP West Midlands consider the allocation of this site under Policy MD4 is in accordance with the Core Principles set out within The Framework especially Core Principle 3 and paragraph 19. Therefore, Policy MD4 would appear to be the only suitable alternative designation for the land.

## Designation of Open Countryside (Core Strategy Policy CS5)

- 28. PxP West Midlands consider that the land no longer performs the function of nor has the characteristics expected of designated Open Countryside.
  - The site clearly forms part of the wider Battlefield Enterprise Park and is an established employment site, recognised as such in the baseline evidence used to inform the adopted Core Strategy and emerging SAMDEV.
  - It is physically and visually "contained" inside the A5124 bypass which forms a natural and defensible boundary to the designated Open Countryside and Registered Battlefield site to the north of the bypass. The A5124 Bypass was constructed in 1998 and it sits above the site separating the site from land to the north. The profile of the land visibly identifies the remaining development plots with three remaining plateau areas, and the levels differences from the bypass, road embankments and landscaping on this boundary are such that the site sits below the bypass which provides a clearly defined separation between the site and the Registered Battlefield. This is reinforced by the structural landscaping which was planted in accordance with the Masterplan to reinforce this separation.



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- It is an urbanised site. The land to the south of the Brook already contains large footplate buildings whilst that to the north of the Brook contains access roads, services, utilities, (including lighting) and a substation which serves all the remaining development plots. This is not a characteristic of an area of Open Countryside, rather it is a characteristic of a serviced employment site. The photographs attached at Appendix 3, clearly identifies this infrastructure, including the structural landscaping implemented on the boundaries of the site.
- Whilst there is a Brook which bisects the site, there are no significant ecological issues that prevail on the site or which act as a constraint to the delivery of the site for employment use. Previous permissions have been granted taking account of the Brook and any requirement to provide suitable mitigation can be conditioned accordingly or designed into future site proposals. This can be dealt with through the Development Management process. Having a Brook running through a development site is not unusual and this Brook is not delineated either to the west or east of the site as the boundary of development, rather it forms part of the employment development to the west (Site ref: ELR 006) and has housing (Site ref: SHREW 095-115) beyond it to the east.
- PxP West Midlands recognise that the site is located adjacent to the Registered Battlefield site, but this is not a justification for designating the site as Open Countryside. Any future development of Greenhills Enterprise Park will have regard to this heritage asset and will be considered in the context of the guidance and policy contained within the emerging Interim Planning Guidance Note for the Registered Battlefield site (March 2013) (Ev113) prepared by Shropshire Council. This will ensure that the heritage impact of new development proposals is fully considered.

PxP consider that de-allocating this committed employment site within an existing employment area would run contrary to the relevant evidence base used to inform SAMDEV, be contrary to the SAMDEV economic strategy; contrary to the Core Strategy which the SAMDEV must be in conformity with and contrary to The Framework.

## Inclusion of the Registered Battlefield in the Battlefield Enterprise Park

29. PxP West Midlands recognise that small areas of the Registered Battlefield exist within the Battlefield Enterprise Park area, currently identified under Policy MD9. PxP West Midlands support the Council's proposed changes to exclude any small part of the land forming the Registered Battlefields from the boundaries of any "protected employment areas" as confirmed in the Statement of Common Ground agreed with English Heritage (EV107). Such areas can be retained and protected without the site being identified as Open Countryside.



### Summary of Tests of Soundness

30. When assessed against paragraph 182 of The Framework, PxP West Midlands consider that the protection of the Greenhills Enterprise Park under Policy MD9 is sound and that it is:

**Positively prepared –** SAMDEV, in particular Policy MD9 is fully consistent with the adopted Core Strategy. The protection of this site for employment purposes meets the needs of the town of Shrewsbury and is fully justified through the Core Strategy and SAMDEV. Importantly, it is supported by objectively assessed needs and a robust evidence base which confirms it is a high ranking, Grade A employment site, which must be protected for inward investment, consistent with achieving sustainable development. It also safeguards the significant public sector investment already made to bring forward economic development on the site.

**Justified** - The evidence contained in this Statement concludes that the protection of the site for employment development is realistic, deliverable and appropriate. The Council's strategy identified in Policy S16.1 is supported by the evidence base used to inform this policy and confirms that the protection of this site has been considered proportionate to the significance of the employment area as a sub-regional site. This identifies its importance to the employment land supply in the District and its significance, given it is the largest available development site in Shrewsbury and Shrewsbury's main source of unconstrained employment land. There is no available evidence to justify an alternative approach of identifying it as Open Countryside.

**Effective –** The adopted Core Strategy was found sound and in accordance with the Duty to Cooperate. The Core Strategy identified the overall target of 90 hectares of employment land in the Plan period. The protection of this employment land under Policy MD9 and Policy S16.I Schedule Id is wholly consistent with this strategy and will ensure that the largest available development site in Shrewsbury will be delivered over the Plan period. The evidence in this Statement demonstrates that the site is immediately deliverable having benefitted from significant public sector investment.

**Consistent with national policy –** The protection of this employment site under Policy MD9 and Policy S16.1 Schedule 1d is consistent with The Framework, in particular, paragraph 14 and the presumption in favour of sustainable development; the Core Principles (especially Core Principle 3) and paragraphs 18, 19, 20, 21, 151, 156, 157, 158, 160 and 161.



### **Recommendations / Proposed Changes**

- 31. PxP West Midlands support the retention of the site as a "Protected Employment Area" under Policy MD9 and object to any proposal to designate their site as Open Countryside. PxP West Midlands therefore consider that NO CHANGE should be made to the SAMDEV as a result of objections to the site's allocation under MD9. This Statement has shown that the allocation of the Greenhills Enterprise Park site is consistent with the policy requirements of Policy MD9 and Policy S16 1d of SAMDEV. It has shown that it is an existing employment site which is being brought forward to meet current market requirements having benefited from significant public sector investment and which is now fully serviced. The allocation of the site as MD9 fully accords with the evidence base for the SAMDEV which recognises that it is a sub-regional site, which accommodates key strategic and local employers and which is readily available and part of the 5 year employment supply. The protection of this site under Policy MD9 is therefore sound and it complies with the legal requirements of The Framework to confirm that the SAMDEV is positively prepared, justified, effective and consistent with national policy.
- 32. If the Inspector is minded not to support the protection of this employment site under Policy MD9, PxP West Midlands consider that given the prestige nature of this employment site, it should be allocated under Policy MD4 Managing Employment Development. When testing the Greenhills Enterprise Park site against the policy criteria and explanation set out in Policy MD4, it is clear that it would also satisfy the key policy criteria in this policy, given it is a readily available serviced site and development opportunity.
- 33. The site does not have the characteristics of Open Countryside under Core Strategy Policy CS5 and does not perform any of the functions of Open Countryside. It is an urbanised site, with full roads, sewers, lighting, utilities and landscaping. It is physically and visually "contained" by the existing bypass, which is set above the site and which provides a defensible edge to the Open Countryside beyond. Designation of the site as Open Countryside in the SAMDEV would not be consistent with the evidence base used to inform SAMDEV and could be contrary to The Framework. Such a designation would therefore be unsound.
- 34. The economic imperative of protecting this employment site in SAMDEV, and to deliver unconstrained employment land in Shrewsbury is clear. Significant public sector investment has been made in this site to aid its delivery. The information contained within and appended to this Statement provided by the landowners, agents and public sector partners confirms that the site is a key component of the employment supply for Shrewsbury, that it is available and deliverable and that the planning system should facilitate not constrain this opportunity.

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Appendix I - Planning History Chronology

Appendix 2 - Cooper Green Pooks Marketing Report

Appendix 3 - Letter from PxP West Midlands

Appendix 4 – Letter from Business and Enterprise Dept, Shropshire Council