

# **Shropshire Council** **Site Allocations and Management of Development** **(SAMDEV) Plan**

**Pre-Submission Draft (Final Plan)**  
**17 March 2014 – 28 April 2014**

## **Representations Form**

**Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:**

[www.shropshire.gov.uk/samdev](http://www.shropshire.gov.uk/samdev)

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at [www.shropshire.gov.uk/samdev](http://www.shropshire.gov.uk/samdev).

### **Your details: Who is making this representation?**

Name:	Harry Spawton
Organisation (if applicable):	Gerald Eve LLP
Address:	No.1 Marsden Street, Manchester M2 1HW
Email:	hspawton@geraldev.com
Telephone:	0161 830 7077

**If you are acting as an Agent, please use the following box to tell us who you are acting for:**

Name:	
Organisation (if applicable):	Lewis Marshall Holdings Ltd
Address:	Harlescott Lane, Shrewsbury SY1 3AG
Email:	Please refer to Agent
Telephone:	Please refer to Agent

## Your Representations

**Please note, you must use a separate form for each representation you wish to make.**

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

Policy MD9 – Protected Employment Areas (and associated PEA designation on Policy Map Shrewsbury Area S16-INSET1)
---

Is your representation in support or objection? (please tick as appropriate)

<b>Support</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
<b>Object</b>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

<b>Legally compliant</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
<b>Sound</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

<b>Positively prepared</b>	<input checked="" type="checkbox"/>
<b>Justified</b>	<input checked="" type="checkbox"/>
<b>Effective</b>	<input checked="" type="checkbox"/>
<b>Consistent with National Policy</b>	<input checked="" type="checkbox"/>

**In the box below please specify your reason for supporting or objecting.**

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

Please refer to the attached letter from Gerald Eve LLP dated 28 April 2014.
--

**Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound?** You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

Please refer to the attached letter from Gerald Eve LLP dated 28 April 2014

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

**Do you consider it necessary to attend and give evidence at the examination?**

Yes, I wish to give evidence about my representation at the examination.

☐

No, I wish to pursue my representations through this written representation.

☒

If you wish to attend the examination, please explain why you think this is necessary in the box below:

**Do you wish to be notified of any of the following?** *Please tick all that apply. We will contact you using the details you have given above.*

When the SAMDev Plan has been submitted for examination	✓
When the Inspector's Report is published	✓
When the SAMDev Plan is adopted	✓

**Please return this form by 5pm on Monday 28 April 2014**

**You can e-mail it to:**

[Planning.policy@shropshire.gov.uk](mailto:Planning.policy@shropshire.gov.uk)

**Or return it to:** Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**Please note, we will acknowledge receipt of representations made by e-mail.**

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.



# GERALDEVE

Planning Policy Team  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND

No.1 Marsden Street Manchester M2 1HW  
Tel. 0161 830 7070  
[www.geraldeve.com](http://www.geraldeve.com)

28 April 2014

**Our ref:** HSP/LEA/MC0503

**Your ref:**

Dear Sir

## **Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan**

We are instructed on behalf of our client Lewis Marshall Holdings Ltd to submit representations to the Shropshire Council Site Allocations and Management of Development Plan Pre-Submission Draft (SAMDEV).

Lewis Marshall Holdings Ltd owns a site to the north east of Shrewsbury town centre at Harlescott Lane, Shrewsbury SY1 3AG, which is currently used as an industrial site for manufacturing, and is proposed to be allocated as a Protected Employment Area. However, the site does not have a long term viable use as employment land, and our client seeks greater flexibility in the emerging SAMDEV to allow for a potential change to alternative uses including residential use.

These representations relate specifically to the proposed allocation of Protected Employment Area on the Shropshire Council Policy Map Shrewsbury Area S16-INSET1 and proposed Policy MD9 – Protected Employment Areas. The representations review the soundness of the policy in terms of it being positively prepared, justified, effective, and consistent with National Policy.

This letter accompanies a Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan Representations Form, completed on behalf of Lewis Marshall Holdings Ltd.

## **The Site**

The Lewis Marshall Holdings Ltd site 'the Site' is located approximately 2.5 miles (4 kilometres) north east of Shrewsbury Town Centre in close proximity and west of the major junction at Whitchurch Road and Harlescott Lane. The site is 1.74 hectares in size, and its main vehicle access point is from Harlescott Lane. Two additional accesses open onto Kendal Road to the south. A site location plan is attached.

The site is generally rectangular in size and is bounded by a Honda garage, depot and supermarket to the east, a residential area to the east and south east, a laundry to the south east and a British Telecom building that is understood to be predominantly vacant to the west.

Three buildings are located on the site, the largest of which is the William A Lewis Engineering Ltd building from which parts for the automotive industry are manufactured, the second provides ancillary storage to William A Lewis Engineering Ltd and a small number of third party businesses are located in the third building.

The buildings on site are not overly fit for purpose, particularly the two smaller buildings within the eastern portion of the site, and their condition is gradually deteriorating to the extent that businesses are understood to be generally only remaining on site due to the sub-market rents and flexible lease arrangements.

As set out above, the site is bounded by a residential area which is located along both the south and eastern boundaries. A large number of densely built terraced and semi-detached houses are located within very close proximity of the site, and two secondary vehicle accesses to the site are via Kendal Road, which is shared with the residential properties.

It is understood that continued complaints have been made to the Council about noise from the site, which has impacted on the way in which the businesses can operate. There is currently a Health and Safety restriction (reference: 051208JW) placed on the main workshop building by the Council following complaints from residents about noise. The operation of the paint plant is not allowed between 22:00 and 07.30. In addition, the use of fork-lift trucks outside the building is informally restricted in order to appease neighbouring residents.

The site does not provide an optimal location from which the current businesses can operate from, and the site is currently being marketed for sale. Marketing boards were erected in early 2014, with no enquiries received to date.

### **Site Allocations and Management of Development Plan (SAMDEV)**

The Pre-Submission Draft SAMDEV allocates the Site as part of a larger ribbon of land both west and east of the railway line as a Protected Employment Area.

Proposed Policy MD9 relates to Protected Employment Areas, and is divided into five sections. A copy of the proposed policy is attached to this letter. The Policy protects designated land for Class B and appropriate sui-generis employment uses in accordance with the significance of the site using guidance in Table MD9.1. The Site is defined as a 'Key Shropshire Site', and Section 1 of the policy aims to:

- i. Safeguard key employers , local businesses and employment opportunities;
- ii. Provide development opportunities for business start-up, growth and inward investment to support the portfolio of employment land and premises in Policy MD4;
- iii. Contribute to the range and choice of employment land and premises in Shropshire."

Section 4 confirms that:

"Protection of existing employment areas from alternative uses will be proportionate to the significance of the employment area in the hierarchy of existing employment areas in Table MD9.1..." in relation to five specified factors.

The five specified factors are shown in the attached Policy MD9 and in summary relate to:

- i. availability of other suitable sites
- ii. effect of the redevelopment;
- iii. impact on the range and choice of employment land and premises;
- iv. Business case for the proposed use; and
- v. Potential for conflict with neighbouring uses.

Finally, Section 5 states that where the loss of a protected employment area is proposed through a proposal for an alternative use, evidence of appropriate marketing over a sustained period will be required to prove that neither the preferred use nor the use of a lower tier of employment use is commercially viable.

### Employment Area Assessment

The Shropshire Strategic Sites and Employment Areas' Assessment (SSSEAA) Phase 1 Shrewsbury, March 2014 provides Shropshire Council's most up to date information on its employment areas and sets out the background to emerging policies. A number of individual site appraisals have been undertaken as part of the SSSEAA, and extracts of information relating to the Site are set out below.

The Lewis Marshall Holdings Ltd site has been assessed as part of a larger site incorporating the British Telecom building which fronts onto Harlescott Lane, and the site is described as:

*"Small employment area comprising the two adjoining land parcels on the Harlescott Lane frontage with William A Lewis accommodating a moderate quality but substantial, multi storey office building with smaller industrial units to the rear and a BT office / warehouse building incorporating key telecommunications infrastructure."*

- The quality of the buildings is described as 'average' on the Council's site assessment pro-forma;
- The site environment is described as average by the Council, and the site 'mass' as poor (Table 7. SSSEAA);
- The BT building is shown as a 'regeneration opportunity';
- Communications House - 'Redevelopment for non-employment uses would only be acceptable if a very strong case for the unviability of the building as an office facility can be made';
- The William A Lewis business is confirmed as a 'key employer'... 'who makes a significant economic contribution to Shrewsbury (and the wider economy of Shropshire)' and states that 'third party applications which will result in the loss of that business to Shrewsbury should not be supported.'
- However, the appraisal also confirms that:

*"Conversely applications which would allow the key employer to grow within this employment area, or make a necessary relocation to another employment area within Shrewsbury or Shropshire, should be supported (subject to other policy guidance made here and existing planning policy)."*

- The appraisal states that other land and property is in use by William A Lewis and not available. However, all the land owned by Lewis Marshall Holdings Ltd which incorporates the William A Lewis buildings was available for sale at the time of the study and is now

being actively marketed for sale. As part of this, William A Lewis Engineering Ltd may decide to relocate to more suitable premises.

- The site is graded B/C, a 'Key Shropshire Site' by the Council (p17, SSSEAA), and Table 9 at paragraph 5.3 of the SSSEAA defines grade B and B/C sites as:  
*"Good employment sites due to their scale, location and setting. Capable of competing for investment in the sub-regional market place. These are prime sites for marketing to a cross section of users."*

The site has been graded more highly than it deserves purely because it provides the current location for a large existing employer. The site should actually be defined as a grade C/D site (lower Key Local Site) for which the definition is:

*"Key employment sites with an influence over the whole local authority area, but primarily geared towards local businesses and B1 light industrial, B2 and B8 users"*

The site is positioned in a sustainable location, but it does not provide modern premises from which a Key Shropshire Site could be expected to thrive from. Substantial investment would be required to bring the site up to the desired level that William A Lewis Engineering Ltd ideally requires to operate from, but even then, restrictions would remain due to the conflict resulting from the close proximity to residential properties.

### **National Planning Policy Framework (NPPF)**

The Government adopted its National Planning Policy Framework (NPPF) in March 2012, which superseded all previous national guidance contained within Planning Policy Guidance notes and Planning Policy Statements.

The overarching aim of the NPPF is to achieve sustainable development by satisfying the economic, social and environmental dimensions as set out by the Framework (paragraph 7). In the context of both plan-making and decision-taking the NPPF sets a presumption in favour of sustainable development, which requires that development proposals found to be in accordance with the Development Plan should be approved without delay (paragraph 14).

The NPPF identifies twelve core planning principles that should underpin both plan-making and decision-taking. In relation to the proposed development the core planning principles state that planning should, *inter alia*:

- *Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; and*
- *Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. (paragraph 17)*

Paragraph 22 sets out the Government's stance on the protection of employment sites as follows:

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities."*



The Lewis Marshall Holdings Ltd site is a current employment site, but the long term use of the site is not confirmed due to the sub-optimal quality of the existing buildings and the fact that they do not provide modern premises for the future. Restrictions on operation due to complaints from residents also hinders the use of the site for employment use. The site is being actively marketed for sale, and as yet no enquiries have come forward. It is not considered appropriate to safeguard the site for long term future employment use through the Protected Employment Area allocation.

Paragraph 182 sets out the Government's policy on examining local plans, within which the plan under examination must be determined to be "sound". To be considered "sound" a local plan document must be confirmed to be:

- Positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- Justified – most appropriate strategy when considered against alternatives;
- Effective – deliverable over its period and based on effective joint working; and
- Consistent with national policy – enable sustainable development to be delivered in accordance with the NPPF.

It is considered that there is very limited prospect of the site being used for employment in the long term because of the constrained nature of the site, the buildings not providing modern workspace for the future and the restrictions from the close proximity to residential properties. Policy MD9 and the associated Protected Employment Area designation for the Lewis Marshall Holdings Ltd site Proposals Map allocation is unsound because it conflicts with the four points above relating to positive preparation, justified, effective and consistency with NPPF requirement.

- Policy MD9 has not been positively prepared because it does not meet the development and infrastructure requirements of the businesses that operate from the Lewis Marshall Holdings Ltd site. The Council's assessment pro-forma for the site refers to assisting key employers to grow in existing locations or through relocation to other Shrewsbury / Shropshire employment areas, but unfortunately this support has not been carried through to the wording of Policy MD9 or its detailed justification.
- The policy does not represent the most appropriate strategy for dealing with employment land and is not justified. Sections 1, 4 and 5 set out a detailed structure of issues to be justified in order to prove that surplus employment land can be developed for alternative non-employment related uses. In addition, the policy must be cross referred with the Existing Employment Area Hierarchy (Table MD9.1), which complicates the assessment of a proposal against the policy.
- Policy MD9 is not effective as the site is unlikely to continue in employment use over the plan period. The site has been graded by the Council as having an average environment and poor mass. Further to this, the site is not appropriate to operate from in the long term, and a relocation of existing businesses may be required. It is believed that the site has been too highly graded within the Hierarchy and that it is only of Local Site significance at the most.
- Policy MD9 is not consistent with NPPF as it would seem highly unlikely that the site can be used for employment in the long term, with reference to paragraph 22 of the NPPF. Flexibility is required within the policy to enable the efficient re-use of existing employment land where market forces show that it is not suitable for continued allocation for employment use. This is in order to prevent the protection of employment sites in the long term where there is no reasonable prospect of sites being used.

## Conclusion

Overall, whilst the Lewis Marshall Holdings Ltd site currently houses a Key Employer for the area, the site is currently deficient for employment use in the long term. The inclusion of the site within the Protected Employment Area without sufficient flexibility to assist with the relocation of a key employer is considered to make Policy MD9 unsound. The issues are summarised as follows:

- The site is constrained and its buildings are deteriorating;
- Existing residential amenity issues exist in terms of noise;
- Market rents are not being achieved;
- The site has not been assessed correctly within the Hierarchy of Existing Employment Areas; and
- Flexibility is required within the policy to assist Key Employers with their long term aspirations either on the site or relocating elsewhere within Shropshire.

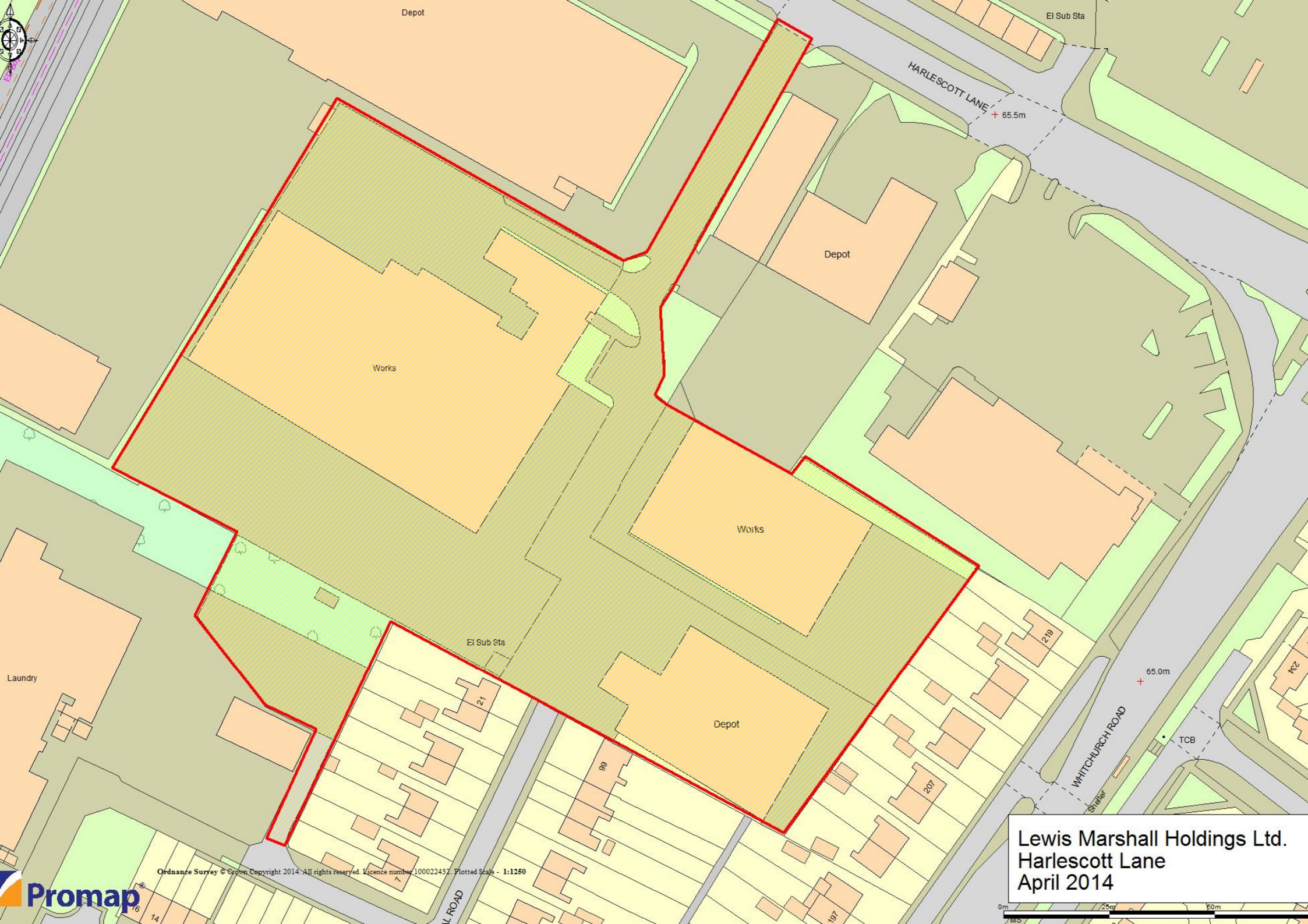
We trust that these comments are helpful, but please do not hesitate to contact Harry Spawton or Louise Armstrong of this office if you have any queries or require any additional information.

Yours faithfully

## Gerald Eve LLP

hspawton@geraldev.com  
Direct tel. 0161 830 7078  
Mobile 07557742362





Ordnance Survey © Crown Copyright 2014. All rights reserved. Licence number 100022432. Plotted Scale - 1:1250





### **Key Evidence:**

5755A00696692;

5. *Shropshire Historic Landscape Characterisation* analyses Shropshire's rural landscape to identify its historic and archaeological character and the historic processes that have created it.

### **Delivery and Monitoring of Policy:**

#### **This policy will be delivered by:**

- The direct provision of facilities and services by the Council and its public and private sector partners, reflected in the LDF Implementation Plan;
- The development management process;
- Utilising developer contributions to provide enhancements to facilities and services;
- Liaison with Parish Councils and reference to Parish Plans to identify community infrastructure requirements and help support local community engagement;

#### **The following indicators will be used to monitor the effectiveness of the policy:**

- Renewable Energy Capacity Installed by Type;
- Facilities lost by settlement (as and when information is available);
- Progress against programmes and projects identified in the Implementation Plan

## **MD9 – Protected Employment Areas**

1. Existing employment areas shown on the Policies Map will be protected for Class B and appropriate sui generis employment uses in accordance with the significance of the site using the guidance in Table MD9.1 to:
  - i. safeguard key employers, local businesses and employment opportunities;
  - ii. provide development opportunities for business start up, growth and inward investment to support the portfolio of employment land and premises in Policy MD4;
  - iii. contribute to the range and choice of employment land and premises in Shropshire;
2. Existing employment areas not shown on the Proposals Map may also be protected for Class B and sui generis uses. Protection of sites not currently identified will be proportionate to the significance of the employment area in the

## MD9 – Protected Employment Areas

hierarchy in Table MD9.1 to be determined by the criteria 1i – 1iii above;

3. Planning consent for Class B or sui generis employment uses will be renewed where the proposals continue to accord with the significance of the employment area in the hierarchy in Table MD9.1;
4. Protection of existing employment areas from alternative uses will be proportionate to the significance of the employment area in the hierarchy of existing employment areas in Table MD9.1 in relation to the:
  - i. availability of other suitable development sites in the settlement or suitable sites on lower tier employment areas in the settlement or in rural locations;
  - ii. effect of the redevelopment on the quality, character and critical mass of the existing employment area, and;
  - iii. impact on the range and choice of employment land and premises in terms of location, quality, type and size;
  - iv. business case for the proposed use including location, accessibility, commercial environment, trade links to suppliers and access for customers and employees;
  - v. potential for conflict with neighbouring uses on or adjacent to the proposed use especially the effect on key employers;
5. Where proposals for alternative uses would lead to the loss of the protected employment area, evidence of appropriate marketing over a sustained period will be required to demonstrate that the land or premises are no longer commercially viable for the preferred uses firstly, for that tier of the hierarchy of employment areas or sequentially for uses of a type and quality suited to lower tiers of the hierarchy in Table MD9.1.

### Explanation

- 4.76 The protection of existing employment areas will increase the capacity of the local economy to accommodate investment by protecting opportunities for the redevelopment of serviced employment land. This protection will primarily assist strategic and local employers to secure their operational base and meet their business development needs for growth and expansion. This protection will also support the employment land portfolio in Policy MD4 by providing further opportunities for investment by the commercial property market to diversify the predominantly 'service' based economy in Shropshire. These objectives will contribute to the continuing growth and prosperity of the Shropshire economy;
- 4.77 The protection of existing employment areas along with the promotion of the portfolio of land and premises in Policy MD4 will also help to deliver a sustainable pattern of development to balance the delivery of new housing on

sites identified in the Local Plan. This will be achieved in relation to the strategies set out in Policies S1 to S18;

- 4.78 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. This evidence is set out in the Shropshire Strategic Sites and Employment Areas Study for Shrewsbury (Phase 1) and the Market Towns and Key Centres (Phase 2). These studies identify a hierarchical ranking of existing employment areas in the principal settlements of the County which is explained in Table MD9.1;

**Table MD9.1: Hierarchy of Existing Employment Areas**

The protection of existing employment areas will be proportionate to the significance of the site in accordance with the following guidance. The hierarchy of existing employment areas shown on the Policies Map for Shrewsbury, the Market Towns and Key Centres is presented in the annual monitoring report.

**Regional and Sub-regional Sites** – identified sites are expected to deliver:

- Uses specified for the area but will only include new waste management development where there are opportunities for colocation with existing waste management operations;
- high quality development with skilled employment including inward investment providing strong economic benefits to enhance the Shropshire economy;
- non class B uses will be ancillary to the proposed development or will improve the benefits and viability of the employment area;

**Key Shropshire / Local Sites** – identified sites are expected to deliver:

- good quality development providing strategic and local employment opportunities with clear economic benefits for the Shropshire economy;
- uses specified for the area including waste management facilities;
- opportunities for mixed commercial development on Key Local Sites where appropriate in relation to criterion 5 below;

**Mixed Commercial Sites** – identified sites are expected to deliver:

- mixed commercial uses (excluding retail) to provide affordable business locations and accessible local employment;
- class B employment uses including waste management facilities on regeneration opportunities which support the physical and economic improvement of the area;

- 4.79 The methodology set out in the Shropshire Strategic Sites and Employment Areas Study and the tests in this policy will be used to determine the degree of protection to be afforded to existing employment areas not shown on the

Policies Map. This will include commercial office locations (including those affected by permitted development rights) and existing employment sites in rural locations especially where these sites have not been specifically assessed in the Shropshire Strategic Sites and Employment Areas Study;

- 4.80 Where proposals are made for the redevelopment of protected employment areas, the preferred form of development will be the continuation of Class B employment uses and other sui generis which comprise commercial or industrial activities. The proposed uses should be of a type and quality suited to the designation of the employment area in accordance with the guidance in Table MD9.1;
- 4.81 There will be a special presumption for recycling and environmental industries to help deliver the requirements of Policies CS19 and MD14 subject to the guidance in Table MD9.1. It is considered that the character and operation of recycling and environmental industries are generally acceptable within the scope of 'industrial' uses but such uses may not be appropriate in higher value employment areas;
- 4.82 In the exercise of Policies MD4 and MD9, it is expected that a greater degree of protection will be afforded to existing employment areas in this Policy (MD9), especially where the area accommodates key strategic or local employers. Portfolio sites in Policy MD4 may be treated more flexibly especially where the sites are currently undeveloped, but the existing employment areas protected in this policy are accessed and serviced employment land and so, will be afforded a greater degree of protection;
- 4.83 Other forms of development also include 'employment generating' uses. To be acceptable on existing employment areas, redevelopment proposals for other 'employment generating' uses should only provide products or services to other businesses or services to domestic properties (but not the sale of products) and so, should not require access for visiting members of the public. These alternative uses may include Use Classes A, D, C1, C2 or C2A and proposals for these or other uses are expected to satisfy the tests in this policy;
- 4.84 When exercising the presumption in favour of protecting existing employment areas, the evidence in relation to 4i – 4v above should be clear and compelling when weighed against the guidance in Table MD9.1, before alternative uses will be permitted. This protection will increase in proportion to the significance of the employment area including the presence of strategic or local employers, especially for sites in the upper tiers of the hierarchy comprising established business locations with a strong market presence;
- 4.85 For existing employment areas which are designated as mixed commercial sites and key local sites, it may be more appropriate to consider redevelopment proposals for other 'employment generating' uses. The overall scale of this redevelopment must respect the character of the existing employment area, the capacity of the employment area to accommodate further uses, the impacts of those alternative uses on the potential to sustain the area for Class B uses and to afford the protection in this policy;

- 4.86 Where proposals for alternative uses on existing employment areas would lead to the loss of the protected status, then evidence will be required to show that the employment site is no longer viable for the preferred uses in that tier of the hierarchy or sequentially for lower tiers shown in Table MD9.1. This evidence should comprise proof of appropriate marketing of the site from 3 marketing campaigns in a period not less than 12 months. This evidence should demonstrate that the site is no longer capable of beneficial use for the type and quality of the preferred use classes;
- 4.87 It is expected that, the geographical scope of the marketing evidence will be appropriate to the designation of the site in the hierarchy of employment areas. However, it is considered that marketing the site over an expanded geographic area in successive marketing campaigns will strengthen the weight to be added to the evidence that the employment area is no longer commercially viable for the type and quality of preferred uses in this policy;
- 4.88 The existing employment areas identified on the Policies Map or through the application of criterion 2 in this policy will be rigorously protected in accordance with the guidance in Table MD9.1. This objective will be further strengthened where the supply of portfolio sites in Policy MD4 has been adversely affected by the development of alternative uses on the portfolio sites. The consequent strengthening of the protection in this policy will be enforced to deliver the economic objectives of the Plan and to support the continuing growth and prosperity of the economy.
- 4.89 The methodology set out in the Shropshire Strategic Sites and Employment Areas Study and the tests in this policy will also be used to determine the degree of protection to be afforded to existing employment areas not shown on the Policies Map either for commercial office locations (affected by permitted development rights for residential) and existing employment sites in rural locations especially where these sites have not been assessed in the Shropshire Strategic Sites and Employment Areas Study;
- 4.90 Where opportunities are sought for the redevelopment of protected employment areas, the preferred form of development will be the continuation of Class B employment uses and other sui generis which comprise commercial or industrial activities. There will also be a special presumption for recycling and environmental industries to help deliver the requirements of Policies CS19 and MD14 subject to the guidance in Table MD9.1. It is considered that the character and operation of recycling and environmental industries are acceptable within the scope of 'industrial' uses but these uses may not be appropriate in higher value employment areas;
- 4.91 In the exercise of Policies MD4 and MD9, it is expected that a greater degree of protection will be afforded to existing employment area in this Policy (MD9), especially where the area accommodates strategic or key local employers. Whilst, portfolio sites in Policy MD4 may be treated more flexibly especially where the sites are currently undeveloped, the existing employment areas in this policy which offer accessed and serviced employment land will be afforded a greater degree of protection than sites in Policy MD4;



- 4.92 Other forms of development also include 'employment generating' uses. To be acceptable on existing employment areas, redevelopment proposals for other 'employment generating' uses should only provide products or services to other businesses or services to domestic properties (but not the sale of products) and should not require access for visiting members of the public. These alternative uses may include Use Classes A, D, C1, C2 or C2A which must satisfy the tests in this policy;
- 4.93 In enforcing the presumption in favour of protecting existing employment areas beyond Policy MD4, the evidence presented in relation to the policy tests in 4i – 4v must be clear and compelling when weighed against the guidance in Table MD9.1, before alternative uses will be permitted. This protection will increase in proportion to the significance of the employment area especially for sites in the upper tiers of the hierarchy which comprise established business locations with a strong market presence;
- 4.94 For existing employment areas which are designated as mixed commercial sites and key local sites, it may be more appropriate to consider redevelopment proposals for other 'employment generating' uses. The scale of this development must still respect the character of the existing employment area, the capacity of the employment area to accommodate further uses and the impacts of those alternative uses on the capacity to sustain the area for Class B uses;
- 4.95 The existing employment areas identified in this Policy either on the Policies Map or through the application of criterion 2 will be rigorously protected in accordance with the hierarchy of sites to offer redevelopment opportunities for the uses specified in this policy. This requirement will further be affected by the need to afford greater protection to employment sites in Policy MD4 where the strategic supply of sites or the availability of readily land is adversely affected by development on portfolio sites. This protection will be rigorously enforced to deliver the economic objectives of the Plan and to support the continuing growth and prosperity of the economy.

### Key Evidence:

1. Shropshire Sustainable Community Strategy Evidence Base: Shropshire Council (2008)
2. Shropshire Economic Assessment: Shropshire Council (2008)
3. Shropshire Economic Growth Strategy: Shropshire Business Board (2012)
4. Shropshire Strategic Sites and Employment Areas Study : Phase 1 – Shrewsbury: BE Group for Shropshire Council (2013)
4. Shropshire Strategic Sites and Employment Areas Study : Phase 2 – Market Towns and Key Centres: BE Group for Shropshire Council (2013)
5. Shropshire Employment Land Review and Sites Assessment: BE Group for Shropshire Council (2011);
6. Flax Mill, Shrewsbury Masterplan: Shropshire Council (2012)
7. Shropshire Annual Monitoring Reports: Shropshire Council

## **Delivery and Monitoring of Policy:**

### **This policy will be delivered by:**

- Invest in Shropshire and the integrated approach to economic development operated by the Strategic Planning and Business & Economy services
- Investment in constrained employment land in partnership with other stakeholders
- Development management process;
- Shropshire Place Plans

### **The following indicators will be used to monitor the effectiveness of the policy:**

- Area and floorspace of Class B land developed each year by type;
- Area of Class B land developed below 0.1 hectare and the distribution of this development
- Non Class B uses by type, developed on employment land
- Annual change in the readily available supply of employment land and premises

## **MD10a – Managing Town Centre Development**

1. Further to CS15 Town Centres, Primary Shopping Areas and Primary and Secondary Frontages are identified on the Proposals Map in accordance with the following categories of centre:

<i>Category 'A':</i> Settlements with Town Centres	Bishop's Castle, Craven Arms, Church Stretton, Cleobury Mortimer and Highley
<i>Category 'B':</i> Settlements with Town Centres and Primary Shopping Areas	Albrighton, Broseley, Bridgnorth, Ellesmere, Ludlow, Market Drayton, Shifnal, Wem and Whitchurch
<i>Category 'C':</i> Settlements with Town Centres and Primary Shopping Areas including Primary and Secondary Frontages	Oswestry and Shrewsbury

### **2a. In Category 'A' Centres:**

- i. There is a presumption in favour of proposals for main town centre uses within the defined Town Centre.
- ii. Proposals for non-town centre uses within the Town Centre will be considered acceptable where they would not undermine the vitality and viability of the