

Home Builders Federation

Representor Number 412

Hearing Session: Issue 13

## ASHFORD LOCAL PLAN EXAMINATION

### Issue 13: Are the employment topic policies justified, deliverable and consistent with national policy? Will they be effective?

Question iv). Is policy EMP2 consistent with paragraph 22 of the NPPF in terms of the long term protection of allocated sites?

No. Whilst the Council have established that there will be circumstances when they will need to release employment land into other uses we consider the phrase "... and furthermore, that it will not be viable to redevelop the site for any appropriate types of alternative employment use within the Plan period" is too prescriptive and not consistent with paragraph 22 of the NPPF. If the site has been marketed appropriately for both the existing employment uses and an alternative employment use then the Council must consider the site as there being no reasonable prospect of the site being used for those purposes and, as such, not require evidence as to the future viability of the site in an alternative use for the rest of the plan period. Such an approach could lead to the Council protecting employment land in the expectation that it could be viable at some point within the plan period. Such an approach is inconsistent with the avoidance of long term protection of employment sites envisioned by the NPPF.

In addition we would recommend that the time period for marketing established in paragraph 5.147 included in policy. Stating this period in the supporting text does not achieve the necessary clarity for the decision taker, and by extension the applicant, required by the NPPF (paragraph 154).

#### Recommendation

In order to make policy EMP2 sound we would recommend that part b) be amended as set out below.

*"It has been shown that the unit has remained unlet or for sale for a substantial period of 6 months for all appropriate types of B class employment uses, despite genuine and sustained attempts to let or sell it on reasonable terms., ~~and furthermore, that it will not be viable to redevelop the site for any appropriate types of alternative employment use within the Plan period~~"*

This would also require the supporting text in paragraph 5.147 to be amended in the following manner:

*“When considering an application for the loss of an employment site, an assessment will need to be made as to the ~~viability of~~ prospect of the site being used in its existing use or an alternative employment use. In order to demonstrate that there is no longer the prospect of a site is no longer viable being used for an employment use, the application must be supported by robust evidence that the premises have been marketed unsuccessfully for both the existing use and any alternative suitable employment use for a period of at least 6 months on terms that should compare with other similar premises and locations being sold or let for employment purposes. The extent of any marketing carried out and the prevailing market conditions will also be material considerations in the Council's assessment of any application for an alternative use ~~viability evidence~~.”*

Question viii) Is policy EMP6 consistent with paragraph 21 of the NPPF, in terms of development not being over-burdened by combined requirements of planning policy expectations and is the policy justified in terms of the need and the effect on viability? Given that delivery is provided by others, how will the policy support the expansion of Fibre to Premises (FTTP)?

Our main concern with this policy relates to the requirement for all residential developments in the urban areas, adjoining the urban area or delivering more than 10 dwellings will be required to enable FTTP. Paragraph 173 of the NPPF sets out that development identified in plans should not be subject to the scale of obligations and policy burdens that their ability to be developed viably is threatened. This requires Councils to test the cumulative impact of the policies in their plans to ensure their combined impact does not threaten development. We could not find any reference in the viability assessment that the financial impact this policy had been tested and as such its inclusion has not been adequately justified.

We also do not consider the policy to be effective as it is reliant on a third party provider to ensure that the necessary links are provided. Developers want to provide Broadband to new homes as this is an expectation of most customers but this policy has the potential for the Council to refuse applications on the basis of such connections that are beyond their control. Such a situation could potentially slow down or prevent the delivery of much needed housing, particular in more rural locations.

### **Recommendation**

That the policy is deleted.

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