

WYRE BOROUGH COUNCIL LOCAL PLAN**SCHEDULE OF MATTERS, ISSUES AND QUESTIONS****Response to the Inspector's Main Issues and Questions**

Made on Behalf of Associated British Ports (Representor ID: 0299)

April 2018

Matter 6: Employment Policies (including town centres and tourism)**Preamble**

- 6.1 On behalf of our Client Associated British Ports ("ABP"), we write to provide comments in response to Wyre Borough Council's ("the Council's") submitted Local Plan.
- 6.2 ABP is the largest ports group in the UK and owns and operates 21 ports in England, Scotland and Wales. The company handles approximately a quarter of the country's seaborne trade and has a statutory duty to operate and provide port facilities. The Port of Fleetwood within Wyre Borough represents one of ABP's ports and therefore our Client welcomes the opportunity to participate in the examination of the Local Plan

ABP's Land Interests in Wyre

- 6.3 ABP's land interests in Fleetwood comprise:
- Land at Wyre Dock and the Marina ("Dock and Marina"); and
 - Land at the Port ("Port Area").
- 6.4 The focus of ABP's business is on increasing revenues and they therefore remain committed to the Port of Fleetwood. Decisions by ABP to declare port land as non-operational are only taken in light of strong evidence of long-term trends and after strategic review. In the case of its land interests in Fleetwood, much of the area has been transformed by new housing, including the successful residential development by Redrow and Persimmon (known as Harbour Village), by retail development (The Freeport Shopping Village), a Marston's Public

House and a 450-berth marina. There is also a resolution to grant planning permission for a fish processing business park subject to signing a S.106 agreement (application reference: 15/00457/OULMAJ). Although the proposed investor has now withdrawn from the project, ABP remain committed to the site and believe a new scheme on the site is possible in a similar form. This will seek to retain fish processing jobs in Fleetwood and help unlock the development potential of the Dock and Marina.

- 6.5 ABP proposes further high-quality development within its landholdings that is able to provide a flexible range of uses such as commercial (including industrial uses), retail, leisure, tourism and residential. By consolidating uses in this way, ABP will reinvigorate its landholdings and build on existing economic activity as well as contributing to other development needs in the Borough.
- 6.6 It is against this background that ABP requires flexibility from the planning process and as such, is keen to ensure that the Local Plan is as flexible and positively prepared as possible with respect to the company's landholdings at Fleetwood.
- 6.7 Having examined the Inspector's Matters, Issues and Questions the relevant areas of the examination are Matters 1, 2, 3, 4, 6, 7 and 8. However we are choosing to provide Hearing Statements relating to Matters 6 and 8 only. As a result of this we would ask that the Inspector reads our representations to the Publication Draft of the Local Plan which provides comments relating to the other matters.
- 6.8 Matter 6 relates to the employment policies put forward (including retail and tourism policies) which are covered by Chapter 8 of the emerging Local Plan. We answer the relevant questions posed by the Inspector below.

1. Existing Employment Land and Sites

1.1 Are policies EP2 and EP3 sufficiently flexible in permitting other uses on employment sites?

- 6.9 The National Planning Policy Framework ("NPPF") is clear in paragraph 22 that local planning authorities should avoid the long-term protection of employment land where there is no reasonable prospect of the land coming forward for that use. This approach is proposed to be brought forward within the proposed revisions to the NPPF which is currently undergoing consultation (paragraphs 120 and 121).

- 6.10 ABP's view is that Policy EP3 defines employment uses too narrowly and should acknowledge other employment generating uses also generate jobs and provide economic development (such as retail and leisure/tourism uses). As such, the policy is currently unsound on the basis of not being positively planned and is inconsistent with national policy. Instead the policy should allow a broader list of uses within existing employment sites where they are shown to be able to deliver jobs and drive investment in the Borough. This would be consistent with Paragraph 20 of the NPPF which states that the Council should provide an economic strategy that is fit for the 21st Century.
- 6.11 This ties in with our comments made in relation to Matter 8 which seek more flexibility in relation to the allocations on ABP's landholdings.
- 6.12 Currently we believe the policy is onerous and should be streamlined to allow other uses to be considered on employment sites where it is clear that these cannot be delivered. This should comprise an agreed marketing scope and period between the applicant and the Council. If the marketing does not produce realistic offers for employment development on the land, then alternative uses can be considered. Similarly, if alternative uses proposed are still employment generating uses, then these should be considered on their own merits (without the need to undertake a marketing period). This provides a more appropriate balance in maintaining employment land but at the same time allowing the flexibility highlighted in the current NPPF and the emerging revisions to national planning policy.
- 6.13 In this respect we advocate that the wording to EP3 should be amended as follows:

"The redevelopment for other uses of a site that is or last was in B1, B2 or B8 use outside defined employment areas will be considered positively by the Council.

Where there is no reasonable prospect of a site allocated for employment uses to come forward for development over the plan period, alternative uses can be considered once an agreed scope and period of marketing of the site has been undertaken and no suitable and realistic commercial interest in the land has been established.

Where the alternative uses proposed are employment generated themselves, then these should be considered on their own merits."

- 6.14 This would ensure that the policy is sound.

1.2 Do sites protected by Policy EP2 have a reasonable prospect of being used for employment use eg. land in Copse Road, Fleetwood?

6.15 ABP does not wish to provide specific comments relating to this question at this time but reserves the right to provide further comments in so much as it may affect their land interests.

2. Main Town Centre Uses

2.1 Are the thresholds for impact assessment within Policy EP5 justified?

6.16 Our representations to the Publication Draft of the Local Plan highlighted a number of concerns regarding the soundness of approach to assessing main town centre uses contained in Policy EP5.

6.17 One of ABP's primary concerns is the low threshold that has been set for when an assessment of impact is required for any new retail floorspace (comparison or convenience goods). This is set at 500 sq m. The NPPF sets a default threshold of 2,500 sq m but allows Councils to set their own locally defined threshold (paragraph 26) but this clearly needs to be based upon evidence if it is to be sound (by being justified and positively planned).

6.18 The National Planning Practice Guidance ("PPG") advises that where local planning authorities set local thresholds it is important to consider the following:

- scale of proposals relative to town centres
- the existing viability and vitality of town centres
- cumulative effects of recent developments
- whether local town centres are vulnerable
- likely effects of development on any town centre strategy
- impact on any other planned investment

6.18 It is noted that within the Local Plan evidence base, the Council undertook a Retail Study in August 2011 (document references: ED080 – ED082) and a 2013 update (February 2014; document reference ED083). Following this the Council published a paper relating titled *Locally Set Floorspace Threshold for the NPPF* (February 2014) (document reference ED084).

6.19 Whilst the document provides some analysis of town centres both in Wyre Borough and neighbouring Fylde Borough, the document is over 4 years old and is based on guidance which has now been superseded by the PPG. As such *prima facie* as a piece of evidence ABP would question its validity given that the guidance has changed and the document is based

on data which is now some years old. Irrespective of this we would dispute the conclusions of the document.

- 6.20 The document outlines that there is extensive existing floorspace in Fleetwood which comprises 13,380 sq m of convenience goods floorspace and 11,300 of comparison goods floorspace (25,130 sq m altogether). An important element of setting a locally defined threshold is the scale relative to the current town centre. A threshold of 500 sq m compared to the existing town centre would represent less than 2% of the current total floor area. This is considerably low and on the basis of scale would seem not seem justified.
- 6.21 Likewise the analysis shows that what constitutes 'large' retail units in Fleetwood is defined as 1,100 sq m for comparison goods and 1,400 sq m for convenience goods. Again the proposed threshold seems low in comparison to this and by examining matters on this basis, this would indicate the Council would be requesting impact assessments for what could be considered 'small' units. This is a disproportionate approach which does not represent positive planning.
- 6.22 The analysis provided also does not take into account the role that edge of centre sites can play in attracting visitors to towns and then facilitating linked trips to town centres. This is an important factor in places like Fleetwood.
- 6.23 ABP note that Fleetwood Town Centre has faced challenging times and believes this is attributable to changing behaviours of shoppers which has been felt nationwide over the last decade (including the increase in shopping online both for convenience and comparison goods). How town centres respond to this is key and there are a number of measures which can be put forward to help transform town centres from places where people simply shop, to areas where people go for days out and events.
- 6.24 In this case we would anticipate that the Council would take steps/have a strategy to seek to secure additional investment in Fleetwood Town Centre but we note there is little within the policies of the Local Plan which seek to do this. Without this we cannot see the justification for such a low threshold for retail goods as in the absence of a town centre strategy the only effect of the low impact threshold will simply be to deter further investment in other areas of the town. As outlined in our representations to the Publication Draft of the Local Plan, such a low impact threshold can have unintended consequences. For instance, many mixed-use sites should be able to include retail uses at an appropriate scale to enhance sustainability. Setting a threshold too low could frustrate this and mean mixed-use development, which

would otherwise be regarded as sustainable, may have the burden of having to undertake additional retail justification. We believe that this is simply not necessary.

- 6.25 As such we object to the current threshold and believe it is unsound for being ineffective, not positively planned, unjustified and inconsistent with national policy. To remedy this, we believe that the threshold should be increased appropriately.
- 6.26 It should also be highlighted that the proposed revisions to the NPPF (currently subject to consultation) seek to remove the requirement to undertake an impact assessment for proposed office floorspace. This should be picked up within this policy.
- 6.27 We look forward to discussing this further at the relevant hearing session.

2.2 Is the policy requirement for 'no unacceptable impact' in relation to Fleetwood justified?

- 6.28 ABP do not believe this approach is justified at all. The NPPF in paragraph 26 is clear that the threshold for assessing impact of development proposals on town centres is whether they are 'significant adverse' in nature. The NPPF does not allow for assessing certain town centres differently. Indeed, the need to consider whether impact is 'significant adverse' is also enshrined in the approach contained in the PPG.
- 6.29 As such Council's approach in relation to Fleetwood which suggests an assessment should show 'no unacceptable impact' is unsound for being unjustified and will simply create confusion as there is no definition of 'unacceptable impact' contained in national policy. As such, these references should be deleted.

2.3 Are the criteria within Policy EP6 in relation to primary and secondary frontages too restrictive?

- 6.30 ABP does not wish to provide specific comments relating to this question at this time but reserves the right to provide further comments in so much as it may affect their land interests.

2.4 Are the criteria within Policy EP7 relating to convenience stores too restrictive?

- 6.31 ABP believes the wording of this policy is too restrictive. The floorspace thresholds appear arbitrary in nature and so are unsound by being unjustified whilst Criteria B and C also seek to impose a quasi-sequential test which has no basis in national planning policy and so can also be regarded as unsound.
- 6.32 As such we believe this policy should be deleted and instead such proposals should be brought forward in line with Policy EP5 but with a higher impact threshold provided (see our comments in relation to Question 2.1).

3. Other policies relating to the economy

3.1 Taking into account proposed modification would the other policies relating to the economy be justified and consistent with national policy?

- 6.33 ABP does not wish to provide specific comments relating to this question at this time but reserves the right to provide further comments in so much as it may affect their land interests.