

TOWN AND COUNTRY PLANNING ACTS

GOODMAN; ARLINGTON BUSINESS PARKS GP LIMITED

LAND AT SOLENT 2, SOLENT BUSINESS PARK

DEVELOPMENT SITES AND POLICIES DPD: PUBLIC EXAMINATION

**RESPONSE TO THE COUNCIL'S FURTHER SUBMISSION IN RESPECT OF ISSUE 4:
ACTIONS ARISING FROM HEARING SESSION ON 12 NOVEMBER 2014
COUNCIL DOCUMENT REFERENCE DCD-22**

1.0 Instructions and Introduction:

- 1.1 Portchester Planning Consultancy (PPC) is instructed by Arlington Business Parks GP Limited (Arlington) (part of the Goodman group) and submitted representations to the Council in respect of the Local Plan Part 2: Development Sites and Policies. PPC appeared as a Participant at the Public Examination Hearing Session on 12 November 2014, in respect of Issue 4: Employment (including Development Site Briefs) (DSP17-DSP19).
- 1.2 In response to a number of the points made at the Hearing Session by PPC and others, the Inspector requested the Council to provide further information on various matters. These matters are set out in Examination document '*DCD-28 List of Actions Arising from the Hearing Sessions.*'
- 1.3 In response to the Issue 4 matters the Council has prepared a further Examination document '*DCD-22 Issue 4: Employment (including Development Site Briefs) (DSP17-DSP19) December 2014.*'
- 1.4 Having reviewed DCD-22 Arlington have a number of comments on several of the '*Matters*' the Council has addressed. DCD22 addresses 7 matters; these are commented upon below where relevant.

2.0 Response to the Council's document DCD-22:

Matter 1:

Council to set out the role of the Solent Strategic Economic Plan and the Marine & Maritime Supplement and how these have been taken into account of in LP2. Council to add both documents to the Library of submission documents.

- 2.1 Arlington has no comment to make on this part of the Council's response save and except to clarify that the above documents do not form part of the statutory Development Plan and as such can only have the status of background documents.

Matter 2:

Council to consider whether Table 3 of the LP2 (page 44), regarding Employment provision, can be further clarified.

- 2.2 Arlington has a number of comments to make on paragraphs 2.1 to 2.2 of DCD-22.

- 2.3 In relation to the column labelled B1/B8, paragraph 2.2 of DCD-22 states that:

'it was concluded that in all cases the use (actual or proposed) was not likely to be for B1 offices, and therefore they have been included in the B2/B8 column.'

This statement is challenged as DCD-22 provides no evidence or explanation as to why none of the floorspace attributed to the B1/B8 column would not be, at least in part, B1 floorspace. To justify this approach it would be necessary for the Council to have produced a Schedule of the sites which make up the floorspace in column B1/B8 followed by a site-by-site appraisal explaining why each site would be most likely to fall into a particular category. Without such evidence the Council's assertion in paragraph 2.2 is meaningless, because it is without foundation, and this discredits the Council's apportionment of the floorspace in the B1/B8 column, conveniently, to all now being in the B2/B8 column.

- 2.4 Using the same approach adopted by the Council, Arlington could assert that they have concluded that all of the floorspace in the B1/B8 column would most likely be B1 and therefore should be added to the B1 column resulting in an oversupply of over 10,000 q m.
- 2.5 Arlington considers that the Inspector has not been provided with sufficient evidence to support the Council's revisions to Table 3.

Matter 3:

Council to provide further clarity on its approach to Open Storage uses in LP2.

- 2.6 Arlington has no comment to make on Matter 3.

Matter 4:

Council to explain the detail of the Fareham employment Study (DED01) in relation to Solent 2

- 2.7 Arlington has a number of comments to make on Matter 4.
- 2.8 Paragraphs 4.1 to 4.7 of DCD-22 in effect, merely summarise the relevant parts of the ELR 2014 (DED01). The Council has still failed to provide any cogent justification for not attaching weight to the findings of the key parts of the ELR relating to the likelihood, or not, of the Solent 2 site coming forward for employment during the plan period.
- 2.9 In order to assist the Inspector the key parts of the 2014 ELR (DED01) are:

‘There is therefore a very large overhang of empty floorspace that one would expect to be occupied before any new B1 floorspace would be developed on remaining sites on Solent 1 and Solent 2, unless a large bespoke requirement emerged. Moreover there is also capacity to deliver around 42,000 sq mn of additional employment floorspace on these parts of Solent Business Park in Winchester District.’ page 39

‘The key barrier to the site coming forward are: competition from existing B1 space in the market and the remaining development opportunities at Solent 1 and on that part of Solent 2 that falls within Winchester District.’ page 40

‘It is perfectly conceivable given capacity at Solent Business Park 1 and Lakeside Business Park that the part of Solent Business Park 2 in Fareham might not be developed out by 2021.’
Page 43

‘In the period after 2021, FBC might see positive advantage in seeking to steer demand for office space in the M27 corridor to Welborne in preference to Solent business Park 2, given the desirability of ensuring that jobs and homes are delivered simultaneously at Welborne’ page 43

Further, the study notes that:

‘Across the PUSH area as a whole overall capacity for employment floorspace development exceeds requirements by over 50%.’ Page 22

2.10 It is also relevant to note that the 2013 Employment Study (DED02) stated:

‘There are substantial office vacancies in Whiteley (around 20,000 sq m for B1) alongside undeveloped allocations for employment development (around 42,000 sqm) outside of the Fareham Borough boundary. The area is considered to be a functional part of the local economy, despite being located outside of the administrative boundary. Any floorspace built at Whiteley will undoubtedly help provide jobs for residents of the Borough.’ para 5.15

Note: The above quotations are the same references given by PPC to the Inspector at the Hearing Session.

- 2.11 Despite these ‘key’ findings, the Council persist in seeking to re-allocate the Solent 2 site which, in any event, should be categorised as a ‘commitment’ rather than an ‘allocation’ as the site has full planning permission and has been lawfully implemented.
- 2.12 The Council is also unprepared to acknowledge the obvious functional and operational relationship with the unused capacity of the Solent Business Park which amounts to some 62,000 sqm of B1 floorspace simply because it is administratively located in Winchester District.
- 2.13 The Council has provided no substantive evidence or explanation as to why part of this underused capacity cannot be taken-up instead of the allocation of the Solent 2 site, particularly given that the Solent 2 site is located in a remote location, separated from the main part of the SBP. There is no sound planning reason why cross-boundary cooperation could not result in some of this spare capacity being utilised to meet FBC’s employment needs, particularly given the capacity for employment floorspace development across the PUSH area already exceeds requirements by over 50 %.
- 2.14 In this context it is relevant to note that the whole purpose of the South Hampshire Local Authorities forming PUSH was because it was acknowledged that the housing, employment, transport and infrastructure needs of the sub-regional area should be planned on a broader and more comprehensive basis than Borough by Borough or District by District.
- 2.15 Further, in site specific terms, the relatively remote location of the site, in relation to the rest of the SBP, has been cited by prospective purchasers as a negative consideration.

- 2.16 It is clear, however, that whilst the Council refuses to acknowledge this relationship the Wessex Employment Study's findings are very clear on this issue, and remain sceptical as to whether the Solent 2 site is likely to come forward for employment uses in the plan period.
- 2.17 The continued allocation of the Solent 2 site is therefore unjustified and unreasonable and should be deleted from Policy DSP18.
- 2.18 Paragraphs 2.10 to 2.16 above summarise why Arlington considers that the Solent 2 site should be de-allocated. **This is the evidence given verbally at the Examination Session into Matter 4 by PPC on behalf of Arlington, it is not new evidence.**
- 2.19 In contrast, the Council in DCD-22 fails to provide any explanation why it did not attach considerable weight to the key findings of the 2014 ELR (DED01) to which Arlington has drawn attention.
- 2.20 Paragraph 4.7 of DCD-22 repeats the assertion made in the ELR that it would be premature to release the Solent 2 site as there remains a reasonable prospect of delivery in the plan period is totally rejected by Arlington and flies-in-the face of over 18 years of marketing of the site to no avail. A copy of the summary of the marketing of the site, previously submitted to the Council, and referred to by PPC at the Hearing Session is attached to this Statement, for the Inspector's information.
- 2.21 The Council's Examination Statement on Issue 4 (paras 4.5.1 to 4.5.6) sought to significantly underplay the vigorous and continuous marketing of the site over a period of 18 years. The Council stated that this amounts to '*some-marketing*' para 4.5.3, it is rather more than that by any sensible description.
- 2.22 So, in reality, we are no further forward in understanding why the Council did not attach weight to the key findings of the 2014 ELR relating to the unlikelihood of the Solent 2 site coming forward for employment during the plan period, or why those findings have, apparently, been conveniently ignored, and the Inspector is left in the position of not having received an explanation from the Council as to why weight was not attached to the key findings of the 2014 ELR (DED01) as summarised above.

Matter 5:

Council to consider the clarity of the wording of the bullet points at the end of DSP17.

- 2.23 Arlington has no comment to make on the proposed changes, other than to observe that if the 3 bullet points were applied to the Solent 2 site, given its history of being marketed for over 18 years to no avail, the site would have been released from being an employment allocation many years ago.

Matter 6:

Council to provide further justification for the allocation of Little Park Farm and Solent 2 for employment use.

- 2.24 Paragraphs 6.1 to 6.7 of DCD-22 add nothing to the Council's previous submissions save and except for an acknowledgement in paragraph 6.6 of the content and purpose of paragraph 22 of the NPPF, which was brought to the Inspector's attention, robustly, by PPC at the Hearing Session.
- 2.25 The marketing of the site for a period of over 18 years which has failed to attract a purchaser and/or developer presents a robust and compelling case for the release of the Solent 2 site from being an employment allocation. Applying the '*tests*' in draft Policy DSP17 would mean that the site would have been released from employment purposes many years ago.
- 2.26 The Council's current attempt to resist the de-allocation of the Solent 2 site is a classic case of '*too little too late.*' The site has clearly failed, over an extend period of time, as an employment site. It is now the time to release the site from employment use and allow it to come forward, within the urban area, for other beneficial uses (i.e. which might include some employment as part of a mixed-use development).
- 2.27 These arguments are particularly pertinent when assessed against paragraph 4.11 of the Fareham Core Strategy. This states :

'It is recognised that there will be cases in some existing employment sites where it can be proven that the permitted employment uses are no longer appropriate, and in these cases other uses will be considered. This may be where a particular unit has remained vacant for an extended period of time or where the existing use does not suit its immediate surroundings. Employment sites and areas will be reviewed through the Site Allocations and Development Management Development Plan Document, informed by the employment Land Review.'

Despite evidence provided, the Council has failed to consider other uses for the Solent 2 site, which are considered appropriate to enable this site to be brought forward for sustainable development.

Matter 7:

Council to re-consider the wording of the Site Briefs for employment allocations, specifically the reference to ‘low density’ employment at Little Park Farm and whether the site size (and site boundary) provided for Solent 2 is correct.

- 2.28 In relation to Solent 2, this is a technical matter, raised at the Hearing Session by PPC in order to assist the Council. Whilst the Council’s response is understood, and whilst it is correct to say that ‘Blue-land’ can be made subject to planning Conditions the same does not automatically apply to a Section 106 Agreement, which is, by definition ‘*an agreement*’ – the applicant cannot be obliged to enter into or agree to a S106 Clause in the same way an LPA can ‘*impose*’ a Condition on blue-land.
- 2.29 Rewording the brief as suggest by PPC was intended to assist the Council in this matter, in particular in respect of certain matters included in the extant S106 which are currently being implemented (i.e. the woodland and ecological management programme).

END

APPENDIX 1
SOLENT BUSINESS PARK MARKETING EVIDENCE
APRIL 2012

PREPARED FOR ARLINGTON BUSINESS PARKS GP LIMITED