

Ms Carole Crookes
Examination Programme Officer

Our ref: WH/19-02253
Respondent ID: NULLP997
Date: 1 May 2025

Dear Ms Crookes

Re: Newcastle-Under-Lyme Local Plan Examination – Matter 9 Employment Policies – Further Statement on behalf of Allied Bakeries (Respondent ID NULLP997)

We act on behalf of Allied Bakeries, who has been operating Class B2 wholesale bakery from its factory in Newcastle under Lyme, and have been instructed to submit a further statement in response to the Inspector's Matters, Issues and Questions. This statement responds to Matter 9 – 9.7:

Are the requirements of policies EMP1, EMP2 and EMP3 clear, and would the criteria identified to assess proposals on these sites be likely to be effective? In particular:

- a) How would existing employment sites be identified?*
- b) Would the agent of change principle expressed within EMP2 adequately address the requirements of existing businesses?*
- c) Are there any omissions in the policies and are they sufficiently flexible?*

We do not consider that Policy EMP2 is clear or the criteria identified to assess proposals affecting existing employment sites/land are effective. The main objective of the policy is to protect existing employment sites from alternative uses. As there is no other policy within the draft Local Plan, which seeks to protect existing employment sites, it is particularly important that Policy EMP2 robustly protects existing employment sites. However, the premise of Policy EMP2 is to “positively” consider the release of existing employment sites for alternative use, rather than protecting existing employment sites.

We acknowledge the Local Planning Authority's response to our objection that the policy sets out a number of criteria that needs to be addressed prior to alternative uses of development being considered. However, there is a fundamental issue in the wording of the policy, which supports the principle of releasing existing employment sites to alternative uses without first protecting the existing employment uses. The wording of the policy is such that it is contrary to the National Planning Policy Framework (NPPF) which advises that significant weight should be placed on the need to support economic growth and productivity. Without first protecting existing employment sites, the Local Plan cannot support economic growth and productivity, taking into account the needs of businesses.

We therefore consider that the opening paragraph of Policy EMP2 should be amended as follows:

1. Within areas of existing employment land, proposals for alternative uses will be considered ~~positively~~ having regard to other relevant planning policies and ~~whether~~ **only where** the following criteria are satisfied:

Our response to the Inspector's specific questions as follows:

- a) Existing employment sites are not defined in the Local Plan. As such, it is assumed that sites with existing employment generating uses and sites which were last occupied by employment generating uses would be applicable to this policy, as the supporting paragraph 8.8 explains that existing employment areas play an important role in ensuring *"a range of employment land and buildings available to meet employment needs in the borough"*. As there is no identification or designation of existing employment sites in the policies map, for clarity, we consider that the definition of existing employment sites is included in the supporting paragraph or glossary.
- b) We do not consider that the 'agent of principle' as set out in criterion a) and d) are adequate to protect the remaining employment uses, particularly industrial operations. These criteria are ambiguous and are not clear how the applicant or the decision maker should apply the requirements. Existing employment sites and operations should not have unreasonable restrictions placed on them as a result of development permitted after they were established as set out in the National Planning Policy Framework. Accordingly, the applicant proposing an alternative use adjacent to an existing employment use should demonstrate that there will be no prejudicial impact the existing employment use and its ability to continue to operate without additional restrictions and grow. We consider that the criterion dealing with the agent of change principle should be one of the criteria which all development proposals for alternative uses, adjacent to an existing business, should satisfy.

Accordingly, we request that criteria are amended as follows to ensure the effectiveness of the policy to ensure that robust protection is afforded to existing employment sites:

a) Proposals are compatible (via scale, design and location) with adjacent existing and proposed land uses; ~~and and any impact on amenity can be appropriately mitigated; and one of the following:~~

b) Where proposals are adjacent to, or in close proximity to an existing business, the proposed development (or 'agent of change') must demonstrate that it would not place an unreasonable restriction on an existing business's operation and its growth and provide adequate and suitable mitigations as part of the proposed development; and one of the following:

~~b)~~ c) The land or building is no longer suitable or viable for employment use and there is no realistic prospect of re-use or redevelopment for employment use. In terms of viability, this is demonstrated by the site / property having been marketed for at least 12 months; or

~~c)~~ d) The loss of land or buildings would not adversely affect economic growth and employment opportunities in the local area. ~~or~~

~~d) Where the operation of an existing business (including changes of use) could have a significant adverse effect through nuisance or environmental problems that cannot be mitigated. The proposed development (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.~~

It is requested that our further statement is fully considered as part of the Examination process, and we reserve our right to attend the hearing session on the matter.

Yours faithfully,

Wakako Hirose

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