

**Calderdale Local Plan
Additional consultation (Stage 3)**

**Comments on behalf of Clifton Village
Neighbourhood Forum (representor ID:
1115638) to council documents:**

- **CC132 & CC132A (Air Quality Assessments)**
- **CC129 (Employment land take-up & supply)**
- **CC117 (Employment sites developable areas)**
- **CC125 (Housing trajectory)**

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1. Introduction

- 1.1 This representation, submitted on behalf of Clifton Village Neighbourhood Forum ('the Forum') comments on a range of documents published by Calderdale Council as part of 'Stage 3' of an additional consultation process in advance of further Local Plan Hearing Sessions to be held in May/June 2021.
- 1.2 The council documents (prefixed with 'CC') to which these representations relate are:
- CC132 & CC132A (Air Quality Assessment);
 - CC129 (Employment land take-up & supply);
 - CC117 (Employment sites developable areas); and
 - CC125 (Housing trajectory).
- 1.3 In summary, the Forum has significant concerns with the process taken by the Council in consulting on these documents and also has significant concerns with the evidence presented which in a number of instances is entirely misleading.
- 1.4 The Council has provided no meaningful or sound evidence on these issues and is yet to clearly define a local plan strategy given the significant change in approach compared to the Submission Plan.
- 1.5 The Forum considers the Council must be fully tested on each of the key issues identified, and hence further Hearing Sessions are fundamental and essential. It is only through full scrutiny and debate at previous Hearing Sessions that many key issues and concerns have been fully identified, exposed, and understood, leading to requests from the Inspector for additional evidence and explanation. This additional evidence has then raised further unanswered questions.

2. General process

- 2.1 The Forum again, and with frustration, deem it necessary to raise concerns with the consistency and efficiency of Council's approach to the local plan process. In this instance, the Council's approach to additional consultation is unnecessarily in 3 stages. The approach is confusing and unhelpful in understanding precisely what form the emerging Local Plan will take. This is exacerbated by documents in the first stage consultation clearly linking to, overlapping with, or being superseded by, documents in this later stage consultation.
- 2.2 For example, air quality updates were included in the stage 1 consultation (HS8.1) yet new air quality modelling has not been released for comment until this Stage 3 consultation. This is effectively a repeat of the Council's introduction of new evidence and/or revised strategies within their initial Stage 2 Hearings Statements which rendered extensive elements of the Submission Plan and other parties' hearing statements redundant and wasted significant time at the hearings. This is the antithesis of how a local plan should be prepared.
- 2.3 We now turn to detailed technical matters and the consultation documents.

3. Air quality Assessment – documents CC132 & CC132A

3.1 As discussed in detail at Matters 8, 13 and 15 Hearing Sessions (see Forum hearing statements HS1.5, HS1.5a, HS8.20, and HS8.20a), and again raised in the Forum's representations to Stage 1 of this additional documents consultation, the air quality assessment (CC132 and CC132a) is unsound as it:

1. Is based on the flawed Calderdale Strategic Highways Model ('CSTM') which underestimates existing congestion, as recognised at TN14 (CC122) paragraph 2.4.3, and fails to grapple with existing traffic problems in Brighouse. This is seemingly accepted at CC132 paragraph 4.3.12 which confirms:

"...the model predictions are highly variable on a local level which is function of the lack of fine detail in the Calderdale Strategic Transport Model traffic model inputs."

2. Relies on major infrastructure (e.g., Huntingdon Road bridge and Garden Suburbs highway infrastructure) which have been shown to be undeliverable;
3. Fails to properly consider the current air quality problems and concerns within existing Air Quality Management Areas ('AQMA's');
4. Underestimates potential air quality effects;
5. Ignores previous evidence (Council document TN7) confirming the Brighouse AQMA has some of the poorest air quality locally due to existing congestion;
6. Inexplicably, and without evidence, CC132 paragraph 4.3.4 concludes:

"...the Local Plan is predicted to reduce the concentration in Brighouse as traffic is diverted away from the town as a result of the Clifton and Rastrick Garden Suburb developments."

7. This conclusion is unfathomable, given the significant amount of additional traffic generated by the Garden Suburbs and Clifton employment site that will be added to the AQMA and Brighouse in general. Furthermore, the Council confirmed very clearly at Stage 2 Hearings that the Garden Suburbs will provide only internal spine roads to serve the sites and are no longer planned to be relief roads. The reality is substantial traffic from the Garden Suburbs will travel through Brighouse to access the sites.
8. Contradicts the Thornhills Garden Suburb Modelling (HS13.1 Appendix 1) which accepts there will be no material diversion of traffic through the Garden Suburbs away from Brighouse, stating instead:

"...the A641 scheme has moved on and adapted to the current policy environment, becoming a multi-modal scheme, prioritising public transport, walking and cycling in order to reflect the current climate emergency and changes in local and national policy. This has led to the links through the (Garden Suburb and Clifton EZ) development sites becoming primarily for development traffic and with a lesser role as through routes."

9. Finally, it defers detailed consideration of air quality matters to future planning applications.

- 3.2 The Council's air quality evidence is therefore unreliable, not least as the highways model which underpins the air quality assessment is out-of-date and has been demonstrated to under-represent existing levels of congestion to a substantial and therefore highly material degree.
- 3.3 The Forum considers air quality evidence should not be presented nor accepted until the highways model, on which the air quality assessment completely relies upon, is fundamentally reviewed and updated. In the absence of reliable and proper evidence it is impossible for the Inspector to make a sound planning judgement.
- 3.4 This amounts to a significant legal flaw in the plan. Such an approach, particularly that of deferring detailed air quality considerations to future planning applications (see point 9, above), fails the test of soundness and we are advised by Counsel is arguably unlawful. The established test of soundness requires the plan be positively prepared. Deferring decisions on a fundamental issue such as air quality is an example of failing to meet this requirement.
- 3.5 We are therefore advised by Counsel it is also strongly arguable the current approach would amount to a failure to meet the statutory duty in Section 19(1A) of the Planning & Compulsory Purchase Act (2004), which states:

'(1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.'

- 3.6 There is quite simply no available evidence which demonstrates the plan accords with this fundamental statutory duty, and it is therefore impossible for the Inspector to make a sound planning judgement.

Chronology of events regarding highways evidence

- 3.7 In the context of air quality concerns, the Forum considers it essential to set out the chronology of events in relation to the serious concerns raised with the highways model and lack of any meaningful response from the Council.
- 3.8 In essence, The Forum's legitimate concerns been ignored. In particular, their evidence (including traffic counts and journey time surveys first introduced in the Forum's Initial Draft Plan representations in 2017), which demonstrates clearly that the highways model substantially under-represents levels of severe congestion in Brighouse, has never been challenged by the Council.
- 3.9 The chronology of this issue is set out as follows:
- Forum representations to the Initial Draft Plan (**2017**) which demonstrated the Council's highways model, and thus the associated evidence, was not fit for purpose not least as it significantly downplayed and underestimated vehicle movements and congestion in Brighouse by some 24%;

- Further Forum representations to the Publication Draft Plan (**2018**) which again demonstrate the Council's highways model is not fit for purpose and results in an unsound plan;
- West Yorkshire Combined Authority highlighted (**October 2018**¹), the CSTM model is dated, may not stand up to scrutiny, and should be replaced by a multi-modal study at a cost of over £600,000 (part-funded by WYCA but itself is yet to be completed as of April 2021);
- Forum hearing statements (**June 2019**; documents HS1.5, HS1.5a and HS2.12) to the Stage 1 Hearings again demonstrate the inadequacy of the CSTM model and thus the unsoundness of the evidence base and plan;
- Stage 1 hearings (**July 2019**) discuss the CSTM model, and the Council concede the multi-modal study is being progressed to replace the CSTM model. The Inspector confirms this will be discussed at future (Stage 2) hearings, and requests further detail on multi-modal study timescales;
- Forum hearing statements (**July 2020**; documents HS8.20, HS8.20a, HS15.13, and HS15.13a) to the Stage 2 Hearings again demonstrate the inadequacy of the model. The evidence is again unchallenged by the Council;
- Council Hearing Statements (**August 2020**; see HS8.1 and HS15.1) introduce significant amounts of new and contradictory evidence which dilutes the extent of proposed major highways improvements (such as the omission of a major relief road) yet does not address long established and unchallenged concerns with the CSTM model;
- Stage 2 Hearing Sessions again discuss the CSTM model – see Matter 8 sessions (**7th October 2020**), Matter 15 sessions (**10th November 2020**, and **26th November 2020**), in particular:
 - i. The Council, again, does not challenge, nor in any way counter, the Forum's clear evidence which shows the true levels of congestion in Brighouse and the inadequacy of the CSTM model;
 - ii. The Council concedes the replacement multi-modal study is not yet available for use;
 - iii. The Inspector confirms the multi-modal study will not be accepted as evidence due to the ongoing delays, meaning the Council must now rely on the CSTM model;
 - iv. The Inspector agrees to further comments on the Council's late evidence presented in documents HS8.1 and 15.1 (along with other pieces of late evidence); and
- Further consultation takes place (**April 2021**) on the late evidence referred to above, and other pieces of evidence.

Chronology summary

3.10 This chronology shows a clear and consistent approach from the Forum where legitimate concerns with the CSTM model and clear, unchallenged evidence

¹ West Yorkshire and York Investment Committee Report (11th October 2018) – paragraphs 2.38 to 2.41

demonstrating its inadequacies have been ignored by the Council. In the absence of any response or clarification note, the Forum therefore respectfully concludes the Council accepts the Forum's highways evidence in its entirety. There is no other reliable evidence available to the Local Plan process.

- 3.11 It is demonstrated the CSTM model is not fit for purpose and cannot be relied upon. It therefore follows the air quality assessment which relies completely on the CSTM model outputs is equally flawed and cannot be relied upon. This means there is no credible evidence base in order to form a reasoned judgement on air quality matters or the plan strategy, which fundamentally undermines the entire local plan.
- 3.12 CC132 paragraph 4.3.12 concedes the model predictions are highly variable due to the lack of fine detail in the CSTM.
- 3.13 CC132 paragraph 4.3.4 then makes completely unevidenced and unjustified claims that air quality in Brighouse will be improved as a result of the Plan. This claim is made despite the substantial amount of traffic the Garden Suburbs and Clifton employment site will **add** to the AQMA. The Council's latest position, confirmed during the Stage 2 Hearings, is roads through the Garden Suburbs will be estate spine roads and not relief roads, meaning the vast majority of high levels of existing and future traffic travelling along the A641 will not divert through the Garden Suburbs but instead continue to travel through the Brighouse AQMA.

4. Employment land – documents CC117 and CC129

Employment land take-up and supply

- 4.1 The Forum considers it deeply troubling that the Council cannot provide evidence of employment land take-up, despite such evidence being entirely commonplace for an authority having been requested by the Inspector almost 5 months ago at the hearing sessions. Such evidence is fundamentally critical to the employment land strategy and policy within an emerging local plan.
- 4.2 From the available evidence in CC129, the Council seemingly admit there has been very limited take-up of employment land in Calderdale. The Forum accepts the COVID pandemic will likely skew recent figures and that past take-up is not always an appropriate means of setting future strategy. However, the emerging local plan is seeking to deliver a quantum of employment space which would accommodate levels of take-up which have not been achieved in any recent years.
- 4.3 The Forum therefore questions whether the employment land strategy (and thus the local plan strategy) is sound and based on appropriate evidence.

Supply position in terms of the Clifton Enterprise Zone site (LP1232)

- 4.4 The Forum continue to question the likely occupation of the Clifton site (LP1232), for reasons outlined in previous hearing statements and presented at the hearings, i.e.:
- Reserved Matters consent covers the development platforms only (there is no approval of details of the buildings themselves) and there can in any

event be no certainty the units will be delivered or occupied, particularly given the lack of any funding as outlined below;

- The unit sizes and building heights as controlled by the approved parameters plan for the site are typically below typical occupier requirements, which will limit occupier demand; and
- There is seemingly no firm or proven market interest in the site at this time.

4.5 Furthermore, as outlined in the Forum's response to stage 1 of this current round of consultation, WYCA funding for site LP1232 is inherently uncertain. This is reinforced in the WYCA Place Panel report of 28th January 2021, which established the following:

- Paragraph 2.13 (of the WYCA report) confirms an independent review of 5 EZ programme sites (including Clifton) was completed in September 2019;
- Paragraph 2.14 (of the WYCA report) explains the independent review found 2 sites (Bradford and Kirklees) as being most likely to achieve delivery, and therefore regional Directors of Development agreed these 2 sites should be prioritised. These 2 sites then secured funding approvals to realise viable development opportunities. The Clifton site was not included; and
- Paragraph 2.15 (of the WYCA report) confirms the remaining 3 sites (including Clifton site LP1232) have significantly less focus and alternative (but as yet unspecified and unconfirmed) funding will be required. The WYCA report cites site complexity, delivery challenges, and time horizons for delivery being beyond the lifetime of the Growth Deal, as key reasons to not focus on these remaining sites.

4.6 In other words, there is no Growth Deal funding for the Clifton site and no alternative funding has been secured. The Council has already conceded that external funding is needed in order to deliver the Clifton employment site, yet there is seemingly no funding in place. The Forum assumes the Council will be disclosing this fact to the Inspector.

4.7 The history and facts in respect of the Clifton site have distinct parallels to a recent appeal (Appeal decision appended) at a West Suffolk employment site (APP/F3545/W/20/3256979). In the West Suffolk case, the site was allocated in 2006 and major enabling works (development platforms, access, spine roads, services etc.), a housing phase, and supportive amenity/retail uses were completed in 2013 following detailed planning approval for that part of the site. Since 2013 the site, beyond the completed phases, has comprised fully serviced, maintained, and marketed land with permission for employment use. However, the remaining employment land remained undelivered, and the landowner pursued an alternative residential scheme which was granted on Appeal.

4.8 Specifically, the Inspector concluded, at paragraph 39 of the Appeal decision that:

"...the time has come to accept that market forces are against the proposal and that an alternative use should be permitted on the site."

- 4.9 Very similar conclusions can be drawn with the Clifton site which was removed from the Green Belt and allocated for employment uses (originally envisaged as an office led scheme) over 20 years ago. Despite numerous property booms development never progressed by the private sector for a range of reasons.
- 4.10 The Council's insistence that its own promotion of the site, and presumably planned delivery of enabling infrastructure development, is likely to see the site developed has real parallels with the West Suffolk appeal case. The Appeal case demonstrates the pitfalls of pursuing a flawed vision which has limited occupier, investor, nor market interest. Clearly the Clifton site has been allocated and available for an even longer period than the West Suffolk example, as demonstrated above.
- 4.11 The reality is as reported to the WYCA Place Panel in January 2021; the Clifton site is extremely complex, and has questionable viability without external funding, yet there is no Growth Deal funding in place and no alternative funding has been identified.
- 4.12 Overall, the Forum considers there to be significant gaps in key local plan evidence base documents, and this undermines the soundness of the emerging plan,

Employment sites developable areas

- 4.13 Table 2 of Appendix 1 of CC117 states, in the context of the Clifton site (LP1232):
- 'The 'indicative developable area' for the site in the Local Plan has been assessed in accordance with the Site Assessment methodology and is consistent with the assessment of other sites.'*
- 4.14 CC117 then advises the site's developable area is 21.38ha.
- 4.15 However, this assessment in CC117 is entirely contrary to both the Outline planning permission (19/00612/LAA) and Reserved Matters consent (20/01354/LAA) for the site which state the developable area (based on known site constraints) is only 11ha (not 21.38ha stated in CC117).
- 4.16 This has implications for the quantum of deliverable floorspace. CC129 identifies a development floorspace of 49,489sqm for the site, yet only 45,789sqm was consented at Outline and Reserved Matters (i.e., 4,000sqm less than the Council is suggesting through the local plan).
- 4.17 This has knock on implications for the local plan strategy, as a lower quantum of floorspace will generate a proportionately lower economic output, lower jobs growth and fewer employment opportunities, and reduced benefits overall. Indeed, the planning application already overstates the potential job creation at some 1,300 jobs (and the local plan assumes an even greater number) compared with Calderdale's own business case which accepts only 600 – 800 jobs will be created.
- 4.18 This means fewer jobs will be available and the council's strategy of locating new housing (the Garden Suburbs) close to new 'major' employment is further eroded.

- 4.19 This reinforces the Forum's position that the Clifton employment site will not serve the proposed nearby Garden Suburbs in terms of provision of jobs. The Garden Suburbs will simply enable further substantial out-commuting as already takes place to a significant extent from areas such as Brighouse and Clifton which effectively function as commuter towns for the nearby major cities of Leeds, Manchester, Bradford, and others, as there are simply insufficient suitable jobs within Calderdale and Brighouse in particular. The proposed strategy will do nothing to address this issue of out-commuting, it will simply add to and exacerbate the impacts of unsustainable out-commuting.

5. Housing trajectory – document CC125

- 5.1 In commenting on the revised Housing Trajectory (document CC125) the Forum is aware that changes have been made at the request of the Inspector. However, at the same time, it is some 6 months since the close of the Stage 2 Hearings meaning the timescales for adopting the plan have slipped further (presuming the plan is capable of being found sound which is the subject of significant and continuing uncertainty).
- 5.2 In the context of the Garden Suburbs, CC125 states that completion of approximately 40 units on each site is expected by the end of March 2024 (80 units in total).
- 5.3 Delivery of the Garden Suburbs then increases significantly in later plan years, to upwards of 150 dwellings per site. This rate of delivery (over 300 new homes per annum in Brighouse alone) seems wholly unrealistic due to the size of the housing market in this area and competition from other sites which will come forward in the meantime.
- 5.4 The Forum consider the trajectory is therefore wholly unrealistic, not least as the plan (again presuming it is capable of being found sound) is unlikely to be adopted before mid-2022 owing to the need for further Hearing Sessions (and associated Hearing Statements), Modification consultations and any other matters to resolve.
- 5.5 It seems unlikely that by end-March 2024 the site will have been fully Masterplanned to a policy compliant level, with planning applications (potentially including Reserved Matters) determined, relevant planning conditions discharged, and early essential infrastructure being in place, even if willing developers are in place to bring the sites forward quickly.
- 5.6 In reality, and with reference to evidence from others at Matter 15 sessions, it seems highly unlikely the Garden Suburb sites will yield any dwellings before 2027/2028 or indeed even later.
- 5.7 Clearly this has implications for plan soundness, particularly in the context of the Council already being under pressure to demonstrate a 5 year supply of housing sites through the plan even with a very favourable stepped trajectory which has a significant under delivery against housing needs in the early part of the plan period.

Appended information

Appeal decision APP/F3545/W/20/3256979



Appeal Decision

Site visit made on 1 March 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 13 April 2021.

Appeal Ref: APP/F3545/W/20/3256979

Land West of Three Counties Way, Withersfield, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jaynic Investments LLP against the decision of West Suffolk Council.
 - The application Ref DC/19/1711/OUT, dated 28 May 2019, was refused by notice dated 5 February 2020.
 - The development proposed is up to 155 dwellings, associated infrastructure and open space, with all matters reserved except for access.
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Decision

1. The appeal is allowed and permission is granted for up to 155 dwellings, associated infrastructure and open space, with all matters reserved except for access at Land West of Three Counties Way, Withersfield, Suffolk, in accordance with the terms of the application, Ref DC/19/1711/OUT, dated 28 May 2019, subject to the attached schedule of conditions.

Preliminary Matter

2. The application is in outline with all matters reserved except access. However, the appellant submitted various plans including a development framework plan and landscape framework plan which are referenced in the conditions agreed between the main parties.

Main Issue

3. The main issue is whether the site should be retained for employment use.

Reasons

Background

4. The appeal site, about 5.5 ha in extent, forms part of the Haverhill Research Park (HRP) which was first allocated in the St Edmundsbury Borough Local Plan in 2006 as a 12 ha 'Strategic Employment Site' on the north western side of Haverhill. This wider triangular shaped site occupies a prominent location between the A1307 and the A1017 Haverhill by-pass adjacent to the 'Spirit of Enterprise' roundabout which marks the entrance to the town.
5. This allocation was subsequently carried forward into the current development plan with the St Edmundsbury Core Strategy adopted in 2010 retaining the allocation in Policy CS9, noting that growth will be concentrated in Haverhill 'to meet the local employment needs in the Greater Cambridge area, particularly

- those of research and development and bio-technology industries'. Policy HV10 of the site-specific Haverhill Vision 2031 adopted in 2014 allocates the 12 ha site for Class B1 use with 'units for new and small firms involved in high technology and related activities, or low density development with extensive landscaping'. This followed the adoption in 2011 of a site masterplan which recognised the viability implications of the high infrastructure costs involved in opening up the site and consequently allowed for some housing on part of the site to facilitate the delivery of a high quality business park on the remainder.
6. In addition to the allocation of the site, Policy DM30 of the Joint Development Management Policies Document adopted in 2015 is relevant to the appeal. This protects allocated employment land for such purposes unless certain criteria are met. Three are relevant in this case (a) that there is a sufficient supply of alternative and suitable employment land available, (b) that genuine attempts to sell or let the site in its current or an alternative employment use have been unsuccessful and (f) an alternative mix of uses would provide benefits that outweigh the loss of the employment site. These criteria are considered below.
 7. In January 2012, in line with the masterplan, a series of planning permissions were granted for the various uses on the site. Full planning permission was granted for the remodelling and structural landscaping of the site with the provision of services and access roads. These works were completed by the end of 2013. At the same time outline planning permission was granted for a 450,000 sq ft (41,805 sq m) research/business park together with commercial uses and 150 dwellings as enabling development on the eastern part of the site. Subsequently the commercial element, the Flying Shuttle pub/restaurant and Colourbox crèche opened in 2014/15 and the housing (Fleming Way and Kelvin Drive) was completed by 2016.
 8. The remodelling work has divided the remaining HRP site into four separate land parcels. The smallest two, plots 100 and 200, front onto and are accessed directly from the A1307 whilst the larger plots 300 and 400, at two higher levels, are accessed from Three Counties Way which also serves the other uses. It is these plots which are the subject of the appeal. Plot 100 adjacent to the roundabout has recently been developed with a four-storey innovation centre whilst plot 200 would still remain available for future employment use should the appeal be successful. Plots 100 and 200 have a combined area of about 1.56 ha, so just 13% of the original HRP allocation would remain.
 9. In summary, since late 2013 when the infrastructure works were carried out, the HRP site has comprised fully serviced land with outline planning permission for employment use but, despite consistent marketing since that time, with the exception of the publicly subsidised innovation centre, no development has taken place. The appellant claims there is no realistic prospect of attracting viable employment uses to the site and there is surplus employment land in the town whilst the Council argues there is a shortage of employment land and it is too early to release the site for other uses. These are the critical arguments that need to be weighed in determining this appeal.

Whether the site should be retained for employment use

10. The Council's most recent Employment Land Review for St Edmundsbury dated May 2017 commissioned from Lichfields provides a long term assessment of the need for employment land in the Borough over the period to 2031. The report notes that the majority of business employment is concentrated in and

around the two key settlements of Bury St Edmunds and Haverhill, with the former well placed on the strategic A14 corridor and the latter near to the M11 and Stansted Airport with Cambridge about 17 miles away along the A1307. Of the two, Haverhill has traditionally been seen as a lower value business location but has nevertheless been successful in attracting and growing mainly manufacturing/workshop and distribution/logistics firms. These are mostly concentrated within a number of large industrial estates on the southern side of the town including Homefield Road, the Haverhill Industrial Estate and Falconer Road. In contrast to these estates, the vision for the HRP has been to deliver a higher quality, low density research/business park catering for the growth in high technology businesses associated with the Greater Cambridge area.

11. The report confirms that Haverhill's proximity to Cambridge has played a role in driving occupier activity in the town but mainly in relation to industrial uses with office space generally only ancillary in nature. Whilst Haverhill interacts to an extent with the Cambridge commercial property market 'it remains difficult to persuade Cambridge-based office occupiers to relocate to Haverhill despite its cost advantages... this is perhaps surprising given the town's proximity, however it appears that the prestige of a Cambridge postcode cannot usually be matched by alternative locations such as Haverhill, particularly with regard to higher value office and R & D users'. In relation to the HRP the report notes that market interest has been insufficient to bring forward any development despite the site having been marketed since 2013. Occupier reluctance to pay a premium for high-quality space in the town was noted making new high-tech B1 R & D/office space financially unviable with the result that the 'future prospects for the HRP remain unclear'.
12. In terms of future employment land requirements in the Borough up to 2031, the report sets out three estimates based on economic growth projections, the growth of the local labour force and past trends. These result in a range of indicative land requirements up to about 44 ha of additional land based on past trends although this is significantly more than is needed to support 'business as usual' growth or the projected labour force. This compares with a supply of about 155 ha of employment land across the Borough as a whole, of which 19.7 ha is in Haverhill, 6.9 ha at the HRP and 12.8 ha in other industrial estates elsewhere in the town. On this basis the report concludes there is excess employment land available across the Borough, although this is skewed by two large sites, the well located 68 ha Suffolk Business Park extension at Bury St Edmunds and a former airfield site at Shepherd's Grove.
13. In relation to Haverhill, demand for industrial space is assessed as moderate, whilst demand for office space is low. Lichfields conclude that the 19.7 ha of undeveloped employment land in Haverhill is more than sufficient to meet local business needs up to 2031, with some sites more suitable than others. Vacant land on the industrial estates would provide the necessary space for existing businesses to expand or relocate. On the other hand, the HRP is targeted at Greater Cambridge occupiers and experience suggests there is insufficient demand to kickstart development as sites remain available within the City and its northern fringes 'where firms most want to be'.
14. Given these findings the report recommends that the Council rationalise the portfolio of available sites across the Borough, concentrating on areas of strongest demand such as the Suffolk Business Park on the A14 instead of sites 'where there would appear to be limited prospects of.. accommodating

productive employment uses, at least over the short to medium term.. those which have proved less attractive to the market despite prolonged periods of marketing.. including long-standing allocations in locations like Shepherd's Grove and Haverhill'. Whilst the HRP site is not specifically named, it closely accords with these criteria.

15. Despite the authoritative nature of the Lichfields report, the Council give little weight to it in this case, arguing that it is out of date, any excess employment land lies elsewhere in the Borough and that in the case of Haverhill there is no oversupply. In response to this, in order to update the position and consider the specific employment land needs of Haverhill, the appellant commissioned the Haverhill Employment Report from Boyer dated July 2020.
16. The Boyer report seeks to establish the need for additional employment land in Haverhill over an extended period to 2037 using the same methodology as Lichfields for the Borough as a whole. Unfortunately the past trends method is distorted by the construction of a single large B8 distribution centre and economic growth projections show a small reduction in the land requirement, a 1.55 ha increase in land for offices being offset by a 2.37 ha loss of industrial land. Given the Council's argument that additional employment is needed to complement the additional 4,000 dwellings proposed for the town, the report argues that an additional 6 ha of employment land would be needed to match the increase in the local labour force. Should 6,460 dwellings be proposed, the requirement would be just under an additional 10 ha.
17. To assess the supply of employment land, Boyer worked closely with Cheffins, an active commercial property agent in the town, to identify available sites. Excluding the appeal site 21.7 ha was identified plus 2.5 ha on the Haverhill Business Park in Braintree district, 1.3 ha in NE Haverhill and 1.8 ha at nearby Wrattling Employment Area, a total of 27.3 ha. Whilst considerably more than that identified by Lichfields, this appears to be the result of a more accurate search, and clearly represents a significant surplus compared to the identified need up to 2037. In addition, 7.5 ha of employment land was being developed as at July 2020, much on a speculative basis with no end users currently identified. Boyer's conclusion that there is an oversupply of employment land in the town thus backs up the Lichfields report.
18. The Council do not produce any alternative estimate of future employment land needs in Haverhill nor any detailed critique of the land availability identified by Boyer. Instead, many sites are simply dismissed as 'small pockets of land' and 'just patches of grass' in existing commercial areas and are said to be unlikely to come forward. However, Appendix 2 in the Boyer report includes details of a sample of these sites being actively marketed by Cheffins and others. The Council argue that apart from the HRP there is just 1.25 ha of comparable land available at Falconer Road but this cursory analysis lacks the credibility of the comprehensive and fully researched Lichfields and Boyer reports.
19. In quantitative terms, the surplus of available employment land in Haverhill (including that in Braintree district and at Wrattling) to meet the needs of the town until 2031, and even until 2037, is fully made out without the retention of the appeal site. However, in contrast to the other sites in the town, the HRP offers a qualitatively different B1a/b/c site with Policy HV10 prescribing a low density, well landscaped business park for high technology and related activities. Indeed, until 2018 the outline planning permission was limited to

B1a/b uses with any light industrial component limited to ancillary parts of any individual building. In 2018 the relevant condition was relaxed to include unrestricted light industrial (B1c) uses in the permission but apparently only in the face of strong local opposition from nearby residents.

20. The demand for this higher quality development opportunity in the town has now been tested by continuous marketing for nearly ten years. Following the assembly of the site by the appellant in 2010, Cheffins and Carter Jonas, both experienced commercial property agents in Haverhill and the wider Cambridge area, were appointed to advise and then implement a marketing strategy to attract occupiers to the HRP. The two firms, joined by a specialist in the high technology property sector in 2015, have remained in the role since that date as explained in a detailed marketing report submitted with the appeal. The report explains the comprehensive range of marketing activity that has been undertaken including a bespoke website, site boards, advertising, targeted mailing, local sponsorships, direct approaches and PR/media events. The campaign has been proactive, evolving over time and included working with the local authorities and other organisations to promote the site as an alternative to the established science parks in and around Cambridge.
21. As explained above, planning permission was granted in early 2012, fully serviced sites were available by late 2013 and the pub/restaurant and crèche facilities were in place by 2014/15, all of which should have encouraged occupiers to come forward. In addition, the remodelled, landscaped site has been maintained to a high standard throughout with an on-site sales office to encourage interest. With over £550,000 being spent on marketing initiatives and maintenance of the site costing about £70,000 pa the appellant has spent nearly £1.2m to date in order to attract commercial occupiers to the site.
22. Amongst the interest generated, outline details of nine serious enquiries that reached formal proposal stage are listed in the marketing report together with the reasons they did not come to fruition. These included interest from Twist DX and BioFocus who sought high specification lab/office accommodation but ultimately opted for buildings in Cambridge and at the Chesterford Research Park despite these being higher cost options. Attempts to attract companies already in Haverhill such as AXA, Saffron Insurance and the Herbert Group have also been unsuccessful, the rental levels that would need to be charged being more than they were prepared to pay.
23. In addition the appellant has considered the potential for speculative office, light industrial or 'hybrid' developments but in each case financial appraisals conclude that a speculative scheme would not be viable. It would seem that prevailing rental values in Haverhill are too low to support development, with the best office rents in the town of £12.50-£15 per sq ft significantly lower than the minimum £20 per sq ft needed to support development on the site. Whilst some occupiers might have been prepared to pay more than the local market rate, lower rents elsewhere in the town have undermined the necessary building valuations preventing development from taking place.
24. The hope that the HRP would be able to attract technology companies by virtue of significant cost savings and cheaper local housing compared to the more established business parks in and around Cambridge has not been realised in practice. Whilst the HRP could undercut high Cambridge rents of £35 plus per sq ft by £10-£15 or so this has not proved to be a decisive factor in investment

- decisions. In fact, over time, construction costs have risen, eroding the HRP cost advantage and the clear preference of high-technology companies to co-locate together on well-established sites has if anything increased.
25. It is clear that the HRP is not perceived as being within the 'Cambridge cluster' of high-tech science parks including those further afield such as the Babraham Research Campus, Granta Park and Chesterford Research Park. The benefits of co-location and the need to recruit and retain highly skilled research staff which depends on a high quality, well-connected business environment is seemingly more important than lower property costs. There are further development opportunities available at several of these alternative business park locations so there is little likelihood that a shortage of space elsewhere will encourage development at HRP in the foreseeable future.
 26. It also seems clear that the HRP is unable to attract existing Haverhill based businesses to more prestigious premises on the outskirts of the town. Whilst numerous discussions have taken place, none have come to fruition, with the necessary rents to achieve viability being above achievable levels. Lower value B1c/B2/B8 development does appear to be viable in the town, as evidenced by the speculative units recently built at Icen Way, but this does not amount to a change in the wider office/R&D property market and in any event a wider range of lower value uses would not be appropriate on the HRP site.
 27. The appeal site, plots 300 and 400, are accessed via Three Counties Way which also serves 150 dwellings. As a result, the close proximity of housing now precludes development of general industry or warehousing and acts as a deterrent to some potential occupiers who regard nearby housing as an issue. Tellingly, this factor proved influential in the recent decision by a local company Tait to take a building on an industrial estate in the town rather than the HRP as they considered much of their operation probably falls within a B2 use.
 28. The HRP was selected as one of five locations within the Cambridge Compass Enterprise Zone and maintains this status until 2041. However, the initial business rates savings on offer (up to £275k per business over five years) has expired without attracting any occupiers and there are at present no proposals to extend the incentive. In any event, as explained above, it would appear locational factors are more critical than property costs in determining where investment takes place in the office/R & D market.
 29. There has recently been some development on the wider HRP site with the completion on plot 100 in late 2020 of the four storey 30,000 sq ft innovation centre known as The Epicentre. This is an impressive and prestigious landmark building designed to nurture small emerging businesses on flexible short lease terms and might be considered a 'game changer'. However, this speculative building was not viable in itself and would not have been built without a £2.7 m public sector grant and soft loan finance. The Council argue this will act as a catalyst for further development on the HRP site but the building operators, Oxford Innovation, with experience of managing 26 such centres, estimate that expanding businesses leaving the centre would justify the provision of another 12-18,000 sq ft of space over a 5-10 year period. With the adjacent plot 200 able to accommodate a further 50,000 sq ft development, retaining this site for employment use should be more than sufficient to meet the need for grow-on space and any co-locating companies for the foreseeable future.

30. The Epicentre is an important asset and the early interest generated has been encouraging. However, Oxford Innovation explain that the fledgling businesses that graduate from the centre would have perhaps about 15-20 staff and would typically grow on into second-hand buildings that are readily available at affordable rents. The financial standing of these new companies is unlikely to be able to support new build development at premium rents. Indeed, the development of plot 200 with grow-on space is unlikely to be viable without public sector support. It seems clear that the development of the 5.5 ha appeal site would require existing, larger, well-established businesses to be attracted from elsewhere and this has not happened.
31. To conclude on the employment land issue, for the reasons set out above both criteria (a) and (b) of Policy DM30 set out in paragraph 6 above are met. The evidence demonstrates there is a sufficient supply of alternative and suitable land available elsewhere in and near the town to meet projected employment needs for the foreseeable future and that genuine attempts to market the site for its permitted employment uses over many years have proved unsuccessful. The site can therefore be released for other uses.

Other matters

32. Whilst the Council can demonstrate 5.6 years supply of deliverable housing land the record of actual delivery against the requirements of the Core Strategy has been poor, not least in Haverhill. Policy CS1 of the Core Strategy sets a requirement for 15,600 new dwellings across St Edmundsbury in the period 2001-31 with 5,300 of these, 34%, in Haverhill. The later Haverhill Vision plan in 2014 noted lower rates of delivery and stated that housebuilding in the town would need to increase to 36%, or 4,130 homes (217 dpa) between 2012 and 2031. The Council's 2019 monitoring report however shows continuing poor levels of delivery in Haverhill with just 474 completions in the period 2011-19 (59 dpa), only 20% of the Borough's total and well short of the requirement.
33. Looking ahead, the Council's housing land supply statement anticipates the delivery of 882 new dwellings in the town over the next five years with two large strategic sites coming forward, a more respectable 176 dpa, but this would do little to address previous undersupply. The appeal site, being fully serviced and with its access road in place, would contribute additional housing land to boost supply at an early date.
34. The proposal would include 30% affordable housing, up to 46 dwellings, in accordance with the Council's policy requirement. Traffic generation from the site would only be about 40% of that arising from B1 development and the landscape impact of housing on the raised plateau areas would be significantly less than that of larger scale office/industrial buildings. Instead of vacant land for the foreseeable future there would be significant social and economic benefits¹ to the town from additional housing in a sustainable location well related to a wide range of services and facilities.
35. For these reasons criterion (f) of Policy DM30 would also be met, an alternative residential use of the appeal site would provide sustainability benefits that would outweigh the loss of employment land. There is no suggestion that the proposal conflicts with the opening paragraph of Policy DM30.

¹ The appellant estimates £19m of construction investment and £4.7m annual spend by the new residents.

36. A Section 106 agreement between the appellant, West Suffolk Council and Suffolk County Council dated 10 August 2020 overcomes the second reason for refusal. This provides for affordable housing on the site, financial contributions towards education facilities, healthcare, libraries, traffic calming, real-time public transport information and footpath links, on-site open space, a children's play area and travel plan measures. These provisions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind, the tests in the community infrastructure regulations and paragraph 56 of the NPPF.
37. The Council and appellant have agreed a list of conditions should the appeal be allowed and these have been assessed against the relevant tests, with minor amendments made as necessary. As an outline permission these need to include the standard time limit for the submission of reserved matters and for commencement. Conditions are necessary to define the approved plans in the interests of certainty and to secure a travel plan and electric charging points to maximise sustainable travel. Conditions are also necessary to control the highway layout, road surfaces before occupation, routes for construction traffic and to prevent water discharge in the interests of highway safety. Further conditions are required to control surface water drainage to prevent flooding and to control any contamination (including ground gas), internal and external ambient noise levels, hours of working, a construction plan and lighting to protect the amenity of nearby and future residents. Finally, enhancement measures are necessary to secure a net increase in biodiversity.

Conclusion

38. Whilst the site was identified as a medium to long-term development the initial allocation was made way back in 2006, planning permission has been in place since 2012 and the site has been available and fully serviced since late 2013. The marketing and promotion of the site has been consistently and proactively carried out for nearly ten years without success. The renewed 2014 planning permission set ten years as the timescale for all the reserved matters to be submitted, a deadline which must now be unachievable. Plot 200 would remain available to meet the grow-on requirements of businesses graduating from the innovation centre. There is an adequate supply of alternative employment land to meet the identified needs of the town for the foreseeable future and the use of the site for housing would provide sustainability benefits that outweigh its loss as employment land. For these reasons, notwithstanding the employment allocation of the site, the proposal complies with three of the criteria in Policy DM30 when only one needs to be met. As the proposal satisfies the single most relevant policy in the development plan and no material considerations outweigh this conclusion it should be allowed to go ahead.
39. The loss of the larger high quality employment site and the vision and ambition it held out for Haverhill is to be regretted, but the time has come to accept that market forces are against the proposal and that an alternative use should be permitted on the site. The planning balance is firmly in favour of the scheme and the appeal should therefore be allowed.

David Reed

INSPECTOR

Schedule of Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this decision, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any development is commenced, approval of the details of the appearance, scale, layout of the buildings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
3. The reserved matters shall comply with the details shown on the following plans and documents:
 - Site Location Plan - CSA/4052/108 received 20.08.2019
 - Tree Constraints Plan - JBA 18/254 TC01 received 20.08.2019
 - Development Framework Plan - CSA/4052/106 REV F received 20.08.2019
 - Landscape Framework Plan - 844-MP-01 REV E received 20.08.2019
 - Topographic Survey - 27975_T REV 1 received 20.08.2019
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Travel Plan in accordance with the mitigation measures identified in the submitted Interim Residential Travel Plan and Transport Assessments (both dated April 2019) has been submitted for approval in writing by the Local Planning Authority. This Travel Plan must contain the following:
 - Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified to reduce the vehicular trips made by residents across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met;
 - Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan with their contact details clearly identified in the Travel Plan;
 - A commitment to monitor the vehicular trips generated by the residents and submit a revised (or Full) Travel Plan on occupation of the 100th dwelling;
 - A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority until five years has passed after occupation of the final dwelling using the same methodology as the baseline monitoring;
 - A suitable marketing strategy to ensure that all residents on the site are engaged in the Travel Plan process;
 - A Travel Plan budget that covers the full implementation of the Travel Plan;
 - A copy of a residents travel pack that includes a multi-modal voucher to incentivise residents to use sustainable travel in the local area.No dwelling within the site shall be first occupied until the Travel Plan has been approved. The approved Travel Plan measures shall then be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter be adhered to in accordance with the approved Travel Plan.

5. Before the development is commenced, details of the access points, estate roads and footpaths, (including layout, levels, gradients, street lighting, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
7. Concurrent with the first reserved matters application a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved FRA/DS (ref: 49421 Rev A by Richard Jackson Ltd and dated 17/12/19) and shall include:
 - i. Dimensioned plans and drawings of the surface water drainage scheme;
 - ii. Impermeable areas plan for the entire site – cross referenceable with hydraulic calculations;
 - iii. Modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 5l/s for all events up to the critical 1 in 100 year rainfall event including climate change as specified in the FRA;
 - iv. Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100 year rainfall event including climate change;
 - v. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - vi. Likewise, topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum;
 - vii. Proposals for water quality control – A SuDS management train with adequate treatment stages should be demonstrated which allows compliance with water quality objectives, especially if discharging to a watercourse. Interception Storage will be required within the open SuDS;
 - viii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime;
 - ix. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners; and
 - x. Minimum clearance to roots shall be applied to all underground pipework in line with Sewers for Adoption 6th Edition.
8. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction shall be submitted to and approved in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter

managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include 1. Temporary drainage systems 2. Measures for managing pollution / water quality and protecting controlled waters and watercourses and 3. Measures for managing any on or offsite flood risk associated with construction.

9. The development hereby permitted shall not be first occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
10. No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or better in accordance with the approved details except with the prior written agreement of the Local Planning Authority.
11. All HGV traffic and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to and approved in writing by the Local Planning Authority before any deliveries of materials commence. The Plan shall include:
 - Routes for HGV delivery traffic;
 - Means to ensure no water, mud or other debris can flow onto the highway;
 - Means to ensure sufficient space is provided on-site for the parking and manoeuvring of all delivery and construction vehicles; and
 - Means to ensure sufficient space is provided on-site for the storage of materials and equipment.No HGV movements shall be permitted to and from the site other than in accordance with the approved routes defined in this Plan.
12. No development shall commence until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority: A ground gas protection strategy giving full details of the ground gas protection measures required including plot numbers where the measures should be applied. The strategy shall include details of how the gas protection measures shall be judged to be complete.
13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the ground gas protection strategy for that part of the site has been submitted to and approved in writing by the Local Planning Authority.
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and written approval from the Local Planning Authority has been obtained. The remediation strategy shall then be implemented as approved.

15. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a minimum 7kW charge.
16. The hours of site preparation and construction activities, including deliveries and the removal of excavated materials and waste, shall be limited to between 08:00 and 18:00 hours Mondays to Fridays and 08:00 to 13:00 on Saturdays. No site preparation or construction activities shall take place on Sundays, Bank or Public Holidays.
17. Before the development is commenced details in respect of each of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Details of the development that demonstrate that for each dwelling that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours using the methodology within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014); and
 - ii) Details of the development that demonstrate that noise levels within the private amenity space for each dwelling do not exceed 55 dB LAeq,T. The development shall then include the approved sound insulation measures in full.
18. Before the development is commenced a comprehensive Construction and Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented throughout the development phase, unless the Local Planning Authority gives prior written consent to any variation. The plan shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements; and
 - d. site lighting.
19. No security lights or floodlights shall be erected on the site without the prior written approval of the Local Planning Authority.
20. Prior to first occupation of any dwelling details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be installed in accordance with the agreed timescales and thereafter retained as so installed at all times.

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