

Matter 6**Sunderland Core Strategy and Development Management Plan Examination in Public****Response to the Inspector's Matters, Issues and Questions****Made on Behalf of Persimmon Homes (Durham) – ID 1129305****Matter 6 – Employment Land Supply, Employment Policies, Town Centres and Culture/Leisure/Tourism****Preamble**

- 6.1 This Hearing Statement is made on behalf of Persimmon Homes (Durham) (our 'Client'), in advance of making verbal representations to the Examination in Public of the Sunderland Core Strategy and Development Management Plan (CSDMP). Our Client has made comments throughout the Core Strategy consultation process, including at the Publication Draft stage.
- 6.2 Our Client has multiple land interests in land within Sunderland City Council's Authority Boundary. This Hearing Statement is specifically in reference to our Client's land at the former Hendon Paper Mill and its proposed retention as an employment allocation within the proposed Key Employment Area designation KEA1.
- 6.3 A planning application has been submitted for residential development on the former Hendon Paper Mill (Planning Ref: 18/01820/FUL), which includes associated access, landscaping and infrastructure, and discussions are ongoing with the Council.
- 6.4 Our response to the relevant questions in Matter 6 are found below. We have had specific regard to the tests of soundness outlined in the National Planning Policy Framework (the 'Framework'); namely that the policies in the CSDMP are must be justified, effective, positively planned and consistent with national policy in order to be found sound. As the CSDMP was submitted to the Secretary of State by Sunderland City Council (the 'Council') prior to the transition deadline set in Annex 1 of the February 2019 Framework, we have referred back to the March 2012 Framework where appropriate within this Hearing Statement, as per the stated transitional arrangement.

Issue 1: Components of Employment Land Supply

Question 1.1 Will the up to date employment land supply position and the components of the employment land supply that will meet the employment land requirement of 95ha be clearly shown in the Plan (base date of 31 March 2019)?

- 6.5 The Council must base this on supporting evidence to justify their position. As set out in Table 15 in the Compliance Statement – SD66, the former Hendon Paper Mill is included as available employment land. However, this site was not included in the assessment or the calculations made in the Employment Land Review – SD37 (ELR) or the Employment Land Review Post EU Referendum Forecasting Analysis – SD38 (ELR-PEUR), as it was not considered to be available.
- 6.6 The site has not been used for employment purposes for the last 13 years, since the Paper Mill ceased all operations in January 2006. The general Hendon employment area has also been considered as a location where employment land could be deallocated for to support housing regeneration as far back as the Council’s 2009 Sunderland Employment Land Review.
- 6.7 Our Client has provided supporting evidence from the landowner’s agent as part of the current planning application for residential development, which identifies the site as not being available for employment use. (Appendix C)
- 6.8 The Framework is quite clear that Local Plans must be effective, and in order to be effective, they must be deliverable over its plan period. The former Hendon Paper Mill is neither available, nor a suitable location for employment, as clearly set out in the ELR and ELR-PEUR, and there is no realistic prospect of it coming forward for employment purposes. Therefore, the former Hendon Paper Mill must not be included as a site contributing to the Council’s employment land supply.

Issue 2: Primary, Key and Other Employment Areas

Question 2.1 Are Policies EG1, EG2 and EG3 consistent with paragraph 22 of the Framework and the long-term protection of sites allocated or safeguarded for employment use?

- 6.9 Our Client considers that Policy EG2: Key Employment Areas is not consistent with national policy, in particular Paragraph 22 of the Framework which states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 6.10 Policy EG2 proposes to retain the former Hendon Paper Mill as an employment site. As set out in response to question 1.1, the site is not available, nor deliverable, and there is no realistic possibility of the site coming forward within the plan period for employment use.

- 6.11 The evidence provided by the Council in the ELR and ELR-PEUR clearly shows the significant surplus of employment land in Sunderland South which outstrips demand. The Council's justification behind the Key Employment Area allocations is set out in their Compliance Statement, which considers the Sunderland South sub area to form part of a wider employment market with Sunderland North sub area. We consider this to be a completely erroneous assertion, with the River Wear a significant divider between employment markets. Sunderland South is quite a large and diverse geographical area which includes the Port of Sunderland, and the former Hendon Paper Mill being located in the somewhat decaying industrial area of Hendon to the extreme south east.
- 6.12 Notwithstanding that, the ELR (Table 8.3) concludes that the demand in Sunderland North is between 6ha-7ha. The updated available employment land in Sunderland North is considered in the Compliance Statement (Table 15) to be 5.16ha. Therefore, the undersupply in Sunderland North is only between 1ha-2ha, and very small percentage of oversupply in Sunderland South.
- 6.13 In considering the Council's assertion that allocated employment land in Sunderland South should compensate for undersupply in Washington, some parts of the Sunderland South sub area are a considerable geographic distance from the Washington sub area. The former Hendon Paper Mill is approximately 7km away from Washington and is geographically the joint furthest of all the allocated employment land in Sunderland South.
- 6.14 This defies the whole premise of calculating employment demand by sub area in the first place, which was to identify the areas and locations where businesses want to be located, and those where they do not, so as to inform designations. By ignoring the evidence base recommendations and trying to meet demand by forcing businesses to locations they don't want to go, the Council are likely to find the businesses may end up in more attractive employment locations outside of the authority, such as Gateshead and South Tyneside.
- 6.15 The Council also believe the completion of the Northern Spire Bridge will make the Sunderland South sub area more accessible. However, this will provide little improvement to the Port and Hendon employment areas which are already reasonably well served by the Wearmouth Bridge for access and the new A1018 link road has not given rise to employment use development.
- 6.16 Therefore the Council's belief, in contradiction with the conclusions of their own ELR and ELR-PEUR, that the Sunderland South sub area's oversupply will cover for the significant undersupply in Washington over the plan period is unjustified, most certainly when it comes to the industrial land at Hendon which has seen only 2.56ha of employment development since 2000.

6.17 This leads us to the conclusion that Policy EG2 includes land with no existing or future purpose as an employment site and is quite clearly contrary to national policy and unsound in nature. We have assessed the ELR, ELR PEUR and the Compliance Statement in more detail in our Employment Note included in Appendix C.

Question 2.2 Are the criteria within Policies EG1, EG2 and EG3 relating the protection of employment sites and land and the introduction of alternative uses positively prepared and effective?

6.18 The Council's approach to Policy EG2 is flawed at part 2i. of the policy where it states the release of employment land within a KEA will only be considered acceptable where it can be demonstrated to the Council's satisfaction that a site is no longer needed or capable of accompanying B Use Class employment uses.

6.19 There is no threshold or test against which this can be related to. Taking the former Hendon Paper Mill as an example, it is a cleared site last used in 2006, located to the far south east of the Sunderland South sub area which has significant oversupply of employment land based on the latest evidence. Our client has made the case quite clear during the determination period of the 2018 planning application that the site is not suitable, available or required to meet the Council's employment needs based on its own evidence, however the Council refuse to consider this to meet 'the Council's satisfaction that a site is no longer needed'. One must infer that the bar is set so high to meet this exception criteria that it is unattainable.

6.20 Part 2i. does include a further caveat that uses outside B use classes are acceptable should the most current ELR recommend the land for release. The former Hendon Paper Mill can't currently meet this test because it is not even included in the ELR or ELR PEUR as it was never considered available for employment uses. So a situation would now be created where the Gasometers site and the East of Gasometers Depot, located to the immediate north of the former Hendon Paper Mill and recommended for deallocation in the ELR and ELR PEUR, could meet the criteria for alternative uses in policy EG2, but the former Hendon Paper Mill would not.

6.21 This is not an effective approach to strategic planning, and the Council are unsound in their approach and application of this policy.

Question 2.3 Are all the Key Employment Areas allocated and safeguarded by Policy EG2 worthy of protection for employment use?

6.22 It is quite clear through these Hearing Statements and our client's previous Core Strategy representations that we do not consider the former Hendon Paper Mill to be worthy of protection for employment use.

- 6.23 Following the ceasing of operations in January 2006, the site of the former Hendon Paper Mill was granted planning permission for 300 residential dwellings as part of a mixed use scheme in 2011, with the recommendation in the 2009 ELR recommending release of part of the Hendon industrial area an important consideration in the planning balance.
- 6.24 Our client has since taken on the site in 2018 with the intention to develop the site for residential use and facilitate numerous regenerative and ecological benefits for the locality. Discussions have been, and continue to be, held with the Council and consultees with regards the determination of the application. The general footprint of the former Hendon Paper Mill and its associated uses would form the residential aspect of the development, with the land to north, of which our client has control, would take the form of ecological mitigation to ensure compliance with Natural England guidance and the provision of Suitable Alternative Natural Greenspaces. This is set out in more detail in the appended Ecology Approach (Appendix D).
- 6.25 A key component of our Client wishing to take the site forward was the consideration of the previous planning approval for residential purposes, and the omission of the site from the ELR, confirming the site was not available for employment uses, nor part of the Council's existing employment land supply.
- 6.26 It is important to consider that the former Hendon Paper Mill's omission from the ELR and ELR-PEUR is not an oversight or a mistake. When considering the land to the immediate north (the Gasometers site) the ELR and ELR-PEUR recognises that at that site's southernmost end, planning consent has been granted for residential development. Hence why the former Hendon Paper Mill was not even considered as an employment site.
- 6.27 The site has been cleared and remediated but that doesn't make the site automatically available for employment when considering all the factors. Our client has agreed a conditional contract to purchase the land at the former Hendon Paper Mill and has then proceeded with a planning application for residential development. Our client has set out clearly as part of the planning application that the site is not available or suitable for employment use and is surplus to requirements, and therefore it should be deleted from the KEA1 allocation and left as white land within the CSDMP.

Issue 3: Employment Development

Question 3.1 Do the policies of the LP provide sufficient support for employment development within the area (Policies EG4 and EG5 in particular)?

Issue 4: Main Town Centre Uses

Question 4.1 Is the requirement for 45,400m² of comparison floorspace within the Plan Period justified?

Question 4.2 Does Policy VC1 provide sufficient protection to existing town centres, taking into account the requirements for additional comparison floorspace in the Sub-Areas?

Question 4.3 Is there any need to make specific allocations for retail development in this Plan taking into account the provisions of the UDP, the intention to make allocations in the A & D Plan and the fact that floorspace needs are primarily towards the end of the Plan period?

Question 4.4 Are the thresholds for retail impact assessments within Policy VC2 justified?

Question 4.5 Do the provisions of Policy VC3 provide for both protection and flexibility for retail and non-retail uses within primary and secondary frontages?

Question 4.6 Are the provisions of Policy VC4 (hot food takeaways) and Policy SP7 justified, particularly Section 2 of Policy VC4 in relation to healthier communities?

Issue 5 Culture, Leisure and Tourism

Question 5.1 Will Policy VC6 be effective in supporting all forms of leisure development?

6.28 Our Client does not wish to make written representations on any of the unanswered questions above, as part of this Hearing Statement.