

## **Ipswich Local Plan Review 2018-2036 Examination**

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### **By email via the Programme Officer**

Dear Mrs Minns,

#### **Examination of Ipswich Local Plan Review (ILPR) 2018-2036 Employment, Retail and Town Centre Policies and Site Allocations**

We have reviewed the evidence, representations and hearing position statements (HPSs) in respect of the policies and allocations in the ILPR for Employment, Retail and Town Centre uses and development. We are satisfied that our remaining questions on Matters 4 and 5 in the MIQs can be dealt with through main modifications (MMs), and do not require further discussion at the Hearing. We also consider that a number of questions related to employment, open space and leisure allocations under Matter 6 can be dealt with in this way.

Accordingly, we invite the Council to prepare MMs for our consideration to address the following matters of soundness:

#### **Matter 4: Employment and Business Growth**

1. Employment land need and supply (Questions 64 & 65):

The Council's HPS and the supporting Ipswich Economic Area Sector Needs Assessment (ESNA) Final Report [D2] and Ipswich Economic Area Employment Land Supply Assessment (ELSA) report [D1] explain the need for a surplus of employment land in Ipswich to ensure sufficient land is available to meet demand arising from the town's sub-regional economic role. However, this is not adequately explained in the supporting text to Policies ISPA1 and CS13 in the Core Strategy and Policy SP5 in the Site Allocations DPD. Therefore, main modifications (MMs) will be required to the explanatory text to these policies to ensure the Plan is justified in respect of the amount of employment land allocated for business, industrial and storage/distribution uses.

2. Changes to the Use Classes Order (UCO) (Question 67):

Under the changes to the UCO which came into effect on 1 September 2020, Class B1 Business uses now fall within the new Commercial, Business and Service Use Class E along with the former A1, A2, A3 and parts of D1 and D2 Use Classes, allowing changes between these uses without the need for planning permission. B2 General Industrial and B8

Storage or Distribution remain as separate use classes. The Plan needs to be modified to reflect these changes, to ensure it is consistent with national policy. This applies in particular to Policies CS13, DM33 and SP5 and their supporting text, but the Council should review the rest of the Plan, including the Site Sheets, to ensure that all references to Class B1, B2 and B8 uses are consistent with the revised UCO. Given the need to plan for the range of employment floorspace requirements set out in the evidence, we suggest the use of the terms business, office, research and development (R&D), industrial, general industrial, storage and distribution as appropriate to distinguish the types of employment use for which allocations are made or employment land protected.

In its response to IQ15, the Council suggests the use of conditions on planning permissions for development involving the new Use Classes, to ensure the Plan remains effective in protecting land uses required to meet the overall development needs of the borough and the ISPA. If this is a reference to the removal of permitted development rights, for example for office, R&D and industrial floorspace permitted under a Class E scheme, to retain control over changes to other uses within the same Use Class, the justification for this should be set out in the Plan, for which MMs will be required. The basis for this policy approach would need to be consistent with national policy on the use of conditions, including the guidance on the appropriate use of conditions to restrict permitted development rights contained in the Planning Practice Guidance (PPG)<sup>1</sup>.

3. Policy DM33 - Protection of Employment Land (Question 68):

We note that paragraph 120 of the NPPF continues to apply the 'no reasonable prospect' test in considering the alternative use of allocated sites. However, the factors to be taken into account in assessing whether there is a realistic prospect of an allocated site being developed for its intended use, as set out in the PPG<sup>2</sup>, are broader than the requirement to produce evidence of the active marketing of a site. Accordingly, Policy DM33 and its supporting text require modification to reflect the criteria in the PPG, in order to ensure consistency with national policy.

**Retail Development and Centres**

4. Retail floorspace need and supply (Question 69):

Paragraph 85d) of the NPPF expects plans to allocate sites in town centres to meet the scale and type of development needed, looking at least 10 years ahead. Table 3.2 of the Retail Position Update Statement (RPUS), August 2019 [D7], identifies a need for 9,900 sqm of comparison retail floorspace to 2029 and 14,300 sqm to 2031. However, Policy CS14 only seeks to provide for 10,000sqm of comparison retail floorspace to 2031 and the sites allocated in Policies SP10 and CS10 total just 9,710 sqm of comparison retail floorspace. The Council explains that this would meet the need for the 10 year interval to 2029. However, at adoption (2021 according to the LDS) the Plan would be expected to look 10 years ahead to 2031. As it stands, therefore Policies CS14, SP10 and CS10 do not make adequate provision for the comparison retail needs of the Borough to 2031. Therefore, the Plan is

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<sup>1</sup> Paragraph: 017 Reference ID: 21a-017-20190723

<sup>2</sup> Paragraph: 001 Reference ID: 66-001-20190722

not positively prepared, justified or consistent with national policy in respect of its provision for retail floorspace. MMs are required to Policies CS14 and SP10 and their supporting text to ensure the Plan makes provision for the up to date comparison retail floorspace needs of the borough to 2031 as identified in the RPUS.

5. Policy SP10 – Effect of the Changes to the UCO on Retail Site Allocations (Question 70):

Policy SP1 provides clarification about how proposals for non-retail uses on sites allocated for retail development in Policy SP10 should be determined. However, we consider that both Policy SP10 and its supporting text require MMs to reflect the changes to the UCO. They refer to Class A1 and A2 uses, which no longer exist. Also if the Council's proposed approach to safeguarding new retail floorspace is to seek to apply conditions to restrict permitted development rights for changes to alternative uses within the new Class E, the justification for this should be set out in the Plan and, as above, would need to be consistent with national policy on the appropriate use of conditions.

6. Relationship between policies in the CSP and SAP:

The Council's proposed MMs in response to Question 72 are noted. We also note there are other policies in the CSP which reference actions to be taken in the SAP in the future. For example, Policy D27 states that 'sites for major retail investment will be allocated in the SAP'; and Policy CS14 that 'through the SAP the Council will amend the CSA and frontage zones to deliver flexibility' (albeit the frontages appear to have been amended through Policy DM27 in the CSP). Delegating non-strategic policy changes to the SAP would be appropriate if the CSP were being examined in advance of the preparation of the SAP. However, the two DPDs have been submitted together, and, therefore, policy wording such as this lacks clarity and effectiveness. We invite the Council to review the two DPDs and consider MMs to these and other relevant policies, as necessary to ensure the relationship between the two parts of the Plan is effective and clear.

7. Policies DM27 and DM30 - Effect of Changes to the UCO on policies for the mix of uses and frontages within the Central Shopping Area, District and Local Centres (Question 73):

MMs are required to Policies DM27 and DM30 and their supporting text to reflect the September 2020 changes to the UCO and allow for the intended flexibility in the range of uses permitted in the new Use Classes E, F1 and F2. In preparing these, the Council should take into account paragraph 7.1 of the Explanatory Memorandum to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which explains that the changes were made '*to better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands. This is considered particularly important at the present time as town centres seek to recover from the economic impact of Coronavirus. Modern high streets and town centres have changed so that they now seek to provide a wider range of facilities and services, including new emerging uses, that will attract people and make these areas viable now and in the future.*'

8. Policy DM32 – Retail Proposals Outside Defined Centres (Question 73):  
We note the suggested MMs to Policy DM32, but, as modified, it would require all retail proposals to be subject to the sequential test (ST). However, paragraph 88 of the NPPF says the ST should not be applied to proposals for smaller scale rural development. Accordingly, the policy requires further modification to ensure it is consistent with national policy. Changes are also necessary to the supporting text to Policy DM32 to remove the 200sqm threshold and to ensure references to use classes are consistent with the changes to the UCO.

**Land allocated for Employment uses (Policy SP5)**

9. Status of Site Sheets (Question 170):  
We note the suggested modification (MM74) to include Table 3 within Policy SP5, but it remains unclear how the information contained on the site sheets for each site at Appendix 3 is to be regarded. For effectiveness, we consider the policy requires further modification to ensure development proposals are required to address the constraints identified in the Site Sheets.
10. IP141a – Land at Futura Park, Nacton Road (formerly the Cranes Site)  
We invite the Council to include the suggested modification (MM133) to the Site Sheet for IP141a in the proposed MMs.

**Allocations for Open Space and Leisure Uses or Community Facilities**

11. Policy SP6 – Land Allocated and Protected as Open Space (Question 182):  
We note the proposed MM to Policy SP6 in respect of the allocation of site IP083 for public open space. However, Policy SP6 is still ambiguous. It is unclear from the policy and site sheet for IP083, whether it allows for development, including buildings, within the open space, subject to retaining the river path, or whether development simply refers to groundworks to create the park. We presume it is the latter, but we consider modifications are necessary to make this clear and ensure the policy is effective.
12. Policy SP8 - Orwell Country Park Extension (Question 190):  
We invite the Council to include the suggested modification (MM6.6) in the proposed MMs to ensure the basis for the assessment of proposals for the extension is clear.

The above modifications should be included in the consolidated schedule of MMs, which we have asked the Council to prepare. We would be grateful for an update on progress with the schedule at the beginning of week 3 of the Hearing, on 14 December. In the meantime, if there are any matters in this letter on which the Council requires further clarification, please let us know via the Programme Officer.

Finally, we would be grateful if you would add this letter to the Core Documents list on the examination website.

Yours sincerely,

*Karen L Baker*

INSPECTOR

*Mike Hayden*

INSPECTOR