

## Briefing Note

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**Our ref** 23744/01/MHE/Dcr  
**Date** 30 April 2019  
**To** Ms Sarah Housden (c/o Mr Ian Kemp)  
**From** Lichfields  
**Copy**

**Subject** **MAIN MATTER 5 - Whether or not the proposed strategic urban extensions and employment allocations are soundly based and deliverable in the plan period and whether other policies for employment and the economy are soundly based**

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### **WORD COUNT - 566**

- 1.1 We write on behalf of our joint client, Commercial Estates Projects ('CEP') and Hallam Land Management ('HLM'), in response to Main Matter 5 of the 'Main Matters, Issues and Questions' which form part of the forthcoming examination of the Mansfield District Local Plan.

#### **Site E2c Penniment Farm**

**Question 24: Is the requirement for a masterplan reasonable and would it provide an appropriate framework for the development of site proposals and sufficient flexibility to respond to changing circumstances?**

- 1.2 No - There is insufficient detail and clarity within Policy E2c to explain how the masterplans are to be delivered and the level of detail that is required. Furthermore, it is not considered that the wording of Appendix Policy E2c provides sufficient flexibility to respond to changing circumstances or respond to the different stages of the planning process such as outline applications and Reserved Matters submissions. As such, the requirement for a masterplan, as currently worded, is unreasonable and needs to be amended.
- 1.3 We have set out in our response to Main Matter 3 (Policy P4) that the policy should refer directly to Appendix 8 (where the principles of the masterplans are set out) and that Appendix 8 is updated to ensure an appropriate level of flexibility including clearly stating that the level of detail required in a masterplan submitted alongside a planning application should not exceed the level of detail that would ordinarily be required at that planning stage. The same recommendation applies to Policy E2C (and associated amendments to Appendix 8). We recommend that Policy E2C is reworded to state:

*"...e. a ~~comprehensive~~ masterplan is prepared and agreed in writing by the local planning authority in accordance with Appendix 8."*

- 1.4 **Question 26: How have the existing key/general employment areas set out in Policy E3 been reviewed and what is the justification for seeking to protect those areas for the uses specified? How would proposals for other types of uses be assessed?**
- 1.5 As currently worded, Policy E3 requires sites allocated for employment development to be marketed for 5-years before non-B Use Class development will be accepted. This is excessive,

unreasonable, unjustified and goes far beyond the NPPF requirement of demonstration of “*no reasonable prospect.*”<sup>1</sup>

- 1.6 Non-B class uses should be considered in the same way as other alternative uses mentioned within Policy E3, namely that they will be considered if the site has been vacant for at least 12 months and it has been satisfactorily demonstrated that it has been marketed appropriately, or the site is economically unviable, or the site is inappropriate as an employment site in terms of adjoining uses or the amenity of the wider area. There is no reasonable basis for requiring such a lengthy marketing period.
- 1.7 The Council’s response to our previous representations does not provide satisfactory justification for the 5-year marketing requirement or any evidence to suggest that this period of time is necessary to protect viable employment areas. Policy E3 should be amended to show that if sufficient information can be provided after 12 months to justify the economic and employment benefits of non-B class uses, then any such application will be considered on its merits. Without this, there is a risk that allocated sites become sterilised despite evidence that there is no reasonable prospect of development of B Class Uses and the economic and other benefits of alternative uses are delayed or lost altogether.

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<sup>1</sup> National Planning Policy Framework (2019) paragraph 120