

Inspector's Note on the Council's Schedule of proposed Modifications [ED45]

MMs and AMs

With regard to the Council's definition of MMs and AMs as listed in ED45, I consider that some of the AMs should be identified as an MM, where possible by including with an MM which deals with that matter. In addition, where there is a site which is the subject of one or more MMs and a number of AMs, all the changes should be brought together under one MM. There is no need for each proposed change in wording to be identified individually.

There are in addition some AMs which should be an MM. Where there are a number of sites listed as separate AMs but subject to the same change, and where that change is material (for example in response to comments from a statutory body) the sites may all be listed under one MM.

I set out some examples below of the approach which may be taken in order to provide a comprehensive list of MMs which sweeps up consequential changes which are required as a result of the MM by including them within the MM.

1. AM5 and AM6 should be included under the heading of MM1 since they provide the factual updates on the provision of housing to meet the requirement of the Core strategy.
2. AM20 should change to a MM since it presents the modified housing land supply position.
3. AM21 is a modification required in response to a Government agency to ensure compliance with national policy and should also be an MM.
4. Two MMs should also be used to introduce each of the provisions required by the IDB and to list the sites to which each provision would be introduced (AMs 22,-31,32,33,36-44,47,48, 54,56,59,61,66-68,70-73,75-80,82,83,84,91,92,96,98).
5. The deletion of sites from Schedule 5 (Community Facilities) should be made one or more MMs. For example, community facilities sites which are being deleted for the same reason (AMs 102-111) should all be included in one MM, as the deletion of the strategic open space allocations should also be listed under a separate MM.
6. The Council has quite rightly published the changes to the Policies Map for consultation alongside the MMS. However, the Policies Map is not defined as a development plan document and therefore I do not have power to recommend MMs to it. The changes to the Policies Map should not therefore be listed as MMs. It will be the responsibility of the Council to ensure that the policies map is updated to reflect all the changes proposed through the MMs prior to adoption.
7. There are a number of housing allocations identified for deletion. In the interest of clarity, where the reason is because the site has been built out, a single MM should identify all the sites for deletion for this reason. Any

other sites which are deleted for another reason should be identified in a separate MM.

8. AM34 and 35: these changes are required in response to Government agencies and should therefore be included as one MM to the Schedule 1 allocation Birnbeck Pier.
9. Where a number of AMs are listed which apply to one site, consider whether this should be a MM. For example, AMs51-54 relate to the same site and changes are required in response to national bodies. Group the changes together under one MM relating to this site. The same approach should be taken to AMs 57-61 since this includes a response to Natural England, and AMs 63-64 which include a response to EA comments.
10. Amalgamate MMs which relate to the same site (eg MM15,16) and include any AMs relating to the same site (AM65) in that one MM.

Possible change to Policy SA4 MM2

Having considered the consultation responses and the Council's comments on those responses, I consider that the following change to Policy SA4 (MM2) is required to ensure compliance with National Policy (NPPF para 22).

The Inspector invites comments on the proposed amendment to MM2 by the 1 December 2017.

Policy SA4

Within existing B1–B8 business employment areas, as well as land identified on the Policies Map and in Schedule 2 for business employment development, proposals for unrelated non B1–B8 development will be permitted where it can be demonstrated that the loss of the site would not adversely impact the ability to achieve wider economic aspirations including regeneration, business growth, and improved commuting patterns; and

i. the proposal would not harm the range or quality of land and premises available for business use development within existing employment areas or expressly identified in the Plan to meet business needs; or

ii. where there is a specific requirement associated with neighbouring business uses, and the development would not lead to the overall site becoming unsuitable for the current or allocated employment use; or,

iii. through demonstration of effective marketing of the site or premises, the site is no longer capable of offering accommodation for business use development, or that the proposals would lead to the removal of incompatible development, resulting in greater potential benefits to the community in terms of environmental benefits, significant improvements in the amenities of existing neighbouring residents or contribute to a more sustainable pattern of development that would outweigh the loss of employment capacity in the locality.

The Council will consider removing certain Permitted Development rights when granting planning permission for new business development in order to avoid the future loss of these uses.

Wendy Burden

Inspector

15 November 2017