

Section B: Your Representation

Please complete a separate sheet for each representation that you wish to make. You must complete 'Part A – Personal Details' for your representation to be accepted.

Representations cannot be treated as confidential and will be published on our Consultation Portal. Any representations that are considered libelous, racist, abusive or offensive will not be accepted. All representations made will only be attributed to your name. We will not publish any contact details, signatures or other sensitive information.

Full Name	Paul Brailsford (for and on behalf Freeths LLP) acting as agent for Hallmark Care Homes
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Question 1: Which **Main Modification and/or supporting document** does your representation relate to?

Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2

Any representations on a supporting document should clearly state which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

Representations on the Policies Map must be linked to specific modifications in that they reflect a change required as a result of a Main Modification.

Schedule of Potential Main Modifications	MM no.	<input type="text" value="113"/>
Sustainability Appraisal	para(s)	<input type="text"/>
Habitat Regulations Assessment	para(s)	<input type="text"/>
Policies Map or other supporting documents	Please specify	<input type="text"/>

Question 2: Do you consider this **Main Modification and/or supporting document**:

Legally Compliant?

YES

NO

Sound?

YES

NO

Question 3: If you consider the **Main Modification and/or supporting document** unsound, please indicate which of the soundness test(s) does it fail (please mark all that apply):

Not positively prepared

Not justified

Not effective

Not consistent with national planning policy

Question 4: Please provide details of either:

- Why you consider the **Main Modification and/or supporting document** to be sound or legally compliant; or
- Why you consider the **Main Modification and/or supporting document** to be unsound or is not legally compliant.

The revision to Policy E08 (MM113) is drafted as follows:

“... of land for employment which may comprise offices, light industrial, and research and development (within Class E), B2, B8 or sui generis employment uses. Other ancillary supporting development may be permitted as a means of supporting these principal employment uses.”

What is proposed is a significant departure from the Statement of Common Ground (SoCG) agreed with the local planning authority and dated 2 February 2021.

Whilst the revised drafting is an improvement on the pre submission draft it is a retrograde step from that proposed in the SoCG. The use of the word “ancillary” fetters the interpretation and application of the policy to the detriment of the broader objectives in the plan.

The National Planning Practice Guidance is explicit that “the local plan should make it clear what is intended to happen over the life of the plan, where and when this will occur and how it will be delivered” (Reference ID 12-002-20140306). The flexibility provided for in paragraph 9.226 is consistent with the fact that the emerging Plan recognises the importance of providing a wide range of employment opportunities.

For ease of reference paragraph 9.226 states that “the primary purpose of the allocation is to deliver jobs for the area and so consideration will be given to other uses that enable job opportunities, taking account of market needs”

Strategic Objective SO3 – Deliver sustainable communities with diverse economic and social cultural opportunities for all – identifies the need for “opportunities which flexibly respond to the changing economic climate and employment sector trends”. Moreover, MM58 has been introduced which states that “to enable flexibility for business operation, it is recognised that complementary and ancillary uses to support employment uses can be appropriate where they provide employment, adding to the character, mix and vitality of the area.”

For the reasons set out above Hallmark Care Homes (HCH) do not consider that the Plan passes the test of soundness set out at Paragraph 35 of the National Planning Policy Framework because Policy E08 is not “effective” nor is it “consistent with national policy”. Paragraph 36 of the Framework notes that the test of soundness “will be applied to non strategic policies (such as Policy E08) in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area”. In this respect the strategic policies of the Plan are clear about the importance of ensuring a range of employment opportunities and that should be clearly reflected in Policy E08.

Please continue on a separate sheet if necessary

Question 5: Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document** sound or legally compliant, having regard to the matters that you identified above.

You will need to say why this change will make the Submission Version of the Local Plan sound or legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as accurate as possible.

HCH propose that Policy E08 should be amended as follows:

“... of land for employment which may comprise offices, light industrial, and research and development (within Class E), B2, B8 or sui generis employment uses. Other ~~ancillary~~ supporting development may be permitted as a means of supporting these principal employment uses.”

In the event that the word “ancillary” is deleted the decision maker has greater flexibility in decision making to consider a variety of proposals against the extent to which they support the principal employment uses (Policy E08). Ancillary has a narrow interpretation and as above is not consistent with the reasoned justification for the policy and wider strategic objectives.

Please continue on a separate sheet if necessary