

# **Public Consultation for the Ipswich Local Plan Review Final Draft**

**15<sup>th</sup> January 2020 – 2<sup>nd</sup> March 2020**

**Planning and Compulsory Purchase Act 2004**

**Town & Country Planning (Local Planning) (England) Regulations  
2012 (Regulations 19)**

## **Consultation Comments Form**



e-mail:  
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Planning Policy Team  
Planning and Development  
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[www.ipswich.gov.uk](http://www.ipswich.gov.uk)

Consultation document(s) to which this comments form relates:	Development Plan – Final Draft Site Allocations and Policies – Final Draft Policies Map – Final Draft
Please return this comments form to:	<a href="mailto:planningpolicy@ipswich.gov.uk">planningpolicy@ipswich.gov.uk</a> or  Planning Policy Team Planning and Development Ipswich Borough Council Grafton House 15-17 Russell Road Ipswich IP1 2DE
Return by:	11.45pm Monday 2 <sup>nd</sup> March 2020
This form has two parts:	Part A – Personal details
	Part B – Your comment(s).

<b>PART A PERSONAL DETAILS</b>		
	<b>1. Personal details</b>	<b>2. Agent's details (if applicable)</b>
Title	-	Mr
First name	-	Mark
Last name	-	Harris
Job title ( <i>where relevant</i> )	-	Director
Organisation ( <i>where relevant</i> )	Aquigen (Nacton) LLP	Freeths LLP
Address ( <i>Please include post code</i> )	c/o Agent	1 Vine Street London W1J 0AH
E-mail	-	
Telephone No.	-	

**PART B Comment(s) about the Ipswich Local Plan Final Draft Consultation**

<b>Your name or organisation (and client if you are an agent):</b>	Aquigen (Nacton) LLP
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Please specify which document(s) and document part you are commenting upon.

Representations at this stage should only be made in relation to the legal compliance and the soundness of the Ipswich Local Plan Review Final Draft.

<b>Document(s) and document part.</b>	<b>Comment(s) (expand the boxes if necessary and please ensure your name is included on any additional sheets.)</b>
Policy CS13	See accompanying sheet
Policy DM32	See accompanying sheet
Policy SP5/Site Allocation IP141a and Proposals Map	See accompanying sheet
Appendix 6	See accompanying sheet

## **PART B CONTINUED – Comments about the Ipswich Local Plan Review Final Draft**

<b>Document(s) and document part</b>	<b>Comment(s) (expand the boxes if necessary and please ensure your name is included on any additional sheets.)</b>
Policy DM31	See accompanying sheet

Please ensure that Part B of your form is attached to Part A and return both parts to the Council's Planning Policy Team by 11.45pm on Monday 2<sup>nd</sup> March 2020.

### **RECEIVING NOTIFICATION OF THE PROGRESS OF THE LOCAL PLAN**

Would you like to be notified of the progress of the Ipswich Borough Council Local Plan Review at any of the following stages? Tick to confirm.

- The submission of the Publication Draft Ipswich Local Plan Review to the Secretary of State for Communities and Local Government for independent examination.** ✓
- Publication of the Planning Inspector's Report on the Ipswich Local Plan Review.** ✓
- Adoption of the Ipswich Local Plan Review.** ✓

### **PRIVACY NOTICE**

Ipswich Borough Council is the data controller for the purposes of the Data Protection Act 2018 and other regulations including the General Data Protection Regulation (Regulation (EU) 2016/679).

As part of our public task, we will process your comment, and store your information securely. Your comment and name will be made public as it will form part of the evidence base used to inform the creation of planning policy documents, but we will not publish your email address, contact address or telephone number.

Please note that we are required to provide your full details to the Planning Inspector and Programme Officer for the purposes of producing the development plan in accordance with the statutory regulations on plan making.

The above purposes may require disclosure of any data received in accordance with the Freedom of Information Act 2000. We will use this information to assist in plan making and to contact you regarding the planning consultation process.

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## IPSWICH BOROUGH COUNCIL LOCAL PLAN REVIEW: FINAL DRAFT CONSULTATION (JANUARY – MARCH 2020)

### REPRESENTATION ON BEHALF OF AQUIGEN (NACTON) LLP (2<sup>nd</sup> MARCH 2020)

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#### Introduction

1. We act on behalf of Aquigen (Nacton) LLP (“Aquigen”) in relation to the Futura Park site which is under their freehold control and management. On behalf of Aquigen, we previously submitted representations to the Plan at the Regulation 18 stage and continues to welcome the opportunity to participate in the preparation of the Local Plan.
2. As you will be aware, Futura Park extends to 17.63ha and has a wide range of land and premises which are occupied by retail, business, industrial and sui generis car showroom businesses. Since being developed from the original December 2011 Planning Permission, there is now only 2.5ha of land that is remaining for development. This is Site 1 (0.9ha) and Site 3 (1.6ha) in the south-eastern corner of the site bound by Crane Boulevard and Nacton Road. The location of the sites is provided on the Plan provided at Appendix 1.
3. Site 1 is to be the subject of a planning application expected to be submitted in April 2020. Site 3 is the subject of a current planning application submitted in January 2020 for an Industrial Warehousing building (IBC Application Ref: IP/20/00137/FUL). Subject to planning, both sites and schemes are expected to be delivered by 2021 which will then complete the development of Futura Park.
4. The progress of the Local Plan review is therefore timely, as it offers an opportunity to align site-specific policy with the delivery of the last elements of Futura Park.
5. Based on the status of Futura Park and their existing and anticipated strategy together with representations made to date, Aquigen wishes to make a representation on the following draft Matters and Draft Policies:
  - Employment and Site-Specific Allocation:
    - Policy CS13: Planning for Jobs Growth.
    - Policy DM32: Protection of Employment Land.
    - Policy SP5 – Site Allocation IP141a – Land at Futura Park, Nacton Road.
    - Appendix 6: Marketing Requirements.
  - Retail:
    - Policy DM31: Retail Proposals outside Defined Centres.
6. Our representation is outlined overleaf with a summary of our recommendations provided as a conclusion.

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## **Employment and Site Specific Allocation**

### ***Policy CS13: Planning for Jobs Growth***

7. **AquiGen acknowledges the sustainable economic growth strategy of the Plan as expressed in this Policy. To ensure the Plan is positively prepared and effective, it is however important that it is based on proportionate evidence and seeks to meet an area's objectively assessed needs. To achieve this, the amount of land proposed for allocation should be consistent with the needs identified in the Evidence Base, unless there is justification for over or under provision.**
8. **Our Regulation 18 representation set out observations on the employment evidence base as it related to the Futura Park site which has not been addressed. Accordingly, we wish to maintain our objection for the reasons outlined below.**
9. **We note that the 28.3ha employment land allocation requirement is based on the findings of the Ipswich Economic Sector Needs Assessment (Lichfields, September 2017) ("ESNA"). The Plan (see paragraph 8.167) and accompanying Topic Paper (Economy, IBC January 2019 – see paragraph 76) confirm that the land allocation requirement itself has been adjusted downwards on a pro-rata basis to 23.2ha based on an update of the baseline data. The 23.2ha requirement therefore represents the most up-to-date figure upon which to base land use allocation decisions.**
10. **When the 23.2ha requirement is compared with the total amount of land allocated for employment use (28.34ha) under Policy SP5 (Table 3), it is evident that there is a significant amount of land that has been allocated in excess of the calculated requirement. The 5.14ha difference equates to circa 18% of the calculated requirement. Even allowing an appropriate allowance for Plan flexibility, the excess amount of land that is proposed for allocation is not justified. Such a level of over-provision can only be justified where there are clear reasons for a land supply buffer. No such evidence has been presented by IBC in the Plan and / or supporting evidence base, so it is entirely appropriate to consider reducing the land allocation so it more readily reflects the actual need position. This will ensure consistency with NPPF paragraph 120 and ensure allocations reflect the up-to-date need position.**
11. **The level of potential over-supply is also evident when the employment allocation target is compared with the net land requirements for Use Class which has been calculated in the Evidence Base. In this regard, Table 7.10 of the Employment Land Needs Assessment ("ELNA") (NLP, March 2016) advises that the Ipswich area requires 9.0ha of Industrial (Use Class B1c/B2/B8) land out of the overall 23.5ha requirement. We have identified that of the land allocations outlined in Policy SP5 Table 3, circa 24ha has been identified as being suitable for Industrial related land and uses (e.g. non B1/B1a). This is in significant excess of the 9.0ha need calculation and again far greater a buffer than is required.**
12. **Based on the over-allocation of land identified by the Evidence Base, we consider that the proposed allocations under the Local Plan require further review. This is to ensure the Local Plan is justified and consistent with the Evidence Base. If not, the Local Plan cannot be found sound. In order to achieve soundness, we recommend the proposed allocations are reviewed to reduce the amount of land that is allocated to be more consistent with the Evidence Base. Against this background, we recommend that the amount of land identified for allocation in the Plan is reduced under Policy CS13 criterion a) and the supporting**

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paragraphs. This can be resolved by reviewing the availability and suitability of land such as Futura Park which no longer needs to be protected for Employment Land for the reasons outlined below.

## ***Policy DM33: Protection of Employment Land***

13. We note that this Policy continues to only specifically allow for consideration of no reasonable prospect of re-use for employment purposes for sites outside the defined Employment Areas. There is then ambiguity in the supporting paragraphs as paragraph 9.32.2 and 9.32.4 suggest that the no reasonable prospect test could be applied to defined Employment Area land.
14. As NPPF paragraph 120 relates to allocated land and recommends the use of the no reasonable prospect test, to ensure consistency with the NPPF, we recommend Policy DM33 is amended to allow the test to be applied to all defined Employment Area land. This will ensure the Plan is consistent with national guidance and adequately flexible to deal with changing market signals and needs. This is particularly important given the surplus allocation position compared with need as identified in our assessment.

## ***Policy SP5 – Site Allocation IP141a(1) – Land at Futura Park, Nacton Road (formerly the Cranes Site)***

15. As part of the review of the Evidence Base and proposed allocations, consideration should be given to whether there is a reasonable prospect of an application coming forward for the use allocated in the Plan (consistent with NPPF paragraph 120).
16. We consider that both Sites 1 and 3 are suitable candidates for removal from the employment use allocation. This is on the following grounds:
  - (i) The Futura Park site as a whole has been the subject of extensive marketing since early/mid 2012 associated with the original grant of Planning Permission for the overall site. This has included a site-specific website: <http://www.futura-park.com> and a marketing campaign undertaken by regional and national property agents.
  - (ii) There has been no interest in the Site 1 frontage plot for B Class uses consistent with the 2011 Permission based on marketing undertaken since 2011. The marketing evidence compiled since this date has been shared with IBC Officers. This also confirms no interest in the plot for industrial purposes consistent with Site Allocation IP141a(1).
  - (iii) The Site 1 plot is serviced and has benefitted from a masterplan permission. Despite the absence of any genuine planning obstacles and every effort being made to encourage interest and demonstrate ease of delivery, the site has attracted no interest.
  - (iv) The Site's designation as part of the New Anglia Enterprise Zone in Spring 2016 has been reflected in marketing since that time period. This has not led to any new interest.
  - (v) Critically, the Site 1 frontage plot has a different townscape character to the remaining parts of Futura Park due to its proximity to residential properties, its spatial

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relationship and connectivity with the Ravenswood Centre and the Nacton Road frontage, including the existing/protected landscaping. This was reflected in the original masterplan which identified the Site for office use as opposed to large scale industrial / warehouse buildings and uses which would be less compatible with the physical context. The Local Plan now restricts offices outside of the Town Centre so that it is necessary and entirely appropriate to identify alternative land uses that are compatible with the site's context.

- (vi) Due to the position on Nacton Road, the Site 1 frontage plot could accommodate other non B Class uses taking benefit from its road-side prominence, pedestrian accessibility and proximity to other uses such as the Ravenswood District Centre. This can have economic and social benefits for the area through development rather than prolonged vacancy.
  - (vii) The delivery of B class development by Chancerygate elsewhere in Futura Park and the progression of plans for Site 3 has met any B Class / industrial demand there may be for the site as demonstrated by the extensive marketing period.
  - (viii) The position of Site 3 (the north-eastern part of the site allocation) in Futura Park has led to interest in B Class commercial/industrial development. This has resulted in the planning application referred to earlier (see paragraph 3). However, the characteristics of this site and its suitability for large scale shed development are quite distinct from Site 1 on the Nacton Road frontage. As that site is proceeding and will be delivered before Plan adoption, there is now no need to retain it as a specific allocation.
17. Based on this extensive time period, we conclude that there is no reasonable prospect of the Site 1 frontage plot being used for employment purposes consistent with the present and proposed Local Plan allocation. As the marketing has been active / continuous for a period significantly in excess of twelve months, there is more than sufficient justification to consider the plot's removal as an employment allocation. If tested as part of a Planning Application, the marketing evidence could also achieve compliance with Local Plan DM33 and supporting paragraph 9.33.4. This further emphasises the justification for removal of the designation now and allow for alternative uses on Site 1 to be considered on their merits as part of the development management process.
18. The removal of the Site 1 plot will have also no material impact on employment land supply in the Ipswich area. As identified in our analysis above, there is already an over-supply of proposed allocations in the Plan. The removal of this 0.9ha plot will result in a residual land supply of 27.44ha (when deducted from the Policy SP5 Table 3 total). The removal of the Site also still leaves circa 23.1ha of suitable Industrial land in excess of the 9ha identified in Table 7.10 of the ELNA.
19. When combined with the extensive marketing undertaken on this site, it is clear that to achieve consistency with NPPF paragraph 120 a), there is now sufficient and robust justification to remove what is in effect a residual employment allocation from the overall Policy IP141a(1) site. This will then allow for the final Futura schemes to be determined on their merits, providing both B Class & other employment generating development.



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20. If a decision is made to retain Policy IP141a(1), further consideration needs to be given to the content of the "Development constraints / issues" text which would be used to inform planning applications on the site. At present, the wording of certain parts of the text is overly and unnecessarily restrictive and could act as a barrier to development. We recommend the following amendments:

- **Design:** due to the commercial nature of the area and the operational and floorspace efficiency requirements of prospective tenants, it is often necessary to deliver "single volume warehousing". Provided it is demonstrated that the scheme constitutes good design (see NPPF section 12) and complies with the wider generic based policy requirements of the Development Plan then this can be approved as an appropriate approach. There has also been no specific landscape or design character evidence supporting the Local Plan which identifies Futura Park as requiring a special approach to design. On this basis, we recommend removal of the phrase "...and avoids utilitarian single volume warehousing." This will ensure the Plan is sufficiently flexible and allows for schemes to be justifiably promoted and justified on their own merits, particularly protecting the importance of delivering economic benefits generated by single warehouse development.
- **Nacton Road Frontage:** the commercial requirements of operators necessarily include car parking, buildings set back from frontages and open areas to support operational activity. This also assists in making a commercial development location such as Futura Park as attractive as possible. This can often lead to the formulation of buildings and spaces that only have a single "active" frontage as it is otherwise important to retain "inactive" frontages for security and other operational reasons. This does not necessarily lead to unsuccessful urban design, provided the active frontage and wider elevational treatment combined with the overall approach of the scheme is appropriate and constitutes good design. On this basis and to support the delivery of Site 1 and its obvious economic and social potential, we recommended additional flexibility is introduced into this requirement as follows (new text in *bold*):

*Development along IP141a should explore the ability to address both Nacton Road and Crane Boulevard with active and/or positively designed frontages, and avoid being set back from the highway by extensive car parking to allow for a greater street scene impact, unless this can be justified as an appropriate response.*

21. These amendments will provide important and justified flexibility for the Plan and allow an applicant to demonstrate via the design process how a site has responded where possible to the characteristics of a site and how commercial considerations have been weighed in the balance to deliver positive economic and social development in accordance with the NPPF.

## **Appendix 6 – Marketing Requirements**

22. We continue to welcome the introduction of marketing requirements in Appendix 6 of the Plan as this offers the basis for early agreement and clarity between the Council and an Applicant on marketing of a site in accordance with Policy DM33. There are aspects of the requirements that are onerous and should be removed. These are:

- Paragraph 2.1: discussions with the Council before marketing is carried out is unnecessary if the marketing requirements in Appendix 6 are otherwise to be followed.

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This also adds another hurdle to the planning process and can delay marketing commencing promptly.

- Paragraph 2.5: we note and welcome this paragraph being amended to instead require a simpler schedule noting the origin of an enquiry (e.g. the Agent acting) and the reason for interest is sufficient.
- Paragraph 2.6: a commercial site is not generally marketed at a set market value as this is then determined by the offer that a purchaser is willing to make (based on their own professional judgement and advice received). An 'All Enquiries' marketing exercise is entirely appropriate as this generates enquiries based on all potential purchase options e.g. freehold / leasehold purchase or rent.

23. We recommend Appendix 6 is further revised to reflect these comments in order to ensure it follows Industry best practice and avoids requiring onerous marketing requirements which will only delay site availability and planning decisions.

## ***Policy DM32: Retail Proposals outside Defined Centres***

24. We note the content and requirements of this policy. We object to criterion (a) which requires consideration of the appropriateness of scale when assessing out-of-centre retail proposals. The use of 'scale' is no longer recommended by national guidance and is therefore inconsistent with NPPF paragraphs 86 and 89 which only require an applicant to demonstrate compliance with the Sequential Approach and Impact. As identified at paragraph 89 b), scale forms part of the consideration of Impact. There is no therefore no requirement to demonstrate appropriateness of scale, separate from impact. In addition, a requirement to demonstrate scale has not been identified by the Evidence Base as a retail policy requirement based on the characteristics of the area.

25. On this basis, we recommend criterion (a) is removed to ensure consistency with the NPPF.

## **Recommendations**

26. Based on the above assessment, we make the following recommendation:

- (i) Policy CS13: the amount of land allocated for employment land development should be reduced to circa 23ha of land to be consistent with the Evidence Base.
- (ii) Amend Policy DM33 to make it clear that the no-reasonable prospect test also applies to defined Employment Sites to be consistent with the NPPF.
- (iii) Remove both plots from the Employment Land Allocation under Policy SP5 Site Allocation IP141a(1) as it has been demonstrated that there is no reasonable prospect of employment development proceeding on Site 1 based on the extensive and comprehensive marketing undertaken since 2011. Furthermore, the office use for which it was previously identified is no longer acceptable in policy terms. Also Site 3 is in the process of being delivered for B class use so will make a contribution to employment land supply in advance of Plan adoption.

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- (iv) If Policy SP5 Site Allocation IP141a(1) is retained the development constraints/issues text would benefit from focused amendment to avoid unnecessary design constraints which will delay the delivery of beneficial economic and social development.
- (v) Further amend the Appendix 6 Marketing Requirements to avoid onerous requirements.
- (vi) Remove criterion (a) of Policy DM32 in relation to demonstrating appropriateness of scale to be consistent with the NPPF.

27. We look forward to receiving acknowledgement of this representation marked for the attention of Mark Harris and being notified on the Plan's progress.

Mark Harris  
Director, London / Planning and Environment Group





**LAND AT FUTURA PARK IPSWICH SUFFOLK**  
**IBC LOCAL PLAN REVIEW**

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