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Our Ref: 008/24/MS

November 2024

Mr L Fleming
C/O K Trueman
Planning Inspectorate

Dear Sirs,

RE: HEARING STATEMENT
POLICY: 30: ENHANCING EXISTING EMPLOYMENT
PROGRAMME: MATTER 7, ISSUE 1
CLIENT: COLDUNELL PROPERTIES Ltd
**SITE: NORTH HEATH LANE INDUSTRIAL ESTATE, NORTH HEATH LANE
HORSHAM**

D&M Planning Ltd have been instructed on behalf of the freehold owner of the North Heath Lane Industrial Estate (the site) to provide a hearing statement in addition to the submissions made at Regulation 19 of the emerging local plan. Additional comments will be made at the examination session in person.

Coldunell's interest in the emerging policy 30 lies within the proposed allocation of North Heath Lane Industrial Estate as a key employment area. We have previously provided, as part of the regulation 19 submission, a suite of documents demonstrating that the site is not viable as a long term employment site. There is, as was demonstrated, a perfect storm on the horizon which would require a significant investment into the site to allow for the buildings to be let. Such an investment as extensively evidenced would simply not be viable, and furthermore the existing restrictions on the site severely limit the available market further undermining its wider viability.

It therefore remains our position that the allocation of the site as a key employment area, when there is clear evidence that it cannot achieve the aims of such, would be unsound. This is in the same manner as allocating a site for any purpose, whether housing or employment, where there is no evidence said site could ever achieve the intended purpose of the allocation. There is clear evidence supporting this conclusion indeed to say that it cannot viably achieve the purpose whatsoever. We go further to say that the designation of the site as being a key employment

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area would severely impede the ability of a large, sustainably located, brownfield site to come forward for any viable use.

We contend that this matter of soundness could be readily addressed by the removal of North Heath Lane Industrial Estate from the table designated as a key employment site. The employment use would still be afforded protection by virtue of the ‘other existing employment sites’. This we contend could easily be dealt with by virtue of a main modification.

Purpose of the Hearing Statement

The purpose of this further hearing statement is therefore to provide the Inspector with a factual update on the site and progress that has been made since the Regulation 19 submission.

Since the Regulation 19 stage, Coldunell have been working with the Council and have made a pre-application submission for the residential redevelopment of the site (pursuant to other submissions as part of the plan). As part of the pre-application response the Council have raised questions regarding the viability appraisal, however, there appears to be a general recognition that its long-term employment use is not sustainable owing to the coming perfect storm articulated in the viability reports. As part of the pre-application process an additional viability addendum has been prepared, attached as an appendix to this submission for the Inspectors reference, which seeks to address those comments raised as part of the draft pre-application response. It is understood that the Council will be instructing a viability consultant to review the submission, however, Coldunell’s position remains the same namely that the site is not viable as a long-term employment offering.

Additionally, as part of the pre-application a suggestion of revised working hours has been put forward for consultation with the Council’s Environmental Health Team. The suggested working hours are for unrestricted working hours but with a limitation on hours from which external machinery could be operated. We are still awaiting a response from this suggestion but expect to be able to provide a verbal update at the examination. Should the Council not be amenable to the revised hours this clearly demonstrates a sustained limitation to the viability and delivery of the site for employment purposes as highlighted as part of the Regulation 19 submission.

It should be clear to both the Inspector and the Council that the continued attempt to allocate the site as one for key employment does not stand up to scrutiny and should be considered unsound based on the extensive viability information that has been provided. The significant costs involved in bringing the site to a lettable or saleable condition including investment as set out in the viability reports render the long-term use of the site for such purpose as unviable.

Other Matters

Whilst the principle aim of the statement is to highlight that it would be unviable, and therefore in our opinion unsound, to allocate the site as a key employment area; we make the following comments in respect of the other questions asked as part of the *Matters, Issues and Questions* document.

In respect of criterion 7 of the policy we firstly highlight that we see no reasonable justification why this is not applicable to any employment regardless of the designation. It stands to reason, as we have set out above, that if a site can no longer viably continue for the purpose of the designation that there should not be an undue impediment to redevelopment.

Notwithstanding this turning to the specifics of the policy we highlight that it would be an unreasonable and costly process to require the marketing of an estate for a year if it simply is not viable to continue as such. It would make greater sense and therefore soundness for this to be an either/or policy as opposed to an and policy; the Council would still have sufficient controls to review the evidence and determine if on the basis of the information submitted the introduction of other uses was appropriate or not.

Further, we highlight that the policy gives no regard to what could be readily permissible via permitted development.

Conclusions

For the reasons set out above we do not consider that North Heath Lane should be allocated as a Key Employment site as per the current wording of the policy and that to continue such would not stand up to scrutiny questioning the overall soundness of the designated. This, as set out, is in the same manner as allocating a site for any purpose when the evidence clearly indicates that it cannot be delivered.

Given the above considerations there is likely to be future and justified pressure for the redevelopment of the site for alternative uses in conflict with the proposed policy.

The sites removal from the tabled list is all that is required to amend such for the purposes of the plan and could readily be dealt with through the modification process.

Appendix:

1. Updated Viability Response