

HEARING STATEMENT

RIBSTON INDUSTRIAL PROPERTY UNIT TRUST

EXAMINATION OF HYNDBURN LOCAL PLAN (STRATEGIC POLICIES
AND SITE ALLOCATIONS)

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Signing off Sheet

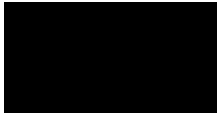
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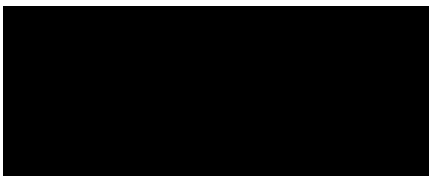
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Final

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1.0 Introduction

- 1.1 This Hearing Statement is prepared by NJL Consulting ('NJL') on behalf Ribston Industrial Property Unit Trust ('Ribston') in relation to the Examination of Hyndburn Councils Local Plan (Strategic Policies and Site Allocations).
- 1.2 This Statement relates to emerging Policy SP5 (Protection, Modernisation and Development of Employment Sites) and is prepared in response to the Main Issues and Questions (MIQs) document (reference: INSP005b) issued by the Inspector on 25 July 2025. However, we reserve the right to provide additional comments on any matter should the Council submit additional evidence or information.
- 1.3 Ribston own and manage Broad Oak Industrial Estate an established employment site in Accrington within the administrative boundary of Hyndburn Borough Council. NJL has previously submitted representations on behalf of Ribston, to both the Core Strategy Review and Site Allocations DPD (Regulation 18(2) Consultation) in April 2019 and Regulation 19 (Proposed Submission) Consultation in February 2024.
- 1.4 Matt Claxton, Senior Associate at NJL Consulting, will be appearing at the relevant hearing session.

2.0 Hearing Statement

Matter 4 Issue 4: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for employment land and town centres in Hyndburn?

Policy SP5 Protection, Modernization and Development of Employment sites

19. Part 3b of the Policy concerns adequate quality employment sites. Is there contradiction and/or duplication between the requirements of paragraphs 2-4 of Policy DM1 and sub sections i-iii of this part of the Policy? Is the Policy effectively worded?

- 2.1 Policy SP5 Part 3b is not effectively worded. As drafted, the Policy applies unnecessary requirements on an applicant when seeking to redevelop an 'adequate' employment site, where it has been proven to be unsuitable for continued employment use, having demonstrated no current or likely future demand exists for the site or premises.
- 2.2 In assessing the release and redevelopment of any employment site defined as 'adequate', draft Policy SP5 currently requires:
- an 18-month marketing exercise.
 - Inclusion of a minimum gross floor area of employment space as part of any mixed-use redevelopment (DM1).
 - a viability and market demand assessment to demonstrate that retaining 25% of the floorspace for employment use is unviable or lacks market interest (DM1)
- 2.3 When applied to all 'adequate' employment sites the requirements of Draft Policy SP5 and Policy DM1 paragraphs 2 and 3 are considered onerous, placing excessive burden on applicants and potentially hindering and delaying the delivery of sustainable development.
- 2.4 The Policy as drafted fails to acknowledge that the 'adequate' employment sites vary in condition and suitability for continued employment use.
- 2.5 A number of the 'adequate' employment sites are of lower quality, with limited scope for continued or alternative employment use due to site specific constraints (specialist tenant and building age and specification, site topography, access, surrounding/conflicting uses).
- 2.6 In these circumstances, sustainable alternative development should be viewed positively and without the unnecessary burden of undertaking further detailed assessment through Policy DM1 paragraphs 2 and 3, requiring the inclusion of employment floorspace as part of a mixed-use redevelopment, unless a further viability and market demand exercise demonstrates that the continuing use of 25% of the floorspace for employment purposes is unviable or unattractive in market terms.
- 2.7 Draft Policy SP5 is not sufficiently flexible to support the redevelopment of lower quality 'adequate' sites. A distinction should be made between the lower quality and better quality 'adequate' employment sites.

- 2.8 Policy SP5 should be more positively worded, removing the requirement to assess the proposals against Policy DM1 paragraphs 2 and 3 where it is demonstrated, under draft Strategic Policy SP5 sub-section i. that no current and future demand for continued employment use exists.
- 2.9 The policy requirements as drafted could result in any 'adequate' employment site remaining vacant or undeveloped for a 2-3 year period while assessments are undertaken, evidence is gathered, and planning applications progressed.
- 2.10 To address this, we suggest amendments to Policy SP5, requiring the application of DM1 paragraphs 2 and 3 where it is demonstrated that there is current or likely future demand (determined through the marketing exercise). Those lower quality employment sites that can clearly demonstrate no current or likely future demand for employment use, would not be subject to further assessment for their employment potential.
- 2.11 Broad Oak Industrial Estate is identified in the Councils Employment Land Supply Addendum (2019) as the 'Caligen Foam' site (Site Reference: 31 / ACC09). The site is currently occupied by a specialist tenant undertaking '*toxic and highly flammable product manufacturing.*'
- 2.12 The site comprises a mix of older industrial buildings and steel sheds, fitted out to accommodate the tenants very specific operational requirements. In the event the tenant was to vacate, re-occupying the accommodation would be very difficult, given their age and specification. See images enclosed.
- 2.13 The site is located in a valley bottom and accessed via Shop Lane, a narrow road with a steep descent leading to the site and the adjacent Accrington and Rossendale College. These access and topography constraints are also likely to deter alternative occupiers or commercial developers.
- 2.14 The site comprises previously developed land within the urban area of Accrington and if it became vacant, would be suitable for a range of alternative uses that are more compatible with surrounding land uses, such as residential development.
- 2.15 Without a specialist tenant in place, Broad Oak Industrial Estate would not be defined as an 'adequate' employment site. This is recognised in the Councils quality assessment, which states the site is 'at present an adequate employment site for its use'. Had the specialist tenant not been in place at the time of assessment the employment site would likely be assessed as 'poor', being '*poor quality and no longer suited to modern day employment uses (which) may also suffer from higher levels of vacancy due to the quality and market attractiveness of the premises on offer.*'
- 2.16 Broad Oak Industrial Estates' definition as an 'adequate' employment site was driven by the fact the site is occupied. However as set out this is by a historic and specialist end user with specific production methods resulting in buildings being fitted out and laid out specifically to suit their operation. As such, the existing premises would not be suited to alternative, modern day employment uses. The issues highlighted in terms access, topography and conflicting surrounding land uses would further deter the redevelopment of the site for alternative employment development.
- 2.17 On the basis above, the site could be considered to fall between an "adequate" and "poor" employment site. As a result, Ribston consider that draft Policy SP5 should incorporate greater flexibility to support the release and redevelopment of those lower-quality sites such as Broad Oak Industrial Estate, which, while currently classified as 'adequate', offer very limited potential for continued or alternative employment use.

Marketing Period

- 2.18 Draft Policy SP5 Part 3b sets out that adequate employment sites will be considered for redevelopment where an applicant can demonstrate, amongst other things, 'no current or likely future demand for the site or premises.' In this case, the site should be marketed by at least one commercial agent for employment purposes for at least 18 months (paragraph 4.29).
- 2.19 Ribston consider that a 12-month market demand exercise provides a reasonable and sufficient timeframe to establish any current or future demand for a site or premises for employment use. A shorter marketing period would support the timely redevelopment of redundant employment land, accelerating the delivery of underutilised sites. This proposed amendment would not conflict with adopted Policy DM1, which does not reference a marketing timeframe.
- 2.20 In applying flexibility, the suggested alternative wording to Policy SP5 is:

'The Council will apply a general presumption that all other existing employment sites (and employment allocations) will be retained in employment use over the plan period. Sites will only be released for redevelopment for other purposes if the following applies:

'B. Adequate employment sites – where the applicant can demonstrate either:

- i. No current or likely future demand for the site or premises; or
- ii. **Where current or likely future demand exists**, the proposal is in line with paragraphs 2-4 of DM1; or
- iii. Continued use of the site would give rise to unacceptable environmental impacts; or
- iv. Permitting an alternative use is the only viable means of retaining a building or premises which has a particular architectural or historic significance.

C. Poor quality employment sites – where the applicant can demonstrate either **i. iii. or iv.** under paragraph 3b.

3.0 Conclusion

- 3.1 Draft Policy SP5 is not effectively worded, currently placing unnecessary requirements on all the 'adequate' employment sites when considering redevelopment opportunities. A clear distinction between lower quality and better quality 'adequate' employment sites is recommended.
- 3.2 Those lower quality 'adequate' sites that demonstrate no likely or future demand for continued employment use under draft Policy SP5 sub-section i., should not be required to undertake further assessment under Policy DM1 paragraphs 2 and 3 to demonstrate continued or alternative employment use is unviable.
- 3.3 In line with earlier representations, it remains our recommendation that Draft Policy SP5 should provide greater flexibility and fewer policy hurdles, where marketing evidence has clearly demonstrated no or future demand for continued employment use.
- 3.4 The alternative wording proposed at draft Policy SP5 allows those lower quality 'adequate' employment sites that can demonstrate no current or likely future demand for the site or premises, to come forward for redevelopment without the unnecessary burden of requiring further assessment and consideration as to its employment potential.
- 3.5 The requirement for 12 months marketing evidence at the outset demonstrating no current or likely future demand for the premises ensures there is no loss of employment land without sufficient justification.
- 3.6 The approach put forward ensures the better quality 'adequate' employment sites and those potentially suitable for continued or alternative employment uses are afforded greater protection than the 'poor' quality employment sites.

Broad Oak Industrial Estate



