



ADUR DISTRICT COUNCIL

Executive Member for Regeneration
15 March 2019

Decision to be taken on or after
25 March 2019

Key Decision [~~Yes~~/No]

Ward(s) Affected: all outside of South Downs National Park

Supplementary Planning Document: Demonstrating Genuine Redundancy of Employment Sites in Adur

Report by the Director for the Economy

Executive Summary

1. Purpose

- An eight-week period of public consultation on the Draft Supplementary Planning Document (SPD) has been carried out. This report describes this, the consultation responses received, and proposed minor amendments made to the document as a result.

2. Recommendations

2.1 Recommendation

- It is recommended that the proposed changes to the document are agreed, and
- It is recommended that the SPD is adopted, to be used as a material consideration in relevant planning decisions.

1. Context

1.1 Policy 25 of the Adur Local Plan 2017 states that where planning permission is required, non-B class uses will not be permitted at Lancing Business Park, Shoreham Airport and Dolphin Road Industrial Estate. The second part of Policy 25 makes clear that outside of these three areas there will still be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes (use class B1, B2 or

B8). Any proposed loss will need to be justified through a process which will seek to ensure that all reasonable steps have been taken to maintain a class B use.

1.2 This SPD has been prepared to help applicants, and prospective applicants, to better understand the intentions of the policy; the steps they will need to go through, and the information they will need to supply to support any planning application which would result in loss of employment floorspace. It will also assist officers and Members by giving them a framework against which relevant applications can be assessed.

1.3 The document was taken to Adur Planning Committee on 5th November 2018 and subsequently agreed for consultation by the Executive Member for Regeneration on 7th December 2018.

1.4 The document was published for consultation from 18th December 2018 - 11th February 2019. Six responses were received, five of which had no substantive comments on the SPD. The sixth made some detailed and useful comments, and some changes to the document are proposed - see paragraph 3.2 below. Details of the consultation, and responses, may be found in the Statement of Consultation, attached as Appendix 2.

2 Issues for consideration

2.1 Following the consultation, some amendments have been made to the SPD. These changes are minor in nature and clarify the intent of the document, and do not alter the proposed approach. As such, it is not considered that any further public consultation on the document is required. The proposed changes may be found in Appendix 1.

3. Engagement and Communication

3.1 The Town and Country Planning (Local Planning) (England) Regulations 2012, sets out the requirements for the preparation of SPD, including consultation.

3.2 An extensive programme of consultation was carried out, using the following methods:

- A newsletter which included information on the consultation was sent directly to all those on the Adur Planning Policy consultation database. This comprises over 500 individuals, businesses and organisations, and includes statutory consultees and specific consultation bodies.
- The Draft SPD was published on the Council's website throughout this period (and beyond).
- Copies of the document were made available at the Council's offices at the Shoreham Centre, Shoreham-by-Sea; Portland House, Worthing; and at all three libraries in Adur (Shoreham, Lancing, and Southwick).
- The document and consultation were advertised on the Council's social media pages.
- The consultation was also publicised in a newsletter sent by the Building Control Team.

3.3 Full details of the consultation process are set out in the Statement of Consultation, which is attached as an appendix to this document, and will be published on the Councils website.

4. Financial Implications

- The SPD will be prepared within existing budgets.

5. Legal Implications

- Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations") sets out statutory requirements for the preparation of SPDs. Before adopting a SPD, the council must prepare Statement of Consultation in accordance with the Regulations. Following the adoption of a SPD, the council must publish an adoption statement which complies with the Regulations.

Background Papers

- Draft Supplementary Planning Document for Consultation: Demonstrating Genuine Redundancy of Employment Sites in Adur - Report to Adur Planning Committee 5th November 2018.
- Adur Local Plan 2017
- Adur Employment Land Review 2014.

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Sustainability & Risk Assessment

1. Economic

- The Draft SPD, once adopted, will facilitate the Council in implementing Policy 25 of the Adur Local Plan, and therefore to safeguard a range of job opportunities in the Adur Local Plan area.

2. Social

2.1 Social Value

- The policy aims to ensure a range of employment opportunities in the Adur Local Plan area.

2.2 Equality Issues

- No issues identified.

2.3 Community Safety Issues (Section 17)

- No issues identified.

2.4 Human Rights Issues

- No issues identified.

3. Environmental

- No issues identified.

4. Governance

- Aligns with Platform 1: Our Financial Economy of Platforms For Our Places; in particular, the Adur Local Plan 'sets locations for growth and development'. The Draft SPD, once adopted, will facilitate the Council in implementing Policy 25 of the Adur Local Plan, and therefore to safeguard a range of job opportunities in the Adur Local Plan area.

Appendix 1: Proposed Changes to SPD.

Comment	Officer response	Proposed Change (in bold text)
<p>Page 5 - 2.2 states: (There may be exceptional circumstances where one of the three sites named in the first part of Policy 25 may be considered under the principles of this SPD. Where that situation arises the criteria outlined here will be even more rigorously applied). – I'm unsure of the reference 'one of the three sites', might be worth renaming the sites as 3 employment areas and changing the above to 'There may be exceptional circumstances on a site in one of the three protected areas named....'</p>	<p>Noted. Amend text for clarification</p>	<p>(There may be exceptional circumstances where a site in one of the three protected employment areas named in the first part of Policy 25 (Lancing Business Park, Shoreham Airport and Dolphin Road Industrial Estate) may be considered under the principles of this SPD. Where that situation arises the criteria outlined here will be even more rigorously applied).</p>
<p>Page 7 - 2.9 States - The Council defines 'redundancy' as being 'no longer needed'. When an applicant has demonstrated that an employment use of land and premises is no longer needed, and is unlikely to be needed in the future then the Council will accept that genuine redundancy has been established. I appreciate 2.21 but it may be advisable to emphasise somewhere that this does not just relate to demand from the current owner/occupier, but also</p>	<p>Noted. Amend text for clarification.</p>	<p>Amend to read: '...is unlikely to be needed in the future by the current or any other B class user, then the Council will accept that genuine redundancy has been established.'</p>

<p>demand from any other B class occupier or employment generating occupier.</p>		
<p>Page 9- 2.18 States: The Council will not accept prospective or recent purchasers of a site/ premises from this process due to failure to address these matters at an early stage. Bit unclear. Should 'accept' be 'exempt'?</p>	<p>Agree</p>	<p>The Council will not exempt prospective or recent purchasers of a site/ premises from this process due to failure to address these matters at an early stage.</p>
<p>Page 9 -2.19 States: ' In exceptional circumstances a shorter marketing period may be agreed subject to compliance with other requirements within this SPD.' This statement opens the door for all developers to expect a lesser marketing period, by just saying they have exceptional circumstances. Might be best to qualify this further.</p>	<p>Noted. To avoid this circumstance, line to be deleted.</p>	<p>Delete line: 'In exceptional circumstances a shorter marketing period may be agreed subject to compliance with other requirements within this SPD.'</p>
<p>Page 12- 3.1 States: Where a site's sole use for its existing employment purpose is no longer viable, and this has been satisfactorily demonstrated in accordance with the criteria set out in this SPD, the Council will expect applicants to have explored the possibility of developing mixed use schemes. If it has been demonstrated that full employment provision is not viable at this point a sequential approach should be taken as</p>	<p>Add text for clarification</p>	<p>Amend to read: If it has been demonstrated that full employment provision (to include other B class uses) is not viable at this point...</p>

<p>follows: This wording could imply that the Council wants the landowner to consider mixed use as soon as it is demonstrated that current employment use is no longer viable. Should this wording be changed to also consider full occupation of other B Class uses, prior to mixed use consideration?</p>		
<p>Page 12 – 3.1- Point 2 States - If this is demonstrated to be unachievable/ unviable, a mixed use scheme including B class employment and residential may then be considered. It might be safer to change 'if this is' to a reference to point 1, making this really clear else developers may try to just extract this and quote it during planning.</p>	<p>Agree.</p>	<p>Amend to read: 2) If this *</p> <p>Insert footnote below: *See (1) above</p>