



## **ADUR DISTRICT COUNCIL**

### **DEMONSTRATING GENUINE REDUNDANCY OF EMPLOYMENT SITES SPD**

#### **STATEMENT OF CONSULTATION**

##### **Introduction**

Supplementary Planning Documents (SPDs) provide greater detail on policies within development plans. They are material considerations in planning decisions, but are not part of the development plan. While they are not examined by an Inspector, they are subject to a process of consultation and engagement with relevant parties. Once adopted, they form material considerations when relevant planning applications are considered.

##### **What the SPD does**

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.

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.

##### **Consultation Summary**

In preparing SPDs, the Council is required to comply with the relevant regulations as set out in Town and County Planning (Local

Development)(England) Regulations 2004 and 2012 amendments. These regulations require the Council to prepare and publish a statement setting out:

- Who was invited to be involved in the plan preparation
- How they were invited to be involved in the plan preparation
- A summary of the main issues raised and how they have been addressed

This statement addresses these points and has also been prepared in accordance with the Adur and Worthing Statement of Community Involvement (SCI) 2012.

During preparation of the Draft SPD, consultation was undertaken within the Council with key officers in the Council, including the Development Management and the Place and Economy Team.

In line with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council then published the Draft SPD for consultation (The consultation period was set at 8 weeks, as it extended over the Christmas holiday period).

The following consultation methods were used:

- A copy of a newsletter (Appendix A below), which included information on the consultation, was sent directly (by email or hard copy, as appropriate) to all those on the Adur Planning Policy consultation database. This comprises over 500 individuals, businesses and organisations, includes statutory consultees, and specific consultation bodies. (50 sent by post, 527 by email).
- 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 document was taken to Adur Planning Committee on 5<sup>th</sup> November 2018 and subsequently agreed for consultation by the Executive Member for Regeneration on 7<sup>th</sup> December 2018.
- The consultation was also publicised in a newsletter sent by the Building Control Team (792 copies).

### **Social media**

With regards to social media views, there were 256 visits to the consultation page, 385 page views, with 201 unique visitors and 93 returning visitors.

The PDF consultation document itself was visited 60 times, had 70 page views, from 51 unique visitors and 31 returning visitors.

### **Response to Consultation**

Six responses were received in total (See Appendix 2 for more details, and officer responses).

The table below shows that four of these made no substantive comments. Of remaining two, one (for Lancing Parish) refers to protection of two sites, both of which are specifically named (and protected) in Policy 25 of the Adur Local Plan 2017. This SPD will not affect that protection.

<b>Organisation</b>	<b>Summary of Comment</b>
Natural England	No specific comments
Highways England	No comments
Lancing Parish Council	Support the Supplementary Planning Document on the understanding that guaranteed protection is given to Lancing Business Park and Shoreham Airport remaining as employment sites.
SGN	No areas of significant concern
Historic England	Historic England has no specific comments to make on the above document
BID Manager, Lancing Business Park	Detailed comments; some amendments have been made to the SPD in response – see Appendix B below.

## **Appendix A:**

**Copy of newsletter sent to all on Adur Planning Policy database:**

### **ADUR LOCAL DEVELOPMENT FRAMEWORK NEWSLETTER**

**DECEMBER 2018**

#### **Why have I received this newsletter?**

You will have received this newsletter if you recently responded positively to the request from the Adur Planning Policy Team to remain on their Planning Policy database, and receive updates in relation to Adur Planning policy matters.

#### **Demonstrating Genuine Redundancy of Employment Sites in Adur**

Public consultation is about to commence on a new Supplementary Planning Document (SPD) for Adur.

A key aim of the adopted Adur Local Plan (2017) is to ensure that the local economy continues to grow. This requires a variety of good quality land and premises provided in the right place and supported with the right infrastructure. This is a significant challenge as land supply is heavily constrained and competition for available sites increases, particularly given the national drive to significantly increase housing delivery. The Plan aims to address this necessary economic growth through the allocation of new employment sites, and the protection of existing ones.

This SPD has been prepared to help people, including 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.

The Draft SPD will be made available for consultation for a period of 8 weeks, from Tuesday 18th December 2018 – Monday 11th February 2019. During this period, the SPD can be viewed here:

<https://www.adur-worthing.gov.uk/adur-ldf/spd-and-guidance/>

Any comments should be made in writing by 5pm Wednesday 6th February 2019 and either emailed to [adurplanningpolicy@adur-worthing.gov.uk](mailto:adurplanningpolicy@adur-worthing.gov.uk)

Or posted to: Planning Policy Team, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS.

#### **Shoreham Harbour Joint Area Action Plan:**

Adur District Council, along with Brighton & Hove and West Sussex Councils, submitted the Shoreham Harbour Joint Area Action Plan for examination in May 2018. Following the public hearings in September, the councils will consult on the Main Modifications to the plan from 11

January to 22 February 2019. The modifications will be published on the website at:

<https://www.adur-worthing.gov.uk/shoreham-harbour-regeneration>

### **Adur & Worthing Statement of Community Involvement**

All Local Planning Authorities are legally required to prepare and publish a Statement of Community Involvement (SCI) and ensure it is kept up to date. A SCI seeks to describe how the public, businesses and interest groups within Adur and Worthing can get involved in Planning Policy, Neighbourhood Planning and the application decision making process. Adur & Worthing Councils are two separate Councils but have a shared officer structure and thus a single joint SCI.

The current SCI was published in 2012. Since then, changes have been made to national policy and legislation in relation to Local Plans and Neighbourhood Plans. The Government also published a revised National Planning Policy Framework (2018) therefore it is timely to update the SCI in order to reflect these changes.

The Councils will publish the draft revised SCI for public consultation in early 2019

**If you have any queries regarding the Adur Local Plan or associated documents please contact the Adur Planning Policy Team at: [adurplanningpolicy@adur-worthing.gov.uk](mailto:adurplanningpolicy@adur-worthing.gov.uk) or telephone 01273-263000 and ask for the Adur Planning Policy officers. If you have received a paper copy of this newsletter but would like to receive future communications from us by email, please contact us with your email address.**

## Appendix B:

### Consultation Responses on Draft SPD: Demonstrating Genuine Redundancy of Employment Sites

Respondent	Comment	Officer Response (Proposed Changes to SPD in bold)
Natural England	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p>Green Infrastructure. This SPD could consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area. The National Planning Policy Framework states that local planning authorities should ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure;’. The Planning Practice Guidance on Green Infrastructure provides more detail on this. Urban green space provides multi-functional benefits. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities. There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through green roof systems and roof gardens; green walls to provide insulation or shading and cooling; new tree planting or altering the management of land (e.g. management of verges to enhance biodiversity). You could also consider issues relating to the protection of natural resources, including air quality, ground and surface</p>	<p>Noted</p> <p>The Adur LDS sets out that Green Infrastructure SPD will be prepared in due course. These matters can be addressed in that document.</p>

	<p>water and soils within urban design plans.</p> <p>Further information on GI is include within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".</p> <p><b>Biodiversity enhancement</b></p> <p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p><b>Landscape enhancement</b></p> <p>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might makes a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.</p> <p>Other design considerations: The NPPF includes a number of design principles which could be considered, including the impact of lighting on landscape and biodiversity (para 180).</p>	<p>As above.</p>
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	<p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again. Please send all planning consultations electronically to the consultation hub</p>	SEA is not required.
Highways England	Having examined the Draft Supplementary Planning Document, we are satisfied its policies will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32). Accordingly, Highways England does not, at present, offer any comments. However, we would wish to continue to be consulted on any applications should they be capable of having an impact on the safety, reliability and/or operational efficiency of the SRN.	Noted
Lancing Parish Council	The Parish Council considered the above document at its meeting last week. It was resolved to support the Supplementary Planning Document on the understanding that guaranteed protection is given to Lancing Business Park and Shoreham Airport remaining as employment sites (Minute 82.6/Jan/19 refers)	Policy 25 of the Adur Local Plan protects these sites.
SGN	welcomes all input from Local Authorities that provides intelligence on proposed development within their respective areas. This information will assist us in identifying potential growth and associated reinforcement requirements... Through the assessment of the impact of developments/redundancies	Noted

	<p>there are no areas of significant concern - which result in the requirement of network reinforcement. There is no new reinforcement required from the latest local plan or sites which may have significant impact, compared to the potential existing ones. SGN's infrastructure will not be severely affected by developments coming from protecting and enhancing existing employment sites as described on the Supplementary Planning Document</p> <p>Where required, SGN will look to manage the provision of any off site infrastructure improvements, in line with the overall development growth and/ or timescales provided. The full extent of these works will be dependent on the nature and location of the requested load(s), potentially requiring LP reinforcement in addition to that required for IPMP networks, and will only become clear once a developer's request has been received. Reinforcement solutions are likely to involve the provision of a new pipeline in parallel to SGN's existing mains system, but may also include the installation of above ground apparatus involving land purchase.</p>	
Historic England	<p>As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and welcomes the opportunity to comment upon this planning document. Historic England has no specific comments to make on the above document which covers matters outside our areas of remit and expertise.</p>	Noted
BID Manager, Lancing Business Park.	<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. Following change proposed:  There may be exceptional circumstances where a site in one of the three protected employment areas named in the first part of Policy 25 (<b>Lancing Business Park, Shoreham Airport and Dolphin Road Industrial Estate</b>) may be considered under the principles of this SPD. Where that situation arises the criteria</p>

	<p>Page 6- 2.2 First paragraph states : ‘Complete loss of employment uses will only be acceptable’. Might be worth expanding this statement to also cover employment generating uses.</p> <p>Page 6 – 2.6 States : the conversion or redevelopment of land or floorspace, currently or last in class B1, B2 or B8, for other uses will only be approved where:</p> <p>i) The loss of a small part of the site to another use, facilitating cross-subsidy for enhancement of the remaining employment floorspace. I appreciate 2.14, 2.21 and 3.1 but this wording would benefit from being tightened up, as if quoted in isolation and taken literally, it could open the door to residential on all industrial estates outside of the 3 protected areas. It could enable a residential flat to be introduced to an industrial property, if it could be demonstrated that the unit is in too poor a repair to be let/sold and that the investment needed to upgrade the unit can only be funded by partial residential conversion.</p> <p>Page 7- 2.7 First Paragraph States - As a last resort, if it can be demonstrated that even partial employment use cannot be achieved, only then will the LPA consider complete loss of employment. (See page 11 for more details on this sequential approach). - Might be worth expanding this statement to also include employment generating uses.</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</p>	<p>outlined here will be even more rigorously applied).</p> <p>Noted. However this refers to policy, which cannot be amended by SPD; no change proposed.</p> <p>Appreciate the point. However this refers to policy, which cannot be amended through this PSD. Could consider through future review of Local Plan.</p> <p>This text echoes the policy wording and therefore should not be changed. Could consider in future review of ALP. No change proposed.</p> <p>Noted. Amend text for clarification. Change proposed as follows: Amend to read: ‘...is unlikely to be needed in the <b>future by the</b></p>
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	<p>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 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>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>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 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</p>	<p><b>current or any other B class user</b>, then the Council will accept that genuine redundancy has been established.'</p> <p>Agree. Proposed change as follows: The Council will not <b>exempt</b> prospective or recent purchasers of a site/ premises from this process due to failure to address these matters at an early stage.</p> <p>Noted. To avoid this circumstance, delete line: : <b>'In exceptional circumstances a shorter marketing period may be agreed subject to compliance with other requirements within this SPD.'</b></p> <p>Add text for clarification, as follows: If it has been demonstrated that full employment provision <b>(to include other B class uses)</b> is not viable at this point...</p> <p>Agree. Amend to read: 2) If this *</p>
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	<p>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>Insert footnote below: <b>*See (1) above</b></p>
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