



WORTHING LOCAL PLAN 2020- 2036

WBC-E-06

Matter 4 – Employment Requirements

October 2021



WORTHING BOROUGH
COUNCIL

[THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK]

Matter 4 – Employment Requirements

Issue 1: Has the WLP been positively prepared and is it justified, effective and consistent with national policy in relation to its provision for employment and business needs?

Employment Land Need and Requirement

In terms of employment land/floorspace needs, the Employment Land Review Focussed Update (2020) [CG/J/2] considered four scenarios, with results ranging from a current oversupply of 49,540 sqm of floorspace (-11.3 ha) to a need for 61,560 sqm of floorspace (14.7 ha). The Council has sought to adopt the 'Baseline Labour Demand' scenario which equates to a need of 32,560 sqm of floorspace (6.8 ha). The response to the Initial Letter concludes that the Labour Demand Scenario is the only reasonable alternative.

Policy SS2 establishes a minimum employment floorspace requirement of 28,000 sqm. Suggested modification M4 seeks to reduce this to 24,000 sqm. Is the plan positively prepared in relation to the employment land need identified?

Q71. Is the plan based on adequate and proportionate evidence about the need for employment land? Is adopting the 'Labour Demand Scenario' justified in light of the alternatives considered?

Council's Response:

The Council, as part of the process of reviewing the local plan, commissioned specialist employment consultants to undertake an Economic Research and Employment Land Review (ERELR) study in 2016 ([CD/J/1](#)). As the plan progressed towards submission the Council considered it appropriate to ensure that the evidence supporting the Council approach to the local economy was as up to date as possible. Therefore, a focused update to the 2016 evidence was commissioned.

The primary purpose of the focused update was to provide updated evidence on the future growth potential of the borough's economy to support the new Local Plan and to review the 2016 ERELRL study findings to confirm that the approach being taken by the Council was justified. The update therefore reviewed the emerging policy approach to the local economy in light of changes to national planning policy that had occurred since the 2016 study. Due to the timing of this update study and its analysis, no specific consideration has been given to the impact of proposed planning reform, including the more immediate changes to the Use Classes Order which came into force from 1st September 2020. The focused update was prepared during the Covid-19 pandemic and as such the consultants acknowledged its preparation during a period of significant economic uncertainty associated with the Covid-19 pandemic, and that whilst some emerging implications from this feature as part of the updated property market review, due to the timing of the analysis the updated economic growth scenarios do not specifically reflect the outbreak of Covid-19 and associated short, medium, or longer-term implications for growth within the borough. One of the report recommendations is that the Borough Council continue to monitor local Covid-19 related impacts and review local economic growth prospects as the Local Plan evidence base develops.

The Worthing Employment Land Review Focused Update Final Report (was published in September 2020 ([CD/J/2](#)). Chapter 2 (para 2.1 - 2.55) of this report focuses on the future economic growth needs for the Borough. In line with Para 82a of the NPPF 2021 which states:

a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

In compliance with Planning Practice Guidance on economic needs assessment the study considered a number of potential future economic growth scenarios. It was acknowledged that each approach has some limitations and that careful thought was needed as to how appropriate each would be to the circumstances in Worthing.

The Council's Topic Paper 4 - Economy ([CD/H/19](#)) paragraphs 3.4 - 3.7 provide a summary of the consultants findings and recommendations and why the Council took the approach to seek to accommodate at least the labour demand (job growth) based requirement (scenario 1 - para 2.36 page 12) of the Worthing Employment Land Review Focused Update Final Report 2020 ([CD/J/2](#)). This approach will help to ensure that indigenous business growth potential is not constrained by lack of spatial capacity in the future. The requirements derived from this scenario reflect recent trends (up to March 2020) in both economic and property market terms, and in the Council's view, provides the most appropriate balance between positive planning and significant capacity constraints that exist in Worthing.

It should also be noted as set out at paragraphs 2.37 - 2.39 Page 12 (Worthing Employment Land Review Focused Update Final Report 2020 ([CD/J/2](#))) that the different growth scenarios assessed represent the minimum recommended quantum of employment floorspace for the plan period. The minimum net growth floorspace recommended by the study i.e Scenario 1 -Job Growth (baseline) is 29,520 sqm. However, the study recognises that Worthing is characterised by a constrained land supply, and strong development pressure from other higher value uses, and that there is a need to ensure a reasonable allowance that provides for some flexibility but avoids over-provision of land. It therefore concludes that the plan should consider planning to meet a minimum, of 32,560 sqm which factors in a 'safety margin'. This scenario is based on a forecast net increase of 895 Use Class B jobs over the period to 2036, which is equivalent to an average increase of 56 jobs per annum. Paragraphs 2.7 - 2.14 of the Worthing Employment Land Review Focused Update Final Report 2020 ([CD/J/2](#)) clearly sets out how the quantum of employment floorspace was derived.

Meeting the future needs for the local economy requires planning for a choice of sites and locations to meet current sectors and occupiers needs and also those emerging sectors. Failure to provide those opportunities will lead to a tightening of the market for space, potentially harming the borough's economic activity.

The Plan's approach is one that seeks to protect existing employment land and sites whilst encouraging their refurbishment and intensification of use. The provision of new employment land supply will not only meet the requirements of growing indigenous firms allowing movement from existing sites and premises but would also allow for redevelopment opportunities to be released on existing sites.

Paragraph 3.24 of the Worthing Local Plan acknowledges the recommendations of the study but also recognises the challenge of meeting these requirements within the context of the significant land constraints. However, it goes on to state there are a number of sites that have been identified that could help achieve this requirement and more specifically Decoy Farm (A5) and Martlets Way (A10). In the WLP these 2 sites sought to deliver 28,000 sqm of

employment floorspace and more specifically industrial/warehousing floorspace. As set out in the Councils response to Q73 a more realistic indicative capacity for A5 Decoy Farm has been revised to 14,000 sqm. This means that the plan now seeks to provide a minimum of 24,000 sqm of new 'employment' floorspace through site allocations. There will also be opportunities to deliver employment floorspace through some of the mixed use allocations. In addition, there are likely to be 'windfall' opportunities that form part of the approach to delivering a more diverse and vibrant town centre as set out in Strategic Spatial Policy SS3 - Town Centre.

In conclusion, the Council considers that the Plan is based on adequate and proportionate evidence about the need for employment land. In addition, as set out above and in more detail in the evidence that supports the approach to the economy, the adoption of the 'Labour Demand Scenario' is justified in light of the alternatives considered.

Q72. Is the plan positively prepared in relation to the scale of new employment floorspace proposed, both in terms of the type and overall amount of floorspace proposed?

Council's Response:

The Council considers that the plan is positively prepared in relation to the scale of new employment floorspace proposed both in terms of type and overall amount of floorspace. As set out in the response to question 71, the Council acknowledges that whilst the underlying evidence base has recommended a minimum of approximately 32,000 sqm covering all employment uses (office/warehousing/industrial), the plan has identified 2 key sites that could deliver a significant proportion of that requirement (24,000 sqm - as amended by proposed modification M4 [Schedule of Proposed Changes](#)). The type of employment to be provided will reflect an evidenced need.

The Plan's approach, as set out in paragraph 5.143, is one that takes account of the constrained availability of land in Worthing and significant pressures on those sites that are available and then allocates those sites that can meet some of the identified need whilst protecting existing employment land and buildings and supporting their reinvestment, intensification and redevelopment. It is considered that this approach ensures that the local economy will continue to have a choice of sites to meet the needs of a variety of existing and emerging sectors.

The Council has also amended the terminology used both in Policy SS2: Site Allocations and in the individual site policies A1-A12 to ensure consistency and using the more generic term 'employment' rather than being too prescriptive. It is considered that this adds to the plan's flexibility and resilience during these particularly uncertain economic times (M4 & M4a [Schedule of Proposed Changes](#)). Where appropriate, the supporting text for each allocation provides a commentary on the most suitable mix of uses.

Given the constrained nature of the borough, the full development needs of all uses cannot be met. The key challenge for the Council is to ensure that the Plan delivers a suitable and proportionate amount of employment floorspace along with other needs / uses. It is the view of the Council that the correct 'balance' has been struck both in terms of the type and overall amount of floorspace that will be delivered.

Q73. What is the justification for reducing the employment land requirement as suggested modification M4? Is this necessary for soundness and what effect would it have on meeting the employment land need for the Borough?

Council's Response:

The justification for reducing the proposed minimum allocated 'employment floorspace' is set out in the Council's response to the Inspector's Initial questions ([WBC-E-02](#)). The proposed change was made in response to additional work that had been undertaken by the site promoter to understand the site constraints and related development potential of this site. As a consequence, there was a need to amend the 'Indicative Capacity' to: 'Minimum of 14,000 sqm employment land' from a previous minimum of 18,000 sqm originally set out in the WLP.

Whilst this now results in a reduction in the amount of employment floorspace allocated in the Plan, the two key sites Decoy Farm (A5) and Martlets Way (A10) still offer an opportunity to provide a significant amount of new employment space. It should be noted that of the approx 32,000 sqm recommended new employment space identified, the evidence indicates that approx 23,000 sqm would be required for warehousing, distribution and industrial type employment uses. After taking the reduction in floorspace at Decoy Farm into account the two proposed allocations offer the potential opportunity to provide 24,000 sqm of this identified need, which could be viewed as a slight over provision. It is not considered that this revision to floorspace negatively impacts on the Council's approach to the delivery of employment space as set out in the response to Q72.

The Council considers that the policy approach set out in the Local Plan provides the right balance between the achievement of a vibrant and vital local economy with room to grow and providing an appropriate and sensible balance between housing and employment growth. As such, the Council is of the view that the modifications are necessary for soundness as it will help to ensure that the policy is effective.

Economic Growth and Skills (Policy DM10)

Q74. Is it sufficiently clear to decision makers, developers and local communities in what circumstances the Council will seek to enter into legal agreements relating to local employment, skills and training? Would such agreements be compliant with relevant legal requirements and national policy?

Council's Response:

The Council considers that the supporting text to Policy DM10 - Economic Growth and Skills clearly sets out the rationale for the policy approach in relation to the need for improving the local skills base. It is a key element in the delivery of the objectives of the Plan's Vision as set out in Vision V1 which seeks to attract high calibre businesses to help the town's economy to grow and improve its regional competitiveness. Strategic Objective S014 clearly sets out the Council's ambition to: *'Seek to improve the skills of the workforce and the quality of the environment to encourage the creation of high value jobs by existing and new businesses'*

Paragraph 5.145 of the supporting text to Policy DM10 clearly sets out that ensuring that the local population has the right skills to meet the needs of local business is a key corporate priority. It is key to helping to diversify and increase the resilience of the local economy and to support the needs of both existing and emerging business sectors. The Adur & Worthing Economic Strategy (REF) seeks to address the need for an appropriately qualified and skilled local labour force, to ensure it meets the needs of its economy. Paragraphs 5.144 - 5.145 of the policy clearly identifies the type of skill set required locally and the collaborative work that the Council is committed to undertake with employers, education providers, key partners etc. to identify skills needed and opportunities to deliver them. The supporting text to para 5.144 states in this regard:

.....'Platforms for Our Places' commits the Council to working with education providers, local businesses and sub regional partners to strengthen local skills by developing quality apprenticeships. The Council will work with employers and partners to exploit skills led growth and productivity gains through the use of digital technologies to inspire young people and promote pathways for employment and learning.

The Council is satisfied that the intentions and expectations of this policy and under what circumstances the Council will seek to enter into legal agreements are clearly set out.

Where appropriate and in compliance with relevant legal requirements and national policy, legal agreements will be used to support the delivery of local employment skills and training. Indeed the Council is obliged to apply the appropriate and proportionate legal obligations / conditions and it is not considered appropriate to duplicate national legislation or the NPPF in the Plan.

It is worth noting that at the Reg 19 stage there were only 2 representations received in relation to this policy and only one relating to the specific points around the use of legal agreements. The representation specifically requested that criteria j) and k) should reference the planning obligations and conditions tests within the Regulations and NPPF (SDWLP-60 CD/G/24 SDWLP - Combined Representations 51-64) the officers response as set out in the Schedule of Representations & Officer Responses ([CD/H/8](#)) states that it would be inappropriate to duplicate national legislation or the NPPF in the policy. There was no challenge to the approach set out in Policy DM10 in seeking the delivery of much needed skills.

<p>Q75. In what circumstances would the use of legal agreements and conditions be justified, as set out in criterion K? Would these be consistent with the requirements of national policy?</p>

Council's Response:

The Council's starting point for the use of any condition or legal agreement would be whether it meets with the relevant legal requirements and national policy. The use of legal agreements or conditions would only be used where the Council foresaw that unrestricted changes of use could impact negatively on delivering corporate objectives and on the local economy. For example, the introduction of non-compatible uses onto an existing industrial estate could undermine the effectiveness or desirability of that estate. Another example might be the loss of certain types of floorspace that meet an identified local need, the loss of which would undermine the ability of the local economy to flourish.

Changes at the national level greatly reduce the opportunity to manage change of use and, in many cases, the Council supports these greater flexibilities as this can, in turn, help to support the changing dynamics of the local economy. However, there are also instances whereby the Council could foresee how these flexibilities for new development (if applied inappropriately) would have a negative impact. Therefore, where the evidence is clear and justified the Council will use the appropriate regulations in line with national policy to ensure that the local economy gets the best opportunity and support to thrive and survive.

Protecting and Enhancing Employment Sites (Policy DM11)

Q76. What is the justification for protecting existing premises, sites used, or last used, for employment purposes to be 'generally' protected for employment use under criterion a.? In this regard, is criterion a. consistent with criteria c. and d. which set out circumstances in which alternative uses will be acceptable?

Council's Response:

Criterion a) clearly sets out the overarching intention of Policy DM11 which is to 'in general' protect employment space. The policy is effective as it then goes on to differentiate between the levels of protection afforded to different employment areas. Criterion b) lists those employment areas which are protected under criterion c) . Criterion c) clearly states that 'only in exceptional circumstances will loss to other uses will be considered'. Criterion d) explains the policy approach to all other employment space and the criteria that will be used to assess any such applications for alternative uses, with more detailed guidance of each of the criteria set out in the Sustainable Employment SPD ([CD/J/7](#)). The Sustainable Employment SPD will be updated to reflect the new policies in the WLP following its adoption.

This approach is a well established approach to the loss of employment space in the borough. The current SPD primarily expands on the criteria used in criterion d) which applies to employment space outside of the protected areas. However, these same criteria have and will continue to be used, but far more rigorously applied, when considering any loss of employment space listed under criterion b). The Council therefore considers that criterion a) is consistent with criteria c) and d).

Q77. Is it clear to decision makers, developers and local communities what might constitute exceptional circumstances in the context of criterion b.? What is the role of the Sustainable Economy Supplementary Planning Document and to be effective should the criteria for establishing an exceptional circumstance be set out in policy?

Council's Response:

The policy approach set out in the Plan is well established and one that has been used over many years since the adoption of the Core Strategy in 2011. The Sustainable Economy SPD ([CD/J/7](#)) at paragraph 2.3 notes that there may be exceptional circumstances where a site protected under part 1 (criterion b) may be considered under the principles of the SPD and

that where that situation arises the criteria will be even more rigorously applied. By definition 'exceptional circumstances' are those events or problems that one does not expect. It would therefore be difficult to define a complete list of circumstances for which the exceptions may apply. However, the introduction of an 'exceptional circumstances' element for those sites listed under criterion b) introduces an element of flexibility that allows for those unpredicted circumstances that may occur.

The role of the SPD in line with government guidance is set out in the Council's response to question 83. It does not set policy but rather provides detailed guidance on elements contained within policy. In this case it provides more detailed advice on the criteria that will be used in assessing applications that seek the loss of employment space as set out in Policy DM11. Where the Council determines that an application for a site protected under criteria b) and c) is an 'exceptional circumstance' then the criteria established in the SPD will be used as set out in the Council's response to question 76.

The Sustainable Employment SPD will be updated to reflect the new policies in the WLP following its adoption. It is not anticipated that there will be any significant changes made to the criteria relating to 'exceptional circumstances tests'.

Q78. Policy DM11 appears to address the 'protection' of employment land only. Is it clear to decision makers, developers and local communities under what circumstances permission would be granted for new employment development, both within and outside the sites listed under criterion b.? Is the Plan effective in this regard?

Council's Response:

Policy DM11's primary purpose is to afford protection to existing employment space whereas Policy DM10 sets out how the Council will support Economic growth. More specifically, Policy DM10 refers to the identification of sites and premises, promoting 'town centre' first for new offices space, supporting the reinvestment, intensification and redevelopment of key employment areas to allow for upgraded and new floorspace, identifying employment renewal opportunities for under utilised and vacant premises and making more efficient use of existing, underused and accessible employment sites amongst others. Policy DM10 and Policy DM11 complement each other and are not contradictory.

The Council are satisfied that the Plan is clear and effective as to the circumstances permission would be granted for new employment development both within and outside the sites listed under criterion b).

Q79. How have the sites listed under Policy DM11 criterion b. been identified? What factors were considered in determining their inclusion in the policy?

Council's Response:

Policy DM11 criterion b) lists the boroughs employment areas that have been identified for protection. Part i) contains the key industrial estates and business parks and ii) contains the key office locations.

The key industrial estates and business parks comprise established trading areas across the borough. Policies in the Worthing Local Plan 2003 recognised the importance of these areas to the local economy and therefore included policies to prevent their loss to other uses. The Core Strategy again acknowledged that these employment areas continued to play a fundamental role in the economy of the town and the research undertaken for the plan indicated that there was no justification to release any of these areas. The evidence that supported the Core Strategy also included the identification of key office locations throughout the Borough that were identified for protection.

The 2016 Economic Research and Employment Land Review (ERELR) study in 2016 ([CD/J/1](#)) Chapter 5 (pages 41-53) sets out how these key employment areas were reviewed to ascertain whether they continued to fulfill a valuable role within the local economy and the most appropriate policy approach in the new Local Plan. An assessment was undertaken which considered the characteristics and quality of existing and undeveloped employment sites in the borough and their suitability to meet the future employment development needs of the local economy. As set out at para 5.4 the following criteria was used:

- a - strategic and local road access;
- b - proximity to labour and services;
- c - adjoining uses that might constrain employment uses;
- d - site size, characteristics and potential development constraints; and
- e - market attractiveness.

In addition to the above site criteria, the assessment also considered other site factors such as their policy status, planning constraints, suitability for specific uses, and any key barriers to delivery of undeveloped sites. In conclusion, paragraph 5.46 states that in general, the range of employment sites in Worthing comprises good quality, well-maintained stock with low vacancy levels, which demonstrates that much of the existing employment space in the borough is meeting a need within the local market. It acknowledges that even the poorer quality sites and premises, often characterised by poor access and proximity to local amenities, are still predominantly occupied and appear to be serving a local need for more affordable space from lower value activities. The established approach to protection was still justified. The focused update to this study (Worthing Employment Land Review Focused Update Final Report 2020 ([CD/J/2](#))) also undertook a desktop reassessment of six key employment areas that had been the subject of particular pressures (paragraphs 4.37 - 4.70). Drawing on market intelligence of the quality, characteristics and recent changes that have occurred in them. The conclusion (paragraphs 4.68 - 4.70) reaffirms the need to continue to protect them.

These sites have been fully assessed and reassessed against clear criteria to evaluate their role within the local economy and their need for continuing protection in the Local Plan.

Q80. Are criteria c. and d. justified and consistent with national policy, particularly paragraph 82 which states that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances?

Council's Response:

The Council is satisfied that criteria c) and d) are justified and consistent with national policy and more specifically paragraph 82 (NPPF 2021). National policy requires planning policies to be flexible enough to accommodate needs not anticipated in the plan and to allow for new

and flexible working practices and to enable rapid response to changes in economic circumstances. This is within a context set in paragraph 81 of the NPPF which requires that planning policies and decisions help create the conditions in which business can invest, expand and adapt. In addition paragraph 82 a) requires the setting out of a clear economic vision and strategy. Paragraph 83 then goes on to state that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Paragraph 5.148 of Policy DM11 explains that existing employment space in Worthing is both in high demand and under threat from other uses with limited new opportunities which could limit growth. The Plan, taken as a whole, seeks to ensure that there are plans to allow for the growth of businesses and that appropriate sites are not released in the short term.

Therefore, against the backdrop of significant land constraints and the need to carefully balance the competing needs of the local economy and communities the approach in policy DM11 is one that seeks to protect the most valued employment sites (where regulations allow - see response to Q79 above) but still allows for a more managed release where certain criteria are met. Within that policy there is a recognition that whilst all employment space is under threat the policy differentiates between those specific locations that are afforded and stronger level of protection where loss will be strongly resisted and only in exceptional circumstances will their loss be supported (criteria c). However, a greater level of flexibility is applied under criteria d) to those sites outside the protected areas that are currently or were last used for employment to the loss to other uses. The criteria are listed under d) with guidance on these criteria set out in the Sustainable Economy SPD ([CD/J/7](#)).

It is also worth noting that this policy approach is not a new one. The approach is very similar to the approach set out in the current Core Strategy that has been used effectively and successfully over the last 10 years. The approach has allowed for flexibility and, where appropriate, has been applied in a way that has responded to changes to the economy and has accommodated new working practices. This policy has allowed for changes in some locations, for example, to accommodate emerging sectors that have struggled finding suitable premises elsewhere. The Ivy Arch Estate provides a good demonstration of this flexibility as it is home to a more diverse mix of less traditional employment uses and the Council has managed this in a way that has helped to ensure that other businesses are not lost as a consequence of the introduction of such uses.

<p>Q81. In situations where allocated employment sites are implemented, under which criteria would applications for alternative uses be considered? Would this provide a justified, consistent and effective approach for the dealing with such applications?</p>

Council's Response:

The main two proposed employment allocations A5 Decoy Farm and A10 Martlets will provide extensions to existing protected employment areas defined under criterion b) under Policy DM11 and as such where they are implemented they would be subject to the same criteria as those sites under this part of the policy. Given the approach set out in the Council's response to question 79 and the in the context of significant constraints and the lack of sites for employment use it is considered that this approach is justified, consistent and an effective approach for dealing with such applications.

Q82 Are suggested amendments to the policies map M44-M46 necessary to ensure the policy is justified and effective?

Council's Response:

M44 - This modification has been put forward to amend the Broadwater Business Park Employment Area designation to include this part of the GSK operational site. The exclusion of this area, as previously drafted, would have been inconsistent with how the rest of this site has been treated. As such, this amendment will ensure that the policy is effective (see mapping extract Page 3 - [CD/H/25](#)).

M45 - This modification will ensure that the Proposals Map reflects and responds to the proposed allocations (this change was overlooked when the original proposal map ([CD/H/2](#)) was prepared). The revision will mean that the Decoy Farm allocation forms part of the Broadwater Business Park Employment Area designation and this helps to ensure that the policy map is effective (see mapping extract Page 4 - [CD/H/25](#)).

M46 - This modification does not relate to the employment sites. However, the modification will amend the boundary of the Local Green Space and Local Green Gap designations so that they do not extend onto the beach / coastline / sea. This will ensure that the maps on Pages 61 & 63 of the WLP are effective and consistent with the proposals map (see mapping extract Page 5 - [CD/H/25](#)).

The Visitor Economy (Policy DM12)

Q83. Does Policy DM12 defer important policy matters relating to the loss of visitor facilities to the Sustainable Economy SPD? Having regard to Regulations 5 and 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 should these matters be included in the Local Plan?

Council's Response:

The Council does not consider that Policy DM12 defers important policy matters relating to the loss of visitor facilities to the Sustainable Economy Supplementary Planning Document (SPD). It is considered that the policy clearly sets out the criteria that will be used in the determination of applications for planning permission. The Sustainable Economy SPD, as explained in the supporting text to this policy at paragraph 5.167, seeks to support the policy by adding more detailed advice or guidance on the policy in the plan. This approach accords with government guidance on [Plan -making](#) which states:

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making.
(Paragraph: 008 Reference ID: 61-008-20190315)

The policy approach set out in Policy DM12 is a well established approach that builds on the approach set out in Policy 5 -The Visitor Economy in current Core Strategy and the existing

Sustainable Economy SPD. In addition, the Council only received one representation on this policy at the Reg 19 consultation stage and this related to the night time economy (see Q85 below) and not to the policy approach taken. The current policy and SPD have been used successfully since the adoption of the Core Strategy in 2011. As stated at paragraph 5.167 of the WLP the Sustainable Economy SPD will be updated to reflect the provisions of the new policy.

Criterion b) of Policy DM12 states :

b) Existing visitor attractions, facilities and accommodation should be retained unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will apply tests included in its Sustainable Economy Supplementary Planning Document including the following:

- i) evidence of marketing actively conducted for a reasonable period of time;*
- ii) that alternative visitor uses have been fully explored;*
- iii) an appraisal indicating that the use is no longer viable;*
- iv) evidence that the site has not been made deliberately unviable;*
- v) evidence of the suitability of the site to accommodate the alternative visitor use; and*
- vi) evidence that a reduction of floorspace or bed spaces in the case of visitor accommodation is the only way of improving the standard of the existing tourist facility.*

The Council has reviewed the wording of criterion b) and acknowledges the following sentence: '*To demonstrate these requirements, the Council will apply tests included in its Sustainable Economy Supplementary Planning Document including the following:*' It is accepted that this could imply that there are additional tests within the SPD in addition to those listed in the policy itself. This is not the case and as such a modification is proposed to the second sentence of criterion b) to help ensure that the policy is effective and sound:

To demonstrate these requirements, the Council will apply **the following tests with more detailed advice** included in its Sustainable Economy Supplementary Planning Document: ~~including the following~~

Q84. Further to the above, do criteria i.-vi. constitute the full range of considerations? If not, is it sufficiently clear what the Council will have regard to? Moreover, are the criteria themselves clear and unambiguous? For example, what constitutes a 'reasonable period of time' in relation to criterion i.?

Council's Response:

The criteria i-iv set out in policy DM12 do constitute the full range of considerations that will be used when determining any relevant planning applications. This is clarified within the response to Q83 above and the proposed modification to criterion b). Furthermore, it is clarified that the Sustainable Economy SPD will '*build upon and provide more detailed advice or guidance on policies in an adopted local plan*'.

The Council considers that the criteria themselves are clear and unambiguous and that more detailed advice and guidance will be provided in the Sustainable Economy SPD an approach

which accords with government guidance on [Plan -making](#).

With regards to criterion i) (the need for evidence of marketing actively conducted for a reasonable period of time), this has been a long standing requirement of existing policy and detailed guidance is set out in the existing [Sustainable Economy SPD](#) (CD/J/7) - paragraph 3.12 states:

3.12 Applicants will need to demonstrate that there have been realistic attempts to sell the business over a reasonable period of time:

- *The business should normally have been marketed for sale as a going concern for a minimum period of 2 years in a strong market and 3 years in a downturned market. In exceptional circumstances a shorter marketing period may be acceptable if justification for this can be given and then accepted by the Council.*

The 'reasonable time' periods will be revisited as part of the update of the SPD to ensure that it remains reasonable and reflects the most up to date local market conditions. In addition, the SPD will continue to allow for exceptional circumstances where evidence can be submitted by the applicant to potentially justify shorter periods as necessary. As stated above the revised SPD will include more detailed and up to date advice and guidance on all the criteria included within the policy.

Q85. How are the Council's expectations with regard to the evening economy reconciled with the approach to drinking establishments set out in Policy DM13?

Council's Response:

The supporting text to Policy DM12 refers to the importance to the local economy of the visitor economy and the potential to enhance this sector. Paragraph 5.159 specifically mentions the opportunity to enhance the evening/night time economy amongst other elements. To achieve this a Working Group of the Council is currently assessing existing provision and opportunities to deliver improvements.

The evening/night time economy refers to a range of uses that operate across the day into the twilight (period after normal operating hours of retailers and evening, as described in supporting text to Policy DM13 at paragraph 5.186). The uses that make up the twilight and evening economy do include drinking establishments as part of a wider mix such as restaurants, cafes, music venues, theatres, cinemas and other leisure uses.

Policies DM12 and DM13 both acknowledge that a balance will need to be achieved between the encouragement and support for a more active vibrant town centre and the amenity of residents (both existing and new). Criterion a) to Policy DM12 states:

- a) The Local Plan supports the provision of tourism facilities, in particular those that would help to extend the tourist season; improves the quality of the visitor economy; meet the needs of visitors and the local community and are acceptable in environmental and amenity terms.*

Criteria b) vii), d) i) & ii), f) and g) iii) to Policy DM13 clearly set out the approach to uses such as drinking establishments which whilst supported and directed to the more appropriate locations and level of centre also recognise the careful balance between a vibrant town centre living environment and the level of amenity that a town centre resident should

reasonably expect.

It is noted that there was only one representation to this policy at Reg 19 stage. That representation (SDWLP-13 (SDWLP - Combined Representations 1-50 (excluding 49) [CD/G/23](#)) was generally supportive of the policy approach set out in Policy DM12 but it did raise concerns that the enhancement of the night time economy should not be at the expense of local residents. Additionally, it noted that noise levels and anti-social behaviour have been increasing to the detriment of town centre residents. In the officers response to this representation set out in ([CD/H/8](#)) the issues raised are acknowledged but no changes to the policy were recommended as it is considered that there are sufficient checks and balances within both Policy DM12 and DM13 to address these issues. In dealing with any planning application for uses that would have the potential to impact on residential amenity by way of noise and other amenity matters, officers would work closely with colleagues from Environmental Health and Licensing to identify any existing or potential issues that could be addressed through planning.

The Council considers that the policy approach set out in the Local Plan provides the right balance between the achievement of vibrant and vital town centres and the amenity of local residents that live within or close to those centres.

Worthing Borough Council
Planning Policy
Portland House
44, Richmond Road
Worthing
West Sussex
BN11 1HS



WORTHING BOROUGH
COUNCIL