

**Agenda Item No:** 13

**Report No:** 144/17

**Report Title:** Implementing Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in key areas identified in Newhaven

**Report To:** Planning Committee

**Date:** 11 October 2017

**Cabinet Member:** Cllr Tom Jones

**Ward(s) Affected:** Newhaven Valley and Newhaven Denton & Meeching Wards

**Report By:** Nazeya Hussain, Director of Strategy, Regeneration & Planning

**Contact Officer(s)-**

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### **Purpose of Report:**

To seek approval to implement Article 4 directions to withdraw Permitted Development rights in the areas identified in Appendices A and B. This will mean that for changes of use from office to residential and light industrial to residential, a full planning application is required as opposed to a, more streamlined, prior approval application.

The affected sites are identified in a table and maps in Appendices A and B of this report.

### **Cabinet Recommendations**

On 28 April 2016, Cabinet approved the Newhaven Enterprise Zone report and agreed to the recommendations set out. The Enterprise Zone is a regeneration-led project for Newhaven and the report focused on the necessary steps to achieve success. Within the report, Article 4 directions were identified as a tool that could be used in order for the Enterprise Zone to meet the Council's ambition for Newhaven.

### **Officers Recommendation(s):**

To note the Cabinet's ambition to regenerate Newhaven as set out in the Newhaven Enterprise Zone cabinet report (28/04/2016) which set out the ways in which this could be achieved. With this in mind it is suggested that the Committee agree to the following recommendations.

- 1** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  
  - 2** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  
  - 3** That the Planning Committee notes that notice given for the Article 4 directions will be on 31 October 2017 and the Article 4 direction will come into force from 1 November 2018, subject to consultation and confirmation.
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## Reasons for Recommendations

- 1 The Council's Constitution requires Planning Committee to consider the implementation of Article 4 directions. This is because it is the policy of Cabinet to devolve matters of planning control to Planning Committee to decide upon. This decision will be a key aspect of LDC's options for the ongoing regeneration of Newhaven and will help to retain vital employment land for the future.
- 2 The withdrawal of permitted development rights will help to protect existing and future employment space from being converted into residential development through the prior approval process, and will help us to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning application process.
  - o This is especially important for those sites located within the Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.
- 3 It is considered vital that Newhaven has a strong portfolio of employment sites to attract investment into the area in order to maintain and grow resilience in our economy. The implementing of an Article 4 direction is a crucial part of ensuring Newhaven – and in the wider context, Lewes District – is able to retain and attract businesses and create and sustain employment opportunities.
- 4 No compensation is payable where the Council gives notice of the withdrawal between 12 months and 24 months in advance, hence the proposed commencement date of 1 November 2018.

## Information

### 5 Permitted Development Rights

- 5.1 Under the Town and Country Planning Act 1990 (TCPA), planning permission is required for the carrying out of any development on land. The TCPA (General Permitted Development) Order 2015 allows certain development without the need for planning permission.
- 5.2 In May 2013, the Government introduced a new temporary permitted development right to allow the change of use from office (B1a) to residential (C3). These rights were made permanent in April 2016. This means that applicants must seek approval from the Council, but only for specified elements to ensure that the development is acceptable. In determining a prior approval application, the Council only considers impacts of the proposed development on:
  - Transport and highways
  - Contamination
  - Flood risk
  - Noise
- 5.3 Permitted development rights can only be withdrawn if significant adverse impact has been identified. Typically, obtaining planning permission requires additional key planning matters to be considered such as affordable housing and design standards.

- 5.4** In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial (B1c) to residential (C3) will come into force for a temporary period of 3 years starting from 1 October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m<sup>2</sup>.

## **6 Article 4 Directions**

### What is an Article 4 Direction and when can you use one?

- 6.1** The Council can, in exceptional circumstances, make an Article 4 direction that will remove permitted development rights within a designated area. The direction can cover a single building, street or neighbourhood.
- 6.2** As noted above, permitted development rights can only be withdrawn if there is reliable evidence that such rights would cause significant adverse impact to the local amenity, well-being or character of an area.
- 6.3** Article 4 directions must be made in accordance with the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF notes:
- “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).”*
- 6.4** An Article 4 direction does not prohibit development, but enables the Council to retain greater control over the planning process.

### How long does an Article 4 direction last for?

- 6.5** Once an Article 4 direction comes into force, it remains in force indefinitely unless the direction is cancelled. An Article 4 direction cannot prevent development which has commenced or has already been carried out.
- 6.6** There is a requirement for the Council to monitor any Article 4 directions, to make sure that the original reasons under which the direction was made remain valid.

### Compensation and Planning Fees

- 6.7** Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 direction taking effect.
- 6.8** However, no compensation for the withdrawal of certain permitted development rights is payable if the Council gives notice of the withdrawal between 12 and 24 months in advance.
- 6.9** A full planning application, that is only required because an Article 4 direction is present, is completed in the usual way except no planning fee is payable.
- 6.10** The process for making and confirming a non-immediate Article 4 direction is summarised within Appendix D of this report.

## 7 Evidence Base & Strategic Context

### Evidence Base

- 7.1** The latest data<sup>1</sup> indicates that the town of Newhaven accommodated approximately 5,450 jobs in 2016, representing 14.6% of all jobs recorded in Lewes District.
- 7.2** From 2009 to 2015 the number of jobs in Newhaven increased by 270, although the town's proportion of district-wide jobs decreased slightly from 15.5% to 14.6%. This highlights that other areas of the district have experienced greater job growth between 2009 and 2015.
- 7.3** Newhaven, however, plays a particularly significant role in accommodating the District's factory (68.7%) and warehousing (55.9%) space, and is the location for approximately 40% of all B use class space in Lewes District.
- 7.4** Newhaven is heavily dependent on manufacturing development<sup>2</sup>, which employs over 1,000 people locally. The town is also dependent on retail (850 jobs), health (550 jobs) and transport & storage (500 jobs), which includes Port-related activities. Conversely, employment in professional and business services is relatively limited and these sectors are thus under-represented in Newhaven.

### Strategic Context

- 7.5** Newhaven is identified in the Lewes District Local Plan 2010-2030 as a focus for enterprise and training within the district. Both the South East Local Enterprise Partnership (SELEP) and Coast to Capital (C2C) Local Enterprise Partnership identify Newhaven as a strategic growth location.
- 7.6** In particular, SELEP's Strategic Economic Plan notes that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' estimated to deliver 5,225 jobs and 1,890 homes. Equally, the C2C Strategic Economic Plan identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of the Enterprise Zone.

### Newhaven Enterprise Zone

- 7.7** Newhaven Enterprise Zone is a collaboration between C2C and the Council, which formally commenced in April 2017. The Enterprise Zone comprises eight key sites and covers around 79 hectares of land.
- 7.8** Over the next 25 years, it is anticipated that the Enterprise Zone will create around 55,000m<sup>2</sup> of new commercial floorspace. It will refurbish a further 15,000m<sup>2</sup> of existing commercial floorspace, whilst creating and sustaining approximately 2,000 jobs.
- 7.9** Enterprise Zone status offers a range of benefits including:
- Business rates discount worth up to £275,000 per business over a maximum of five years
  - No pre-application charges for planning enquiries on employment-led schemes on the EZ sites

<sup>1</sup> Lichfield Employment Land Review 2017

<sup>2</sup> Cushman & Wakefield Newhaven EZ Implementation and Investment Plan 2017

- Dedicated support and advice from C2C, as well as the Council's Regeneration team.

### Employment Land Review Update

- 7.10** In April 2017, the Council commissioned Lichfields to undertake an update to the existing Employment Land Review. This update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of Article 4 directions.
- 7.11** Having reviewed the Lichfields report, Officers consider that there is clear evidence to support the implementation of Article 4 directions in Newhaven to protect office and light industrial use.
- 7.12** Appendix D contains an excerpt from the Lichfields report, outlining the loss of office floorspace to residential in recent years with a particular focus on Newhaven. The full Employment Land Review update undertaken by Lichfields is available for Committee Members on request.

## **8 Change of Use Implications**

In summary, losing office and light industrial space to residential could:

- Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
- Mean residential units may be created in potentially unsustainable locations.
- Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
- Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
- Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

## **9 Proposed Article 4 Directions**

- 9.1** For the reasons evidenced above, Officers are recommending the withdrawal of permitted development rights for both light industrial and office to residential across the eight sites in Newhaven (as shown in Appendices A and B).
- 9.2** The proposal is to provide notice of a non-immediate Article 4 direction on 31 October 2017, subject to approval from the Council's Planning Committee.
- 9.3** The Article 4 direction will be implemented from 1 November 2018 subject to public consultation, which is expected to run for 8 weeks after the making of the direction.
- 9.4** By making a non-immediate direction with at least 12 months between giving notice and making the direction, no compensation will be payable.

- 9.5** However, non-immediate Article 4 directions run the risk of a longer period where permitted development rights remain active. This could result in an increased number of prior approval applications for conversions from office and light industrial to residential in the 12 months prior to the Article 4 direction coming into force – and subsequently an increased loss of employment land uses in Newhaven.
- 9.6** Five of the proposed ‘designated areas’ are fully or partially within the Newhaven Enterprise Zone, whilst all eight sites proposed are considered to be of significant employment importance, both in Newhaven and across the wider Lewes District. The presence of the Enterprise Zone emphasises Newhaven’s role as a key strategic area for business growth and investment.
- 9.7** By withdrawing permitted development rights, the Council can ensure that applications for change of use are assessed against the full development management policies as opposed to the limited prior approval criteria.
- 9.8** Additionally, the implementation of Article 4 directions will work in conjunction with the relevant development plans to provide a strong basis to protect and promote employment land in Newhaven.

## **10 Financial Appraisal**

- 10.1** At this stage, it is very difficult to estimate the potential implications arising from the recommendations in this report. The cost of making the Article 4 direction will be met from the existing Regeneration budget; the cost is not expected to be more than £5,000.
- 10.2** Applications for planning permission which would have previously been permitted, prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 10.3** From 1 August 2016 to 1 August 2017, the Council charged a total of £80 for prior notification fees from office to residential and storage to residential. A table of all of the prior approval applications the Council has received since the change in permitted development rights came into force is included as an Appendix to this report.
- 10.4** The Article 4 direction could lead to an increase in the number of prior approval notices submitted by landowners seeking to beat the period within which the Direction will be in effect.
- 10.5** On balance, however, it is considered that the benefits outweigh the loss of this income.
- 10.6** Furthermore, in 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council’s income from business rates will fall.
- 10.7** There are also costs associated with the implementation and publication of the Article 4 direction including:
- Advertising in the local press
  - Displaying site notices

- Consultation with the public for a minimum of 21 days (although Officers are proposing a longer consultation period of 8 weeks to ensure that all views are captured).
- 10.8** There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of Article 4 directions could have implications on the value of the Council's property assets.
- 10.9** These implications have been assessed by Officers, and it has been agreed that the implementation of Article 4 directions will provide long-term benefits for Newhaven and its economy, which outweigh the Council's role as a local landowner.
- 10.10** Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 directions will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

## **11 Legal Implications**

- 11.1** The making of an Article 4 Direction is required to be made under the terms of the Town & Country Planning Act 1990 (as amended). This includes consultation, advertising and a period for representations to be made.
- 11.2** If there are objections to the making of the Order, it will be necessary to hear those objections at an Inquiry. Once the Direction is confirmed, it will not come into force until after such date as prescribed in the Direction.
- 11.3** Legal Services can confirm it has had input into the contents of this report.

## **12 Risk Management Implications**

- 12.1** A Risk Management Assessment has been carried out in accordance with the Checklist for Decision Makers. This assessment can be found in Appendix E.

## **13 Equality Screening**

- 13.1** On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

*“Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.*

*The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.”*



**13.2** The proposed Article 4 directions are primarily focused on sites within the Enterprise Zone. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is attached as an Appendix.

## **14 Background Papers**

**14.1** Lichfields, Employment Land Review Update 2017

**14.2** Cushman & Wakefield, EZ Implementation and Investment Plan 2017

**14.3** National Planning Policy Framework

**14.4** National Planning Policy Guidance

**14.5** Town and Country Planning (Compensation) (England) Regulations 2016

**14.6** Town and Country Planning (General Permitted Development) (England) 2015

## **15 Appendices**

**15.1** The following documents are attached as an Appendix to this report:

**15.2** Appendix A - Article 4 direction table of sites

**15.3** Appendix B - Article 4 direction maps

**15.4** Appendix C - Table of prior approval applications for office to residential in Newhaven

**15.5** Appendix D - Extract from Lichfields Report showing loss of office floorspace through permitted development rights

**15.6** Appendix E - Equality analysis report

**15.7** Appendix F - Procedure for making a non-immediate Article 4 direction

**15.8** Appendix G - Risk management implications assessment

Appendix A - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office

Appendix B – Article 4 direction site maps

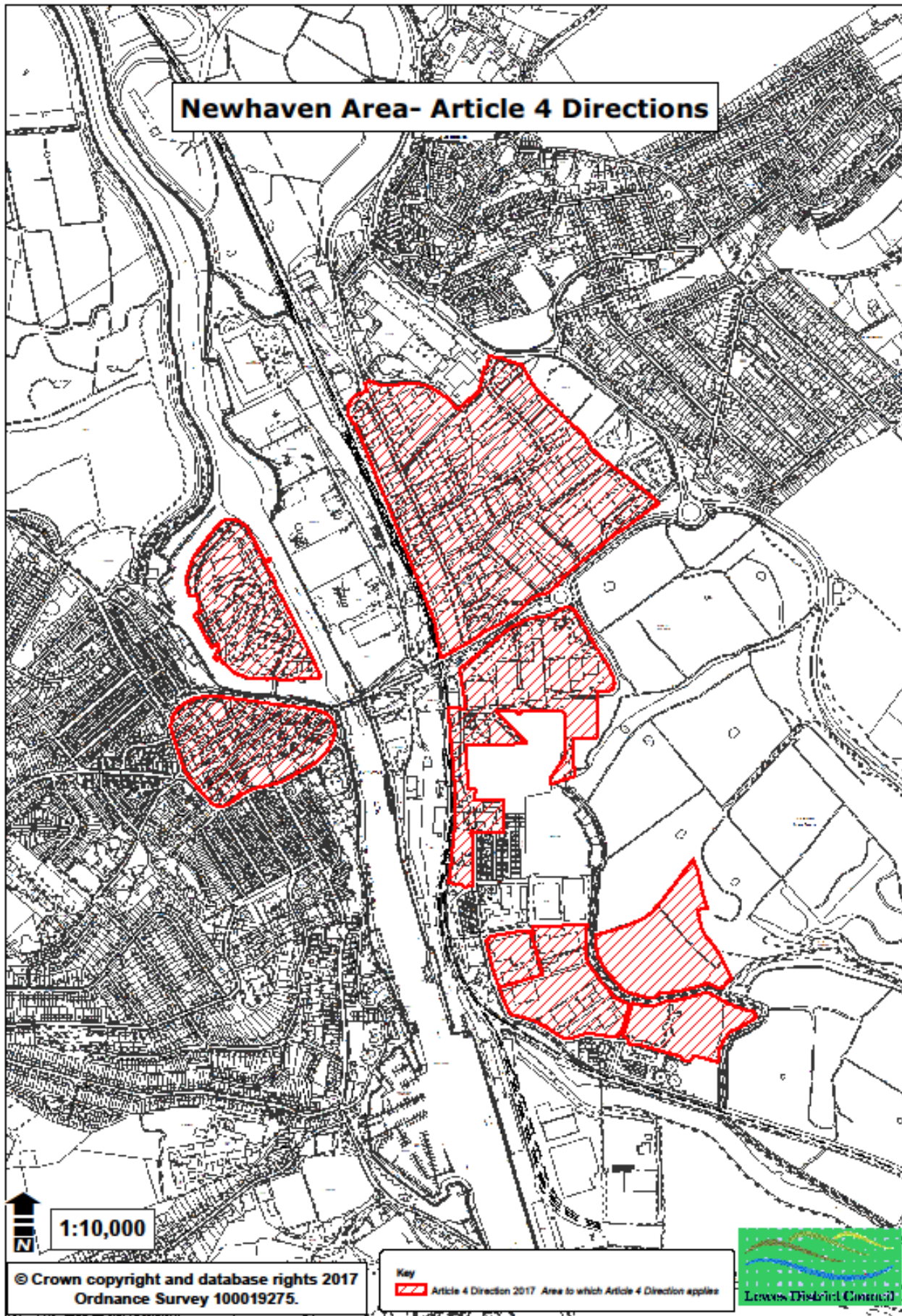


Figure 1 – Newhaven Article 4 directions



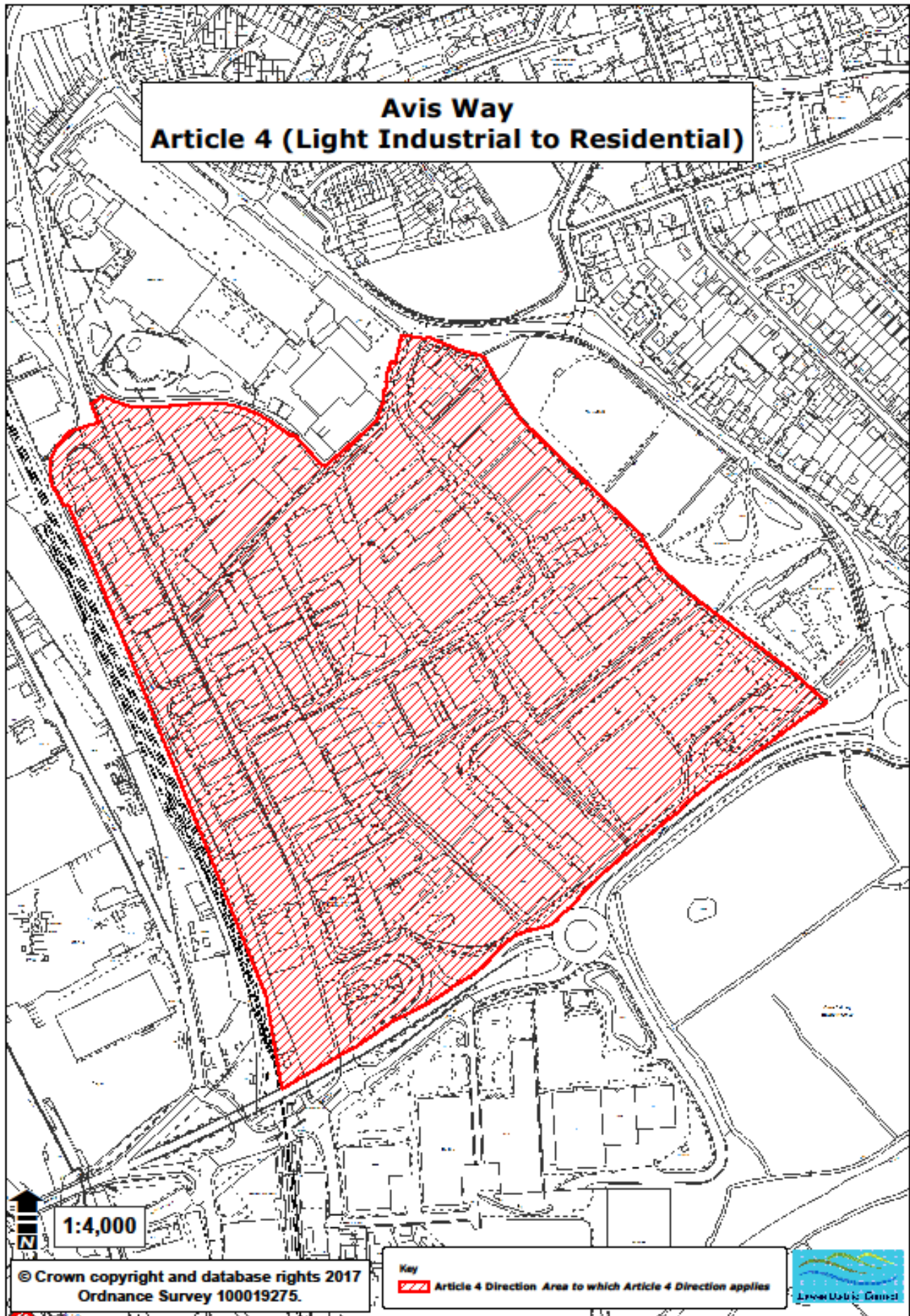


Figure 2 - Avis Way

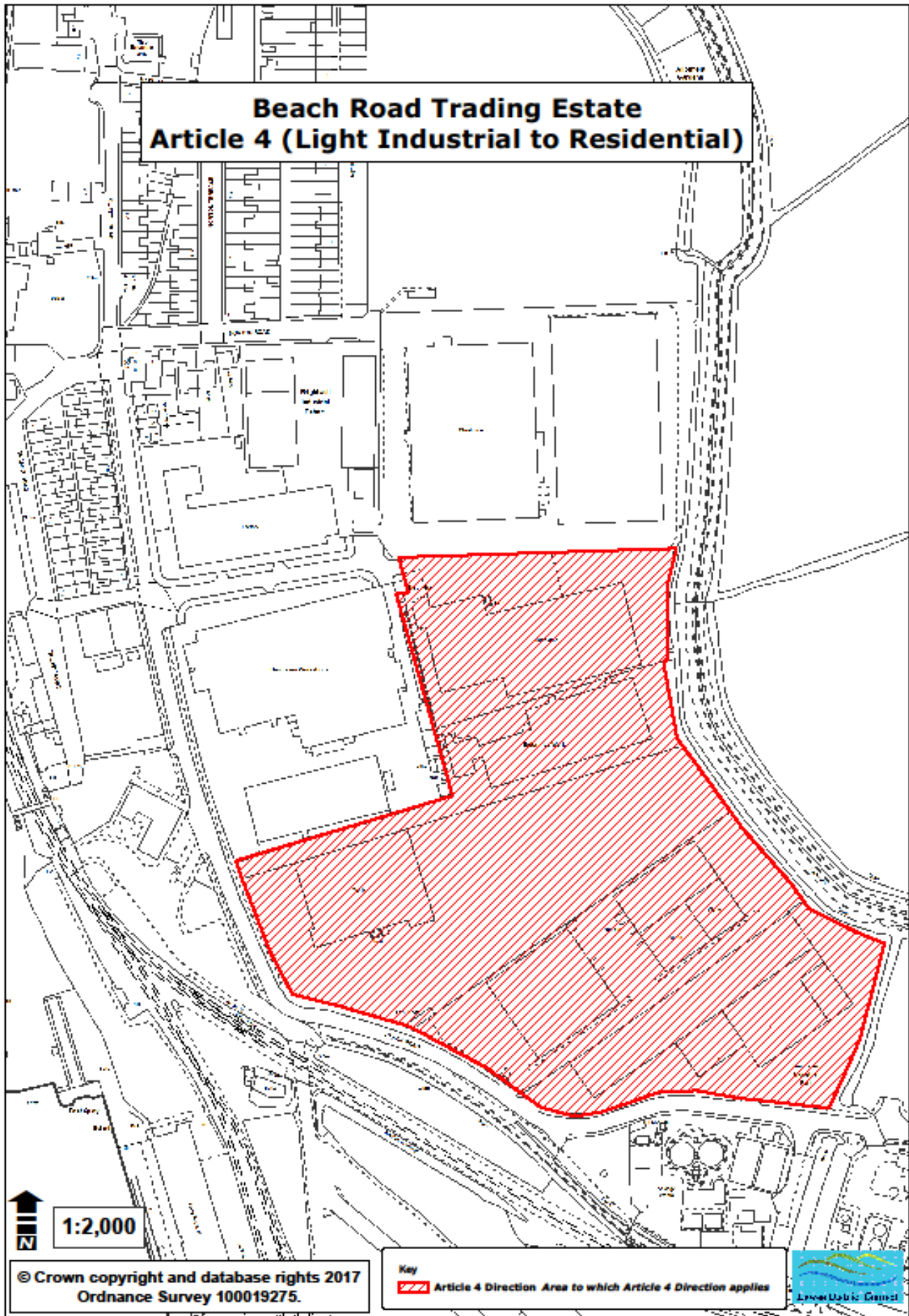


Figure 3 - Beach Road Trading Estate



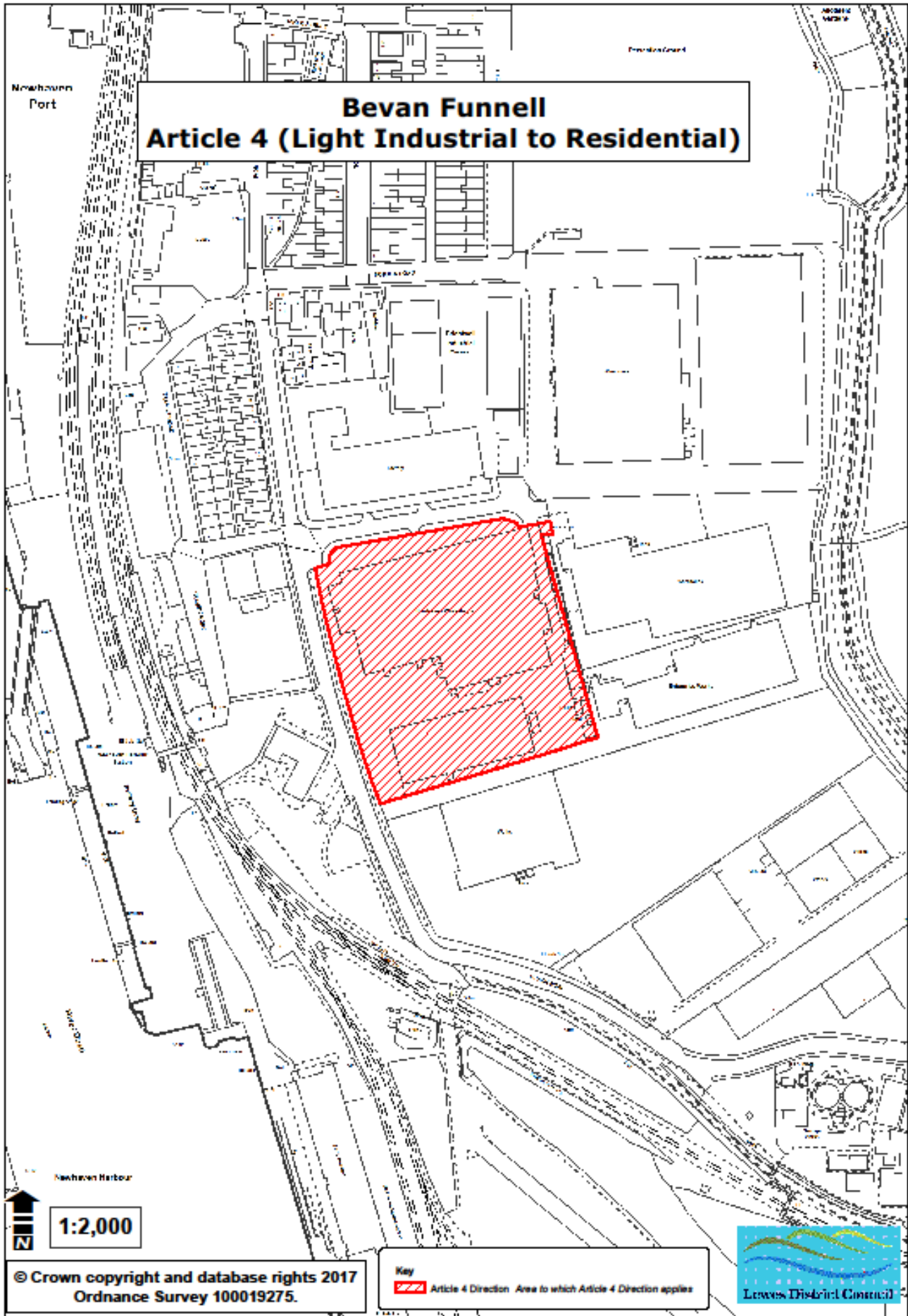


Figure 4 - Bevan Funnell

**Denton Island  
Article 4 (Office to Residential)**

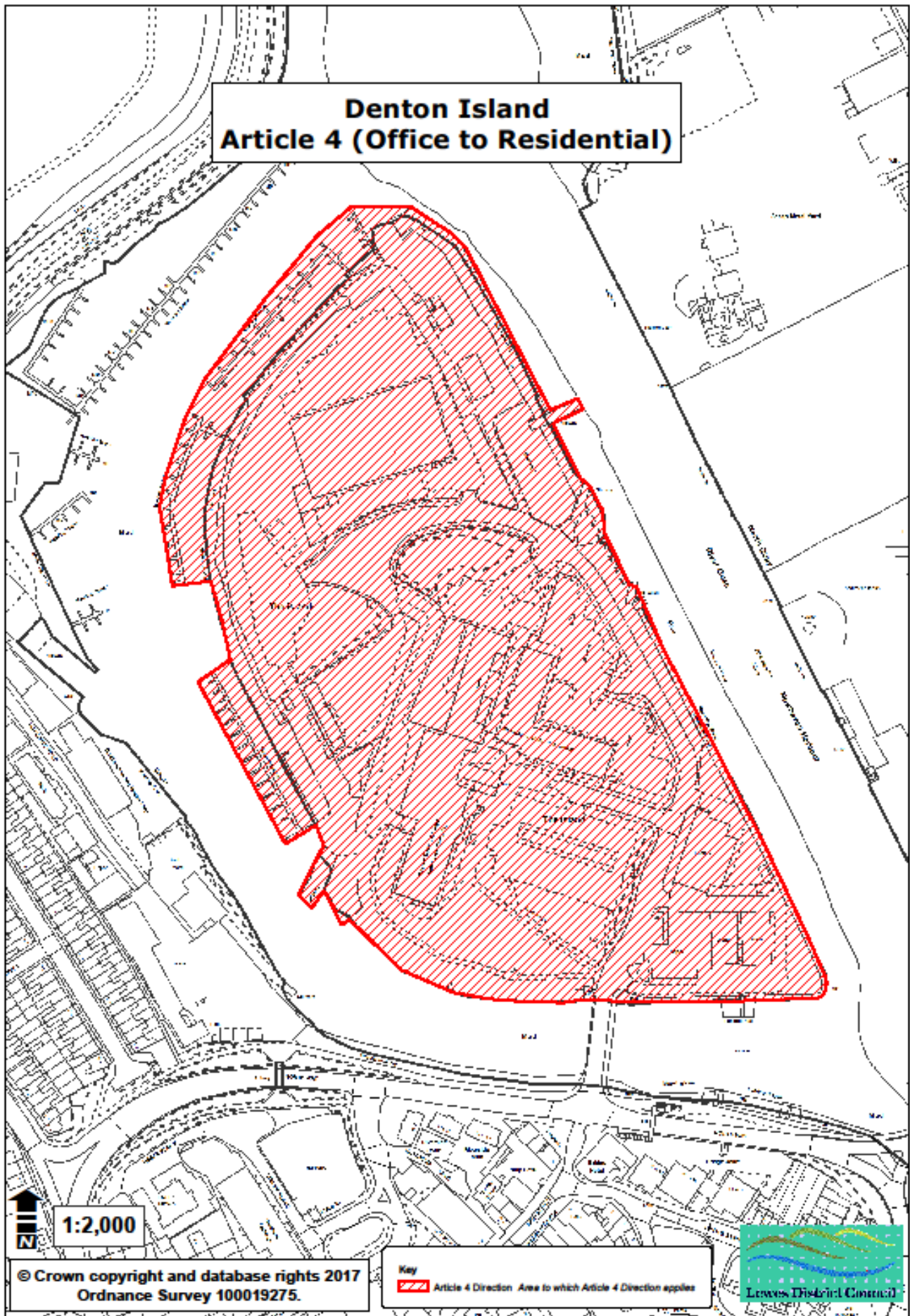


Figure 5 - Denton Island

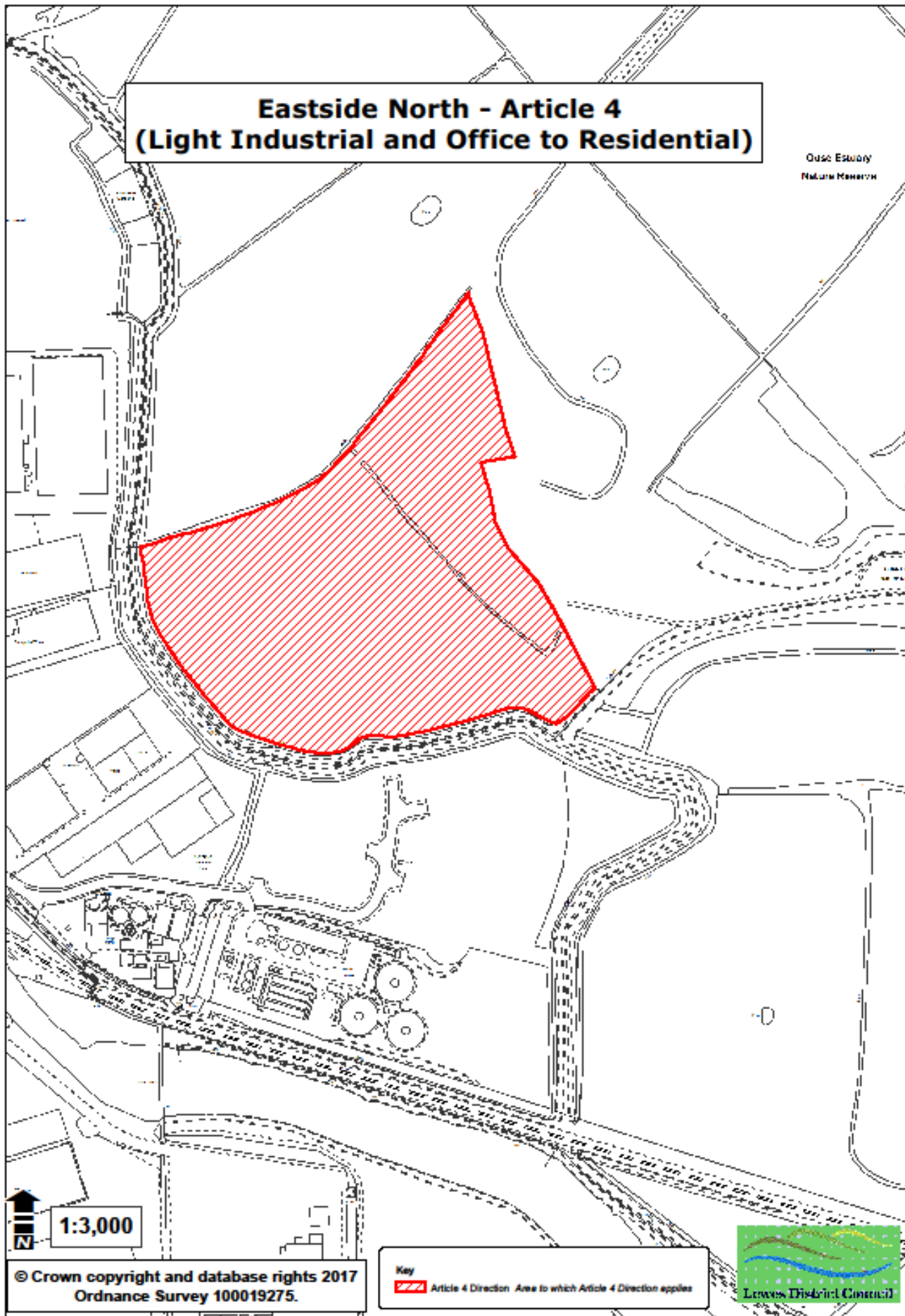


Figure 6 - Eastside North



**Eastside South- Article 4  
(Light Industrial to Residential)**

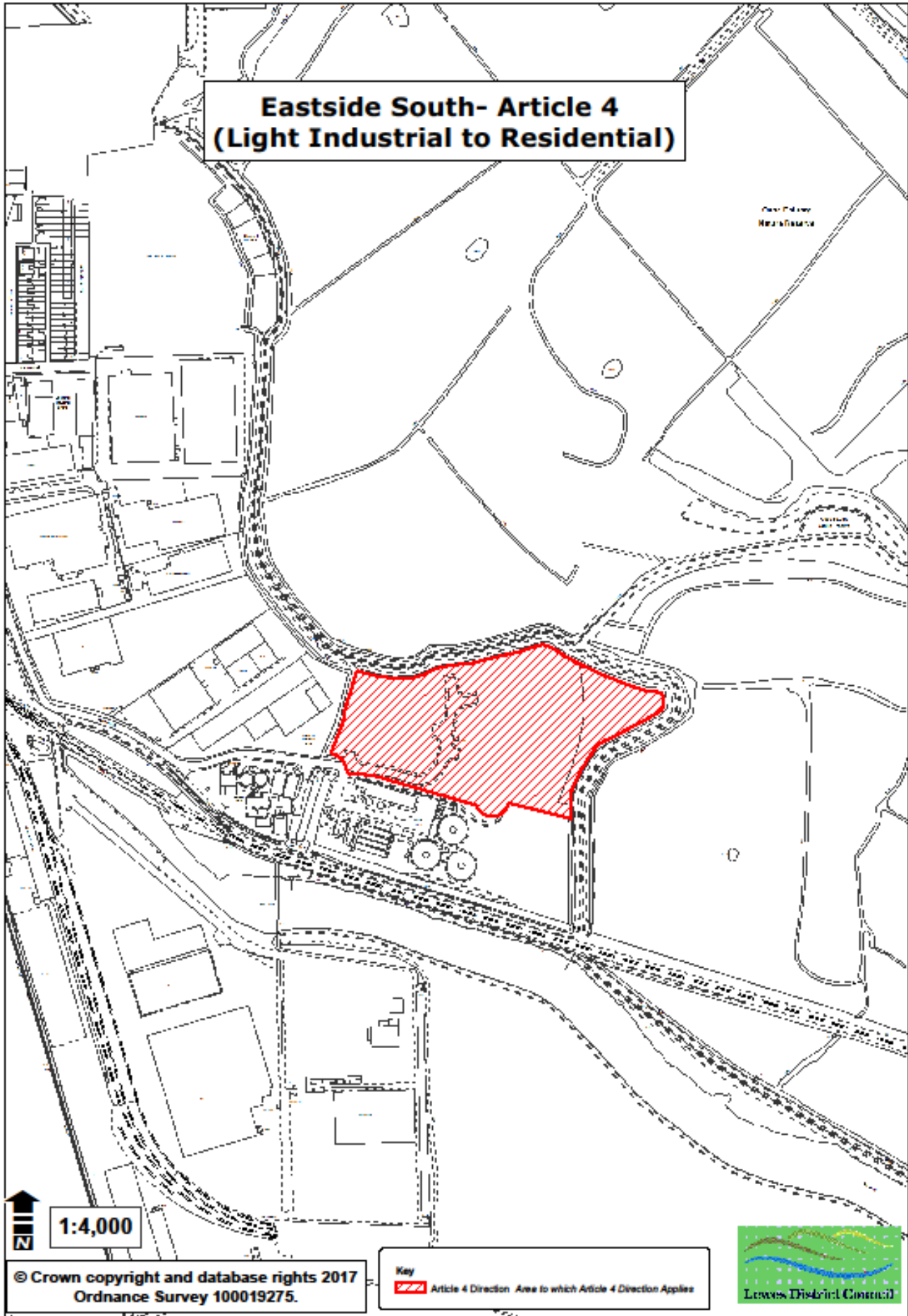


Figure 7 - Eastside South

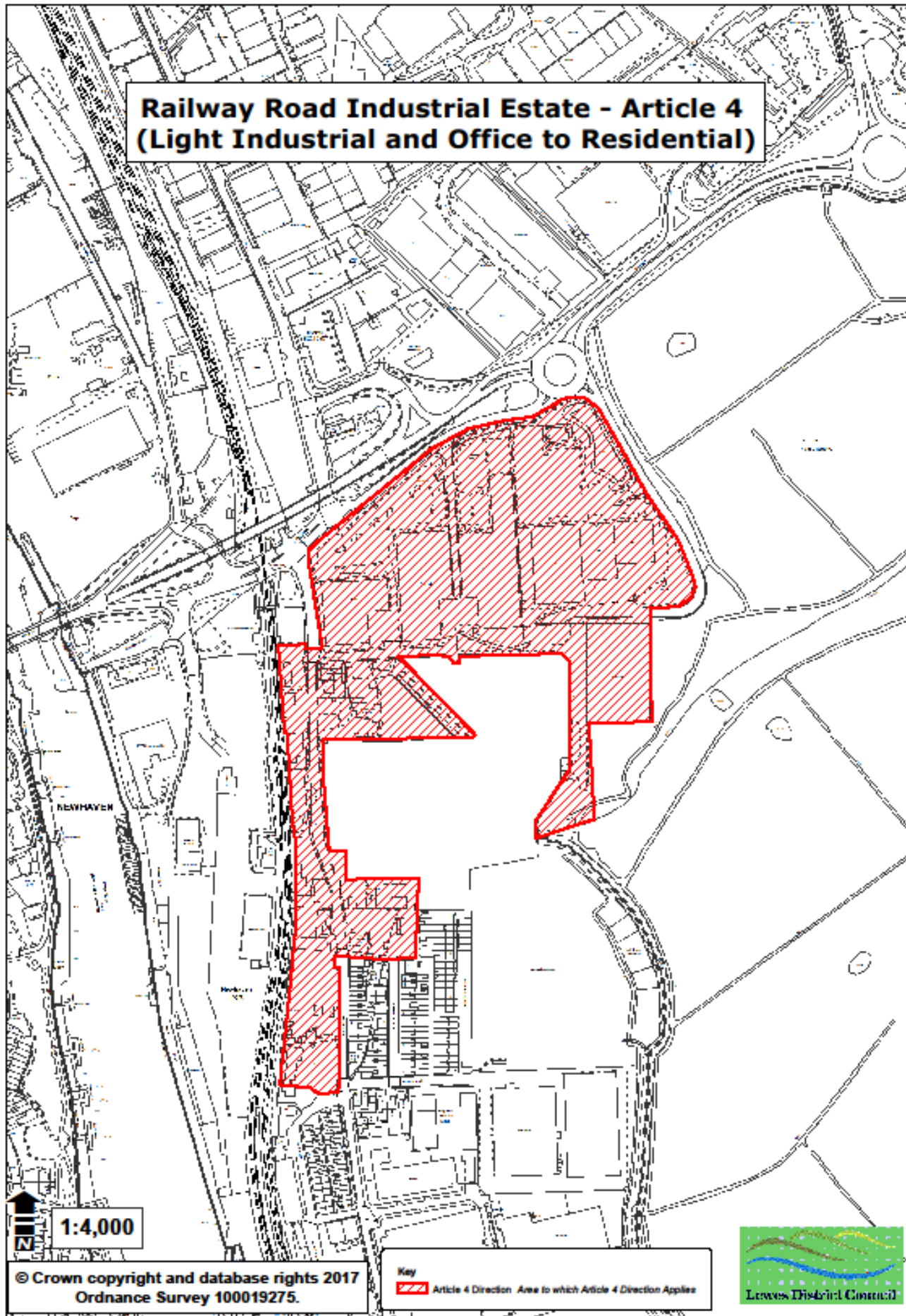


Figure 8 - Railway Road Industrial Estate



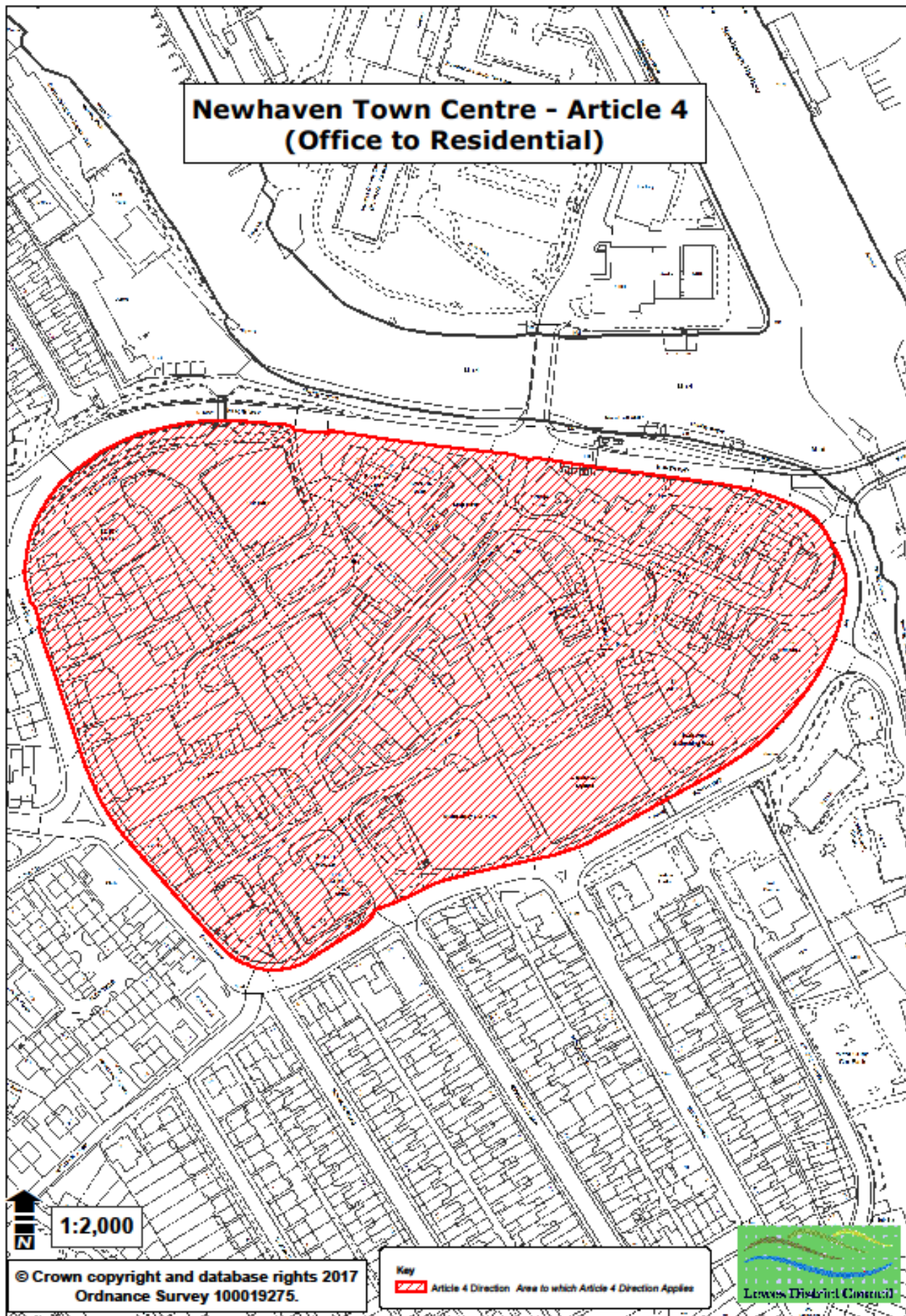
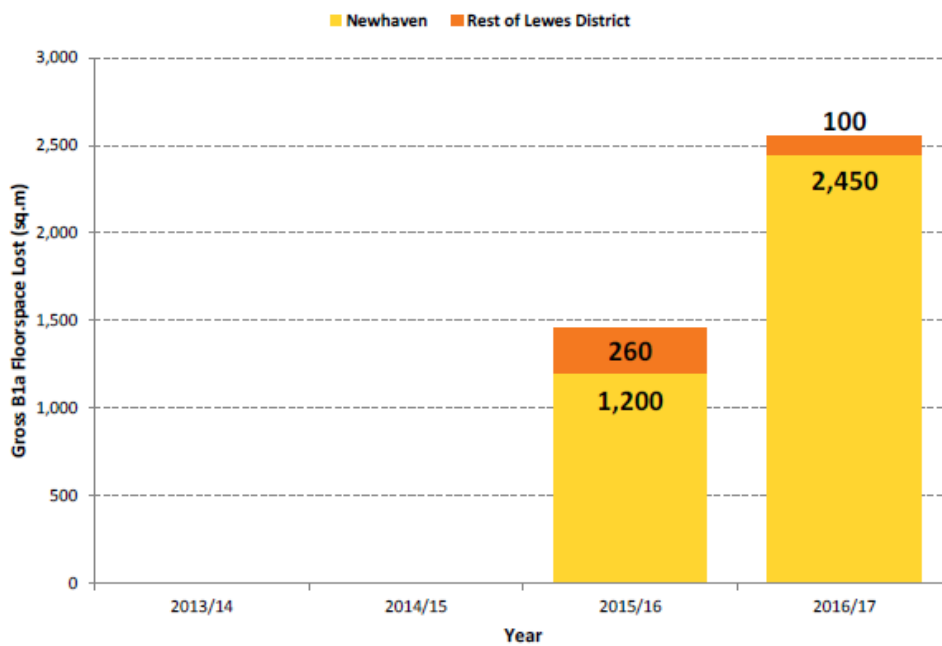


Figure 9 - Town Centre

Appendix C – Table of prior approval applications for office to residential in Newhaven

<b>Application Number</b>	<b>Address</b>	<b>Date Received</b>	<b>Status</b>
LW/16/0878	Unit 6, Kendall Court, Railway Road	05/10/2016	Prior Approval Approved
LW/16/0655	Unit 6, Kendall Court, Railway Road	01/08/2016	Application Withdrawn
LW/16/0438	Reprodux House, Norton Road	25/05/2016	Prior Approval Approved
LW/16/0397	23 Clifton Road	16/05/2016	Prior Approval Refused
LW/16/0268	Unit 4, Kendall Court, Railway Road	05/04/2016	Prior Approval Approved
LW/16/0025	Units 1 to 3, Kendall Court, Railway Road	04/01/2016	Prior Approval Approved
LW/15/0784	Units 1 to 3, Kendall Court, Railway Road	16/09/2015	Prior Approval Refused
LW/15/0511	5 Kendall Court, Railway Road	17/06/2015	Prior Approval Approved
LW/15/0417	Bevan Funnell House, Norton Road	19/05/2015	Prior Approval Approved
LW/13/0714	Units 1 to 3, Kendall Court, Railway Road	30/10/2013	Prior Approval Approved
LW/13/0586	1-3 Kendall Court, Railway Road	04/09/2013	Prior Approval Refused

Appendix D – Extract from Lichfields Report showing loss of office floorspace through permitted development rights



Source: Lewes District Council Monitoring Data / Lichfields analysis

2.41 Figure 2.17 shows that over the two most recent monitoring years, an average of just over 2,000 sq.m of office space has been converted under PDRs each year. The vast majority of converted floorspace (91.0%) has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the PDR and associated loss of office space. The data also underlines a two year time lag between the PDR coming into force and conversions of office space actually taking place in the District.

2.42 The majority of this office space that has been lost to residential through PDR has been concentrated within a small number of large premises. For example, the vast majority of converted office premises in 2015/16 relates to Bevan Funnell House on Norton Road in Newhaven (accounting for a loss of 1,200sq.m) while 1,800sq.m of the 2,450sq.m total lost in 2016/17 in Newhaven related to Reprodex House on Norton Road. Beyond these premises, other conversions have been very small in scale and number.

## Appendix E – Equality analysis report

<b>Title:</b>	<b>EZ Newhaven</b>
<b>EA Lead :</b>	<b>Peter Sharp</b>
<b>EA Team:</b>	<b>Regeneration &amp; Investment</b>
<b>Date Commenced:</b>	<b>20 January 2016</b>
<b>Target Completion Date:</b>	<b>2 February 2016</b>
<b>Reason for assessment:</b>	<b>Successful bid to establish an Enterprise Zone on eight specific sites across Newhaven</b>

### Context and Scope

#### 1. What are the main purposes and aims of the service/project/decision?

The designation of eight strategic sites across Newhaven as an Enterprise Zone will facilitate the development and growth of the local economy, creating new employment opportunities and an increased level of business investment in the town. Enterprise Zone status also fits well with the wider business support activities undertaken by LDC's Regeneration and Investment team (see Equality Analysis on Business Support).

#### 2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The impact on other organisations will vary considerably. Different sites within the Enterprise Zone will come forward for development at different times over the 25-year lifespan of the Enterprise Zone. In addition, the majority of the sites included are not in LDC's ownership. This will limit the level of involvement that LDC can play in the development of such sites – at least above ensuring that the sites are allocated for intensification of employment uses.

#### 3. How does it relate to the demographics and needs of the local community?

Newhaven has suffered from years of stagnation and decline, but retains substantial physical capacity for growth. Enterprise Zone designation has the potential to achieve high levels of additionality through accelerated development – bringing about a catalytic effect that supports increased high value business specialism and significant employment growth, as well as addressing the need for greater economic diversification.

Supported by Enterprise Zone designation, the development of the eight specific sites offers a tangible opportunity to upskill local residents. Newhaven is characterised by a lower than average skills profile, whilst Census 2011 data showed that local people are 40% more likely to have an unskilled or elementary occupation than the average resident of East Sussex.

Qualification Level	Newhaven	East Sussex	Greater Brighton
NVQ4+	18.4%	26.2%	32.1%
NVQ3	12.5%	12.0%	13.8%
Apprenticeship	3.6%	3.5%	3.0%
NVQ2	16.7%	16.8%	15.1%
NVQ1	18.3%	14.1%	12.9%
No Qualifications	25.8%	22.6%	18.3%
Other	4.6%	4.7%	4.8%

Source: Census 2011

Enterprise Zone designation will create new employment opportunities for local people, offering training and apprenticeships in high-growth sectors, as well as addressing the structural weaknesses in the town's employment and labour markets that have been identified by recent consultant's studies. The new UTC@harbourside further maximises the potential to upskill the local workforce and create new opportunities for local people.

#### 4. How does it relate to the local and national political context?

The Enterprise Zone fits well with the wider context. Newhaven has long been recognised as a key 'Opportunity Area' in strategic documents prepared by key regional bodies including both Coast to Capital and South East Local Enterprise Partnerships. Furthermore, the Greater Brighton City Deal clearly identified Newhaven as an emerging hub for the Low Carbon and Environmental Goods (LCEGS) sector – focused on renewable technologies – noting that *"investment in Newhaven has started to pay dividends, with investor interest supporting the development of the renewable energy and clean-tech sector."* Enterprise Zone designation offers the potential to capitalise on this emerging hub to deliver real growth and positive change for the town and its hinterland, through creating and sustaining a variety of employment opportunities for all local residents of working age.

#### 5. Is there any obvious impact on particular equality groups?

Impact	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant			X			X			X			X			X			X			X

#### 6. How does it help us to meet our general duties under the Equality Act 2010?

The designation of an Enterprise Zone in Newhaven will create a higher level of inward investment, leading to an increased level of employment and training opportunities for local residents. However as noted in Q7, below, it would not be prudent to make assumptions at this stage.

## 7. What is the scope of this analysis?

The scope of this analysis is very difficult to accurately identify, as the Enterprise Zone does not officially start until April 2017. We cannot make assumptions on the type of businesses that may be attracted to the Enterprise Zone, nor the type and number of employment and training opportunities that these businesses may create.

## Information gathering and research

### 8. What existing information and data was obtained and considered in the assessment?

See Q3, above

### 9. What gaps in information were identified and what action was undertaken/is planned to address them?

There are no gaps. The information available on employment and skills in Newhaven is comprehensive and so no actions are required to address.

### 10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

Informal consultations have been held with key business networks and major local landowners. This includes Basepoint (managing agents for Newhaven Enterprise Centre), Newhaven Port & Properties, Avalon Properties and RBS. A detailed marketing / engagement plan will be produced over the coming months to ensure that all local businesses and residents are fully aware of the new Enterprise Zone and the opportunities that exist to develop the local economy to create new employment, business growth and training opportunities.

## Analysis and assessment

### 11. What were the main findings, trends and themes from the research and consultation undertaken?

The key theme was that the Enterprise Zone bid was widely supported, with consultees recognising the potential economic opportunities afforded by designation.

### 12. What positive outcomes were identified?

No outcomes were identified.

### 13. What negative outcomes were identified?



No outcomes were identified.

## Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of information concerning scale of opportunities created	Monitoring once EZ is in place	Peter Sharp	N/A	April 2020	Whether employment & training opportunities are available for all groups within the EZ.

**Summary Statement**


Between 20/01/16 and 02/02/16 Equality Analysis was undertaken by Peter Sharp on the successful bid to create an Enterprise Zone in Newhaven.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

\*No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

**Approval**

Director/Head of Service	Max Woodford – Head of Regeneration & Investment
Signed	
Dated	02/02/2016

## Appendix F – Procedure for making a Non-Immediate Article 4 direction

### Notice

1. Notice must be given as soon as possible after a direction has been made:
  - a. By local advertisement (e.g. local newspaper);
  - b. By site display for at least six weeks;
    - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
    - ii. If the direction relates to a particular site, the notice must be displayed at that site.
  - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
    - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

2. The notice must:
  - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
  - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
  - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
  - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
  - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.
3. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first published or displayed. This should be sent to the National Planning Casework Unit:

[ncpu@communities.gsi.gov.uk](mailto:ncpu@communities.gsi.gov.uk)

5 St Philip's Place

Colmore Row  
Birmingham  
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

4. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
5. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
6. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

### **Confirmation**

7. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
8. A local authority must not confirm a direction until after the expiration of:
  - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
  - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
9. After confirming a direction, a local authority must, as soon as possible:
  - a. Give notice of the confirmation and the date on which the direction will come into force; and
  - b. Send a copy of the confirmed direction to the Secretary of State.

### **Cancelling a Direction**

*National Planning Practice Guidance* states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

### ***Modifying a Direction***

To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State<sup>3</sup>.



### ***Role of the Secretary of State***

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

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<sup>3</sup> Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995*, 5.

# Appendix G – Risk management implications assessment

	<h2 style="margin: 0;">Lewes District Council Online Forms</h2>	
<p>Risk Management Checklist Reference: LDC77866</p>		
<p>Fields marked * are mandatory</p>		
<h3>Risk Management Checklist</h3>		
<p><b>Your Details</b></p>		
Name*	Alec Fuggle	
Department*	Planning Services	
Telephone Number	01273 085459	
Contact Email	Alec.Fuggle@lewes.gov.uk	
Address*		
<p><b>The Report</b></p>		
Report Title*	Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning General Permitted Development) Order 2015 (as amended) in key areas identified in Newhaven.	
Report Author*	Alec Fuggle	
Meeting*	Planning Committee	
Date of Meeting*	20 Sep 2017	
<p><b>Questions Before Writing Your Report</b></p>		
<p>Questions to ask yourself before writing your report to Council, Cabinet, a Review Board or Committee:</p>		
<p>Am I preparing a report to the Planning Applications Committee that deals with an individual planning application?*</p>	No	
<p>Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?*</p>	No	
<p>Am I recommending changes to the way an existing service or project is managed, operated or funded?*</p>	No	
<p>Am I recommending a change of Council policy?*</p>	No	
<p>Am I</p>		

recommending a significant change to a Council core strategy or key service strategy?*	No
Am I reporting that a service is not meeting its service standards or objectives?*	No
Am I reporting that the Council may not be meeting its service standards or objectives?*	No

There is no need to undertake a risk assessment. You should complete your report in the standard way without any mention of risk management.

Am I preparing a progress/update report that deals with targets not being met?*	No
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Am I reporting that the Council may not be meeting its corporate objectives or responsibilities?*	No
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