

<b>COMMITTEE:</b>	<b>Planning and Licensing Committee</b>
<b>DATE:</b>	<b>9 September 2003.</b>
<b>SUBJECT:</b>	<b>Replacement Eastbourne Borough Plan 2001-2011.</b>
<b>REPORT OF:</b>	<b>Director of Planning, Regeneration and Amenities.</b>
<b>Ward(s):</b>	All
<b>Purpose:</b>	To report the representations received on the proposed modifications to the revised deposit draft Eastbourne Borough Plan 2001-2011; and seek a resolution of the Council to formally adopt the Eastbourne Borough Plan 2001-2011 for planning purposes.
<b>Contact:</b>	Dinah Elliott, Local Plan Officer, Telephone 01323 415251 or internally on extension 5251.

<b>Recommendations:</b>		<p>To recommend to Council that:</p> <ol style="list-style-type: none"> <li>1. The Eastbourne Borough Plan 2001-2011 should be formally adopted and form part of the Development Plan for the Borough, and should be used for land use planning purposes;</li> <li>2. Authorisation be given for such factual amendments as may be necessary in preparing the Plan for final publication;</li> <li>3. Authorisation be given, in light of the adoption of the Plan, for any necessary addendum to be prepared for existing adopted planning policy guidance (see paragraph 3.3 of this report).</li> </ol>
<b>1.0</b>	<b><u>Background</u></b>	
1.1	In April 2003 the Council agreed to formally advertise proposed modifications to the draft Borough Plan 2001-2011 (commonly known as the Replacement Borough Plan). The proposed modifications represent the penultimate stage in the statutory process governing preparation of a development plan and, provided there are no new issues arising from the consultation which require further exploration and possibly a further Borough Plan Inquiry, the Council can proceed to formally adopting the Plan for planning purposes.	
1.2	In considering the representations received at the proposed modifications stage the Council has a discretion whether to hold a further Borough Plan Inquiry or not.	
<b>2.0</b>	<b><u>Representations received on the Proposed Modifications</u></b>	
2.1	Appendix A of this report is a schedule of the representations received on the proposed modifications to draft the Plan, with officer responses to the objections received. In the opinion of officers none of these objections raises such substantive new issues that adoption of the draft Plan should be further delayed and it is recommended that the Council proceed to formally adopting the Plan, subject to the factual modifications indicated against certain of the objections identified on the schedule.	
<b>3.0</b>	<b><u>Plan Adoption</u></b>	

3.1	The adoption of the Replacement Borough Plan requires a formal resolution by the Council. This decision will be formally advertised, as prescribed by the Regulations governing preparation of development plans, to give opportunity for legal challenge over a six week period.	
3.2	Officers have prepared a final version of the Plan to be adopted (which has been circulated separately to members, with a copy available in reception at 68 Grove Road) and have taken the opportunity to up-date certain factual matters. They have also included the factual modifications, indicated above, in response to certain objections made to the proposed modifications. Authority is sought for any further factual modifications that may emerge as the plan is prepared for publication.	
3.3	Members will notice that in preparing the final version of the document that some policy numbers have changed due the insertion of additional policies and deletion of others at various stages in the Plan's preparation. This presents difficulties for Supplementary Planning Guidance which has been prepared whilst the Plan was in draft form. Authority is, therefore, also sought to produce addendum slips, where needed, to up-date policy references in approved guidance.	
<b>4.0</b>	<b><u>Consultations</u></b>	
4.1	Consultation on the draft Plan has been in accordance with the Regulations. This meant that the proposed modifications were advertised for two successive weeks in the "Eastbourne Advertiser" and were available at a number of locations across the Borough. They were also available on the Council's web site and letters were sent to 239 individuals and organisations who had outstanding representations on the Plan, and to 433 other interested bodies, informing them of the availability of the modifications. There is no formal requirement to consult at the adoption stage other than to advertise in a local paper and the London Gazette and serve notice on those who have asked to be notified of adoption.	
<b>5.0</b>	<b><u>Environmental Implications.</u></b>	
5.1	Attention is drawn to the sustainability appraisal which has been made of the Revised Deposit Draft Plan and the Proposed Modifications. A copy of this document, called "Sustainability Appraisal 2003", is available in the member's room. The document is required as part of the plan making process and will be included as a background paper to the Plan.	
<b>6.0</b>	<b><u>Financial Implications</u></b>	

6.1	Actions resulting from this report, such as the printing of the final proposals map and document, can be accommodated within the agreed Borough Plan budget of £30,000 for the period 2003-2004. It is not anticipated that there will be any further budget implications.	
<b>7.0</b>	<b><u>Human Rights Implications</u></b>	
7.1	The Plan has been prepared in accordance with the prescribed Regulations. Therefore there are not considered to be any human rights implications.	
<b>8.0</b>	<b><u>Other implications.</u></b>	
8.1	The Plan is considered to have a beneficial effect on crime, youth and anti-poverty considerations. There are no human resource considerations directly from the Plan's adoption.	
<b>9.0</b>	<b><u>Retrospective on the Borough Plan process and considerations for the Local Development Statement.</u></b>	
9.1	Under the Planning and Compulsory Purchase Bill, currently before Parliament, local authorities will be required to prepare a new style development plan, known as the Local Development Statement (LDS). Experience of the operation of the existing process highlights some important considerations that will need to be taken into account when work commences on the LDS (Government advice is that this Council will need to have an LDS in place within three years of the Act coming into operation, which is likely to be in April of next year).	
9.2	Financial Considerations:	

	<p>The Borough Plan has been prepared within a very tightly controlled budget. Nevertheless compliance with the statutory procedure has required a significant financial commitment. For instance, to date:</p> <ul style="list-style-type: none"> <li>· Over £4,000 has been spent on statutory public notices;</li> <li>· Over £17,500 has been spent on printing the plan and associated paperwork required for the different stages;</li> <li>· £44,000 has been spent on consultants fees for assistance in specialist area where officers do not have an expertise; and</li> <li>· Over £92,000 was spent on the Borough Plan Inquiry (the inspector's fee, the barrister's fee and for the local plan inquiry administrator).</li> </ul> <p>The Regulations for the preparation of the LDS have not yet been published by government, but given that there is a strong emphasis on involving the local community in plan preparation it can be anticipated that a significant financial commitment will still be required from the Council, probably in the same order of magnitude as under the current procedure.</p>	
9.3	Human Resource Considerations:	
	Under the current procedure local authorities are required to have in place a district-wide local plan adopted in the last five years but under the new arrangements local authorities will be required to have an LDS in place adopted within the last 3 years. (The requirement for an up-to-date development plan is an element of the Comprehensive Performance Assessment).	
9.4	The Borough Plan has been prepared in just over four years from the Council authorising work to commence in July 1999. However it should be noted that the preparation of the Plan placed significant strains on the Development Planning Section and the Inquiry, in particular, was only achieved as a result of staff good-will and out-of-office working. Clearly the reduced timeframe for preparing the LDS will have an impact on the section and the human resource implications will need to be assessed once greater information on the new system becomes available.	
<b>10.0</b>	<b><u>Summary</u></b>	
10.1	This report outlines the responses to the consultation on the proposed modifications to the Replacement Eastbourne Borough Plan 2001-2011, and seeks formal Council resolution for the Plan to be adopted. Authorisation is also sought for certain factual amendments to the Plan as it is prepared for final publication and for necessary addendum to approved planning policy guidance. A retrospective on lessons learned from the plan preparation process and the implications for the proposed new development plan process is also included.	

<b>Dinah Elliott</b> <b>Local Plan Officer</b>	
<b>Background Papers:</b>  The Background Papers used in compiling this report were as follows:  Report to Cabinet on proposed Modifications to the Revised Deposit Draft Eastbourne Borough Plan 2001-2011, 13 March 2003;  Proposed Modifications to the Eastbourne Borough Plan 2001-2011, published April 2003.  To inspect or obtain copies of background papers please refer to the contact officer listed above.	
DME/Borough Plan Adoption/Reports 2003.	

**Appendix A: Representations on the Proposed Modifications to the Revised Deposit Draft Eastbourne Borough Plan 2001-2011.**

<b>Name/Organisation</b>	<b>Representation</b>	<b>Officer Comment in respect of objections received.</b>
B & Q PLC	Object to proposed modification PMd as the allocation TC3 should not be carried over to the totality of the allocated land on the proposals map. The RL allocation denoting operational railway land should continue to apply to the eastern end.	The objector has misunderstood the revisions made at the revised deposit stage as a new allocation for operational railway land was not made. Rather the eastern section of this allocation was <u>not</u> taken out of the area shown for retail development adjacent to the railway station. In order to address the concerns raised by Railtrack the notation RL and the road access were added to the allocation shown on the proposals map to amplify i) (in policy TC3) which had been added at their request as a constraint on development.  <b>Recommendation: no further action in respect of this representation.</b>
Eastbourne College	Object to the fact that the proposed modifications do not set-out the current situation in respect of the local assessment of need for open space, sport and recreation facilities. Would wish to have an opportunity to express a view prior to incorporation in the Plan.	The objector has misunderstood the inspector's recommendation in paragraph 12.6 of his report- he says the text should be updated at the " <u>time of going to print.</u> " This is the final adopted version of the Plan not the proposed modification stage.  The objector is advised that work has commenced on the local

East Sussex County Council	No formal objection to the proposed modifications	
English Heritage	Objects to modification 5e (policy UHT 18) on the grounds that the extent of protection provided to the policy, as modified, would be limited to that relating to alterations and extensions. There is no longer any policy guidance in relation to loss of listed buildings through demolition.	<p>The limitations to the policy as proposed to be modified are accepted but it needs to be understood that controls exercised through other legislation (in this case listed building consent) are not to be duplicated in a Local Plan.</p> <p><b>Recommendation: it is proposed that supporting text in paragraph 5.35 should be modified to read.....”There is therefore a general presumption in favour of their preservation, <u>except where a convincing case can be made out. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on the Council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”. The criteria laid down in PPG15... This is considered to be a factual change to the document.</u></b></p>

English Nature	No further comments on these modifications	
FES (formerly ETSU)	Welcome modifications 3e, 3f and 3g.	
Government Office for the South East	<p>Pleased to see the progress made to date and would encourage plan adoption as soon as possible now. One concern is over second part of policy HO12 as it is contrary to guidance in PPG3:Housing (paragraph 58). Ideally the part commencing “In exceptional circumstances..” should be deleted but are conscious of the need to get on and quickly adopt the Plan. Therefore, suggest a qualifying footnote that this matter will be addressed through a future review of the Plan.</p>	<p>It is recognised that the more stringent interpretation of PPG3 following, in particular, government guidance about residential densities in the South East means that an element of this policy does not comply. However instances where this policy provision is likely to prevail are considered to be extremely rare.</p> <p><b>Recommendation: it is proposed to add a footnote to policy HO12 acknowledging that this element of the policy does not comply with policy and that this will be rectified in a future review of the Plan.</b></p>
Network Rail (formerly Railtrack)	Maintain their objection to the 15 unit threshold for seeking affordable housing contributions (policy HO14) and seek specific recognition within the policy to the infrastructural and other costs associated with railway development in assessing the economics of provision.	<p>The inspector thoroughly considered the level at which the threshold for affordable housing contributions should be set and it is not appropriate at this stage in the plan preparation process to reopen this discussion.</p> <p>It would not be appropriate to include within the policy a specific cost disclaimer for railway land-negotiations are made on a site specific basis and an any exceptional circumstances would be taken into account at this stage.</p> <p><b>Recommendation: no further action in respect of this objection.</b></p>
Orange Personal Communication Services Ltd.	First deposit objections withdrawn as largely incorporated into the proposed modifications.	
Sussex Downs Conservation Board	Support modifications 3b, 3f, 3g, 3i, 3k, 4a,8i,13j, 13k	

T-Mobile UK	Support proposed modifications 13j-13o and policy US8.	
Unilever Pension Fund	<p>Object to Appendix A, Table 1 of the proposed modifications in respect of Town Centre Shopping Areas and Acceptable proportions of Frontages in Non A1 Use. Consider proportions given to be arbitrary and unjustified under the guidance of PPG6. Without prejudice to this objection they consider that if a percentage is to be given it should be for the primary shopping as a whole.</p>	<p>It is not considered that the approach taken is contrary to PPG6. In particular attention is drawn to paragraph 6 of Annex B (Development Plans) – the approach adopted is considered to be fully consistent with this advice. Indeed the inspector made no recommendation for change to paragraph 10.23 which separates the secondary area into a number of different areas or to policy TC5 which is an essential component of the overall approach the Council is adopting to ensure the vitality of the town centre. Indeed the inspector made no recommendation in respect of paragraph 15.10 (target 8) which sets a target for retention of class A1 uses in the primary retail area of the shopping centre. To achieve this overall target it is important to recognise that the primary shopping area is not homogenous and different considerations apply (this is why the sub-areas have been identified).</p> <p><b>Recommendation: no action to be taken in respect of this objection.</b></p>

W M Morrison Supermarkets	Object to modification policy 10c which incorporates residential and leisure elements in the mixed use scheme on land at the western end of Terminus Road. They consider provision should be made in the context of need and that there is a priority need for retail floorspace. Therefore, seek the policy to be more flexible by adding to the proposed modification “where appropriate”.	It is considered that an objection to residential and leisure elements should have been made at the revised deposit stage of the Plan. Paragraph 10.21 makes specific reference to residential and leisure elements being appropriate in the proposed mixed use development and the inspector recommended that this should be continued over into the policy.  <b>Recommendation: no further action in respect of this objection.</b>
Wealden District Council	Support modifications 7c, 7e, 7f and 12g	