

APPENDIX

REPRESENTATIONS MADE BY EASTBOURNE BOROUGH COUNCIL

Representation	East Sussex County Council Response	<u>Amendments Made</u>
<p>As a result of concerns expressed by Officers, further amendments to the Draft Supplementary Planning Guidance (SPG) should be sought.</p> <p>East Sussex County Council should consult again on a Revised draft prior to adoption of the SPG.</p>	<p>The County Council has been and continues to be in close consultation with the District Councils on the development of the SPG.</p>	<p>None.</p>
<p>Whilst there is merit in the County's document being restricted only to County Council services, greater recognition needs to be given to other contributions likely to be sought, such as affordable housing and open space. How the priorities will be determined between all of the competing demands will be a key issue for taking forward implementation proposals for the SPG.</p>	<p>The SPG clearly states that it is specifically concerned with the County Council's own infrastructure requirements. It helpfully signals the potential additional requirements of the District Councils and other public agencies in Part 1 and provides a detailed, comprehensive list of potential requirements together with contact information in Appendix 1. Decisions on the priorities between County Council infrastructure needs and other infrastructure requirements will be a matter for the LPA to determine in consultation with the County Council.</p>	<p>A protocol between the County and Districts, which includes procedures for reconciling priorities, is proposed.</p>
<p>Identified Stress Areas should be more explicitly set out – a series of maps would give greater clarity and certainty to developers.</p>	<p>Concerns over lack of detail of the geography of Stress Areas are recognised.</p>	<p>Provide greater detail on geography of Stress Areas wherever possible, in future versions of the SPG.</p>
<p>Thresholds set are significantly below the 15 dwellings we operate for affordable housing and outdoor playing space – this would have significant implications on the Council's planning and legal resources and gives the impression that County Council services are more important than other considerations the Borough Council may have. How were thresholds derived and what sensitivity analysis was carried out? Question how well thresholds would stand up to scrutiny at appeal.</p>	<p>The SPG does note that even small scale development will have an impact on facilities and cumulatively this can be as, if not more, significant than large developments. In setting the thresholds, the SPG has sought to strike the optimal balance between equity (ensuring that the cost of supporting infrastructure provision is shared fairly between all relevant development) and administrative efficiency (ensuring the operation of the SPG does not over-burden development control services). The choice of thresholds has been</p>	<p>Amend text to explain derivation of proposed thresholds.</p> <p>Amend text to introduce across the board minimum development threshold of 15 dwellings for all contribution types except non-accessibility charge measures but providing for Districts that wish to use a lower threshold to do so.</p>

<p>Concerned about issues of viability – professional expertise will probably be needed to make assessments and Development Control Officers will be required to enter into complex negotiations on quite small schemes. Clarification is sought as to whether the County Council is going to provide the expertise and then rapidly prepare the agreements on our behalf. In addition, has any testing been undertaken to assess the practical impact on the local property market?</p>	<p>The County Council acknowledges the necessity to secure professional guidance to test viability claims and is exploring how best to achieve this. The necessity to improve the processing of planning obligations is accepted and a protocol for agreement amongst the East Sussex authorities is proposed. Recent experience in trying to secure development contributions from major schemes has informed the preparation of the SPG.</p>	<p>A protocol between the County and District Councils on the implementation of the SPG is proposed which will include procurement of valuation services to assess development viability claims.</p>
<p>Have significant concerns about the implications of the guidance for this Council. Particularly concerned about the significant increased workload that would occur as a result of the guidance and the potential for grinding the planning system to a halt.</p>	<p>To address concerns over the impact of the SPG on Districts' DC performance, it is proposed to raise the SPG's general development threshold to 15 dwellings and develop with the District Councils a protocol for the SPG's implementation.</p>	<p>Amend text to introduce across the board minimum development threshold of 15 dwellings for all contribution types, except non-accessibility charge measures but providing for Districts who wish to use a lower threshold to do so. A protocol between the County and District Councils on the implementation of the SPG is proposed. The latter could include detailed arrangements for :</p> <ol style="list-style-type: none"> 1. Screening pre-application and application proposals for potential development contribution implications. 2. Negotiation of development contributions. 3. Impact of development contributions towards County Council infrastructure on development scheme viability. 4. Reconciliation and departure procedures. 5. Transparency. 6. Means of securing development contributions. 7. Monitoring, auditing and release of development contribution funds. 8. Contents of planning obligation. 9. Technical support at appeals to defend SPG requirements.

<p>From a Highways point of view, the introduction of a more formal approach to developer contributions is welcomed. Clarification is sought as to what would happen if the Highway Authority would request certain infrastructure requirements which were not considered appropriate by the Borough Council's Planning and Licensing Committee.</p>	<p>Support for principle noted. Subject to statutory procedures, the final decision on the treatment of a planning application rests with the LPA. This includes judgements over the appropriateness of requested measures by the Highway Authority. The County Council simply requests that it be re-consulted where the LPA is minded to require less than that requested by the Highway Authority. It is proposed to codify this in an appropriate protocol.</p>	<p>A protocol between the County and Districts which includes consultation arrangements is proposed.</p>
<p>There would appear to be a significant overlap between the County Council's and Borough Council's responsibility for economic development. Clarification is sought as to how the County Council would seek implementation of the contribution involving loss of viable employment land, as this is over and above Borough Plan policy and not specifically prescribed within the relevant Structure Plan policies identified within the document.</p>	<p>Although not explicitly stated, seeking compensatory provision for loss of viable employment land is an implicit option (e.g. B&Q Sovereign Harbour). The County's economic development focus is inherently more strategic in nature than that of the Districts: to identify and implement strategic projects to improve the performance of the East Sussex economy and provide a lead for economic and community regeneration within the County; to provide support to partners and partnerships in strategic project management, helping to ensure that outcomes are delivered, meeting County Council and County-wide targets; to assess funding for strategic projects to ensure sustainable project delivery; to support the alignment of County Council policy and service delivery with the economic development and regeneration needs of East Sussex; to engage with regional, national and European partners to ensure that East Sussex's needs and opportunities are understood and prioritised, with targeted policies, programmes and funding.</p> <p>The County is less concerned with the details of individual development proposals and their implications. The Districts more appropriately address these. The County's strategic role in this SPG is to raise economic development issues in relation to development proposals as they impact on strategic economic development concerns and priorities. The District Council would be expected to lead on mitigation packages, within the context of the County's strategic framework, required to secure these through their own legal agreements. The County will only be exceptionally involved in the detail</p>	<p>Amend text to clarify strategic role of County Council.</p>

<p>It is noted that where a decision to relax the requirement of the guidance is made, the planning application should be treated as a departure to the development plan. As there are many brownfield sites within the Borough, there will be numerous instances where relaxation is considered to be appropriate. However, this will again have resource implications, particularly if these sites would need to be advertised.</p> <p>Seek further reassurances that funds raised in Eastbourne will be used within the town or to be of direct benefit to the town.</p>	<p>Paragraph 2.53 of the document provides information on departures and states that it is for the determining planning authority to decide when to relax the guidance. The County Council would however wish to be fully consulted in all cases where issues of development viability might have implications for any contributions sought towards the provision of County Council services or infrastructure.</p> <p>Wherever possible, monies raised will be spent within the Town. When funds are to be spent on a County-wide/strategic improvement, the works would still benefit the Town.</p>	<p>Text of draft document was amended to further explain the departure process.</p> <p>Noted.</p>
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