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| <b>COMMITTEE:</b>       | <b>Cabinet</b>  |
| <b>DATE:</b>            | <b>10 April 2002</b>  |
| <b>SUBJECT:</b>         | <b>Draft 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 detail the responses to consultation on the Revised Deposit Draft Borough Plan, and to highlight some other issues for resolution before commencement of the Local Plan Inquiry.   |
| <b>Contact:</b>         | Dinah Elliott, Local Plan Officer, Telephone 01323 415251 or internally on extension 5251.  |
| <b>Recommendations:</b> | <ol style="list-style-type: none"> <li>1. To authorise officers to appear and give evidence on behalf of the Council at the Local Plan Inquiry commencing 11 June 2002.</li> <li>2. To agree that the modifications set-out in Appendix A should be recommended to the Inspector undertaking the Local Plan Inquiry and thereafter subject to the formal modifications procedure following the inquiry.</li> <li>3. To authorise the Chairman of Planning and Licensing Committee or, in his absence, the Deputy Chairman of Planning and Licensing Committee, to approve further modifications up to and during the course of the Local Plan Inquiry as and when they arise, which would then be subject to the formal modifications procedure following the inquiry.</li> <li>4. To adopt the policies set-out in Appendix B for development control purposes.</li> <li>5. To agree the officer responses to the representations received and summarised in the Consultation Statement on the Revised Deposit.</li> </ol> |
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| <b>1.0</b> | <b><u>Introduction</u></b>  |
| 1.1        | The Draft Eastbourne Borough Plan was placed on Revised Deposit for public comment for a six week period commencing 7 November 2001. This report details the response to this consultation and highlights some other issues for resolution before the Local Plan Inquiry commences on 11 June 2002.   |
| <b>2.0</b> | <b><u>The Revised Deposit Consultation</u></b>  |
| 2.1        | A Statement on the Revised Deposit Consultation has been prepared and is circulated with this agenda. The statement lists 42 objections to the revisions made to the draft Plan, with an officer response to each, together with 54 supporting representations. (Copies of the objections made are available in the member's room).   |
| 2.2        | In addition a number of representations were received which, it is considered, could not in the particular circumstances, be treated as valid at the Revised Deposit stage; these representations related to matters within the draft Plan which had not been revised. These representations, together with an officer response, are also listed in the Consultation Statement.   |
| 2.3        | Very few of the 42 objections received raised substantive issues which cannot be resolved by minor modifications to the draft Plan. These modifications are listed in Appendix A of this report, together with some other minor modifications that have arisen in the course of working with the Revised Deposit Draft. Authorisation is sought for these modifications to be recommended to the Inspector appointed to hear the Local Plan for inclusion as modifications to the Plan, which would then be subject to the formal modification process following the inquiry. |
| 2.4        | Every individual and organisation who had made representations on the First Deposit Draft of the Plan was contacted to establish whether their concerns had been resolved by the revisions made to the draft Plan. As a result 432 representations have been withdrawn (nearly 42% of the 1039 representations received on the First Deposit Draft).  |

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| 3.0 | <b><u>The Local Plan Inquiry</u></b>   |
| 3.1 | <p>The Local Plan Inquiry is scheduled to commence on 11 June and formal authorisation is now sought for officers to present this Council's case on those representations which have not been resolved to the satisfaction of the objector. At the present time 148 representations will be presented verbally to the Inspector and a further 302 written representations will also be considered by him. 218 supporting representations will also be reported but not considered by the Inspector. However it should be noted that previous experience shows that these figures are likely to change as the Inquiry commencement date approaches.</p>   |
| 3.2 | <p>During the course of the Local Plan Inquiry there may be instances where revisions to the draft Plan may be agreed that can meet both the concerns of objector's and satisfy the Council's objectives. It is, therefore, suggested that the Chairman of Planning and Licensing Committee, or in his absence the Deputy Chairman of Planning and Licensing Committee, be authorised to approve such revisions, where necessary, which would then be subject to the formal modification process following the inquiry.</p>  |
| 4.0 | <b><u>Planning Policy</u></b>  |
| 4.1 | <p>As a result of the successful resolution of a number of the representations received on the First Deposit Draft, it is possible to identify a number of policies in the Draft Plan that can be formally adopted as planning policy for the purposes of development control, because they have not been objected to and because they will not be challenged at the Local Plan Inquiry. These are listed as Appendix B to this report. As a result of the modifications suggested in Appendix A it is anticipated that additional policies could be added to this list before the Local Plan Inquiry. These additional policies would also be subject to Council approval before being added to the list.</p> |
| 5.0 | <b><u>Other Issues</u></b>   |

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| 5.1        | <p>Representations by the Highways Agency:</p> <p>6 representations by the Highways Agency were reported in the Statement on the First Deposit Consultation concerning the impact of proposed housing and business developments on the trunk road network. At that time it was not possible to formally respond to their concerns as on-going discussions were exploring the issues further.</p>               |
| 5.2        | <p>Following negotiations with the Highways Agency and others, the Agency has decided to withdraw their objections.</p>  |
| <b>6.0</b> | <b><u>Consultations</u></b>  |
| 6.1        | <p>The Consultation Statement accompanying this report sets-out the approaches taken to consult on the Revised Deposit Draft Plan. In addition the Scrutiny Committee of 18 February and the Planning and Licensing Committee of 12 March were also consulted on the Revised Deposit Draft in line with Council Standing Orders. Both Committees resolved to commend the revisions made to the draft Plan.</p> |
| <b>7.0</b> | <b><u>Human Resource and Financial Implications</u></b>  |
| 7.1        | <p>It is considered that the Local Plan Inquiry can be undertaken within the budget agreed at Cabinet 26 September 2001 except for the specialist advice needed for defending policy TR15 – New Lorry Park. The extra finance required for this is included in another report on the Agenda.</p>   |
| 7.2        | <p>In human resource terms the Inquiry will generate a significant amount of work to be delivered to tight deadlines. This work can be accommodated within existing resources but will necessitate prioritising of other work commitments, with less important work delayed until the early Autumn.</p>  |
| <b>8.0</b> | <b><u>Other Implications</u></b>   |

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| 8.1   | Environmental: It is intended that the Plan should make a major contribution to maintaining and enhancing the Borough's environment. Sustainable development is the primary principle of the Plan.  |
| 8.2   | Anti-poverty; the Plan is seeking to provide for a stronger local economy which should benefit all sections of the Community.   |
| 8.3   | Youth: there are a number of policies and proposals in the Plan which may assist young persons.   |
| 8.4   | Human Rights: the Human Rights considerations in respect of the draft policies and accompanying text of the Revised Deposit Borough Plan have been taken into account.  |
| 8.5   | Community Safety: there are policies in the draft Plan which will have a beneficial effect on improving community safety.   |
| <b>9.0</b>  | <b><u>Summary</u></b>   |
| 9.1   | This report details the responses to consultation on the Revised Deposit Draft Borough Plan, and highlights some other issues for resolution before commencement of the Local Plan Inquiry on June 11th. Agreement is sought on a list of modifications to be recommended to the Inspector undertaking the Inquiry, which would then be subject to the formal modifications procedure following the inquiry and also that policies which will not be challenged at the Inquiry be adopted for development control purposes. |
| <b>Dinah Elliott</b><br><br><b>Local Plan Officer</b> |   |
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| <p><b>Background Papers:</b></p> <p>The Background Papers used in compiling this report were as follows:</p> <p>Eastbourne Borough Plan 2001-2011: Report to Cabinet 26 September 2001.</p> <p>Eastbourne Borough Plan 2011-2011, Revised Deposit Draft (November 2001)</p> <p>Revised Deposit Eastbourne Borough Plan 2011-2011: Report to Scrutiny Committee 18 February 2002.</p> <p>Revised Deposit Eastbourne Borough Plan 2011-2011: Report to Planning and Licensing Committee 12 March 2002.</p> <p>Draft Eastbourne Borough Plan 2011-2011: Statement on the First Deposit Draft Consultation (November 2001)</p> <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p> |  |
| DME/Cabinet 10 April   |  |
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**List of Proposed Modifications to be Presented to the Inspector appointed to Hear the Local Plan Inquiry**

| Paragraph/Policy | Proposed Modification   | Reason Modification Proposed                |
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| 3.14             | Insert at the end of para 3.14 " Composting has the potential to generate bioaerosols, exposure to which can cause harm to human health, for example by causing respiratory problems. Consequently planning applications for composting facilities should be supported by a site specific risk assessment in order to demonstrate that bioaerosol levels arise and can be maintained at an appropriate level at any dwelling or workplace within 250 metres of the boundary of the facility." | Response to representation NE6//369/7055R   |
| Para 3.21        | Add footnote referring to regional resource assessment undertaken for GOSE.   | Response to representation NE3.21/358/5680. |

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| NE12   | Revision 3/64 delete "(See policy D1)". Insert new sentence "All renewable energy projects within the AONB will be required to comply with policy D1 of this Plan".  | Response to representation NE12/505/7090R                               |
| NE3.26 | Insert " With regard to new residential development and former landfill sites which are known to be gassing" before "Government Advice" in revision 3/86   | Response to representation NE3.26/369/7056R                             |
| NE15   | Insert "and identified" after "risk should be assessed" in revision 3/88   | Response to representation NE15/369/7057R                               |
| 3.33   | Insert in para 3.33 after first sentence " However in appropriate circumstances the Borough Council will consider designating local nature reserves". Last sentence insert "community and" before " biodiversity resources". Add to end of last sentence "(eg public wildlife viewing facilities and wildlife habitat enhancement)". | Consequential modification as a result of representation NE18/383/7014R |
| NE18   | Delete second sentence "Public wildlife viewing facilities....."   | Response to representation NE18/383/7014R                               |
| NE26   | Insert "and sea defence" after " existing coastal protection" in revision 3/136. Add to end of revision 3/136 "where such protection would be in accordance with the Shoreline Management Plan".   | Response to representation NE26/369/7058R                               |
| D4     | Insert bullet "e) where appropriate landscaping is provided"   | Response to representation D4/368/5782                                  |
| HO2    | Amend proposals map to include the Ocklynge Chalk Pit, Willingdon Road, within the predominantly residential area.   | Response to representation HO2/349/7093R                                |

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| HO4      | Requirement for affordable housing should be deleted for the Swallow's Nest, Friday Street site.   | This site does not fall within the threshold for affordable housing contributions and the requirement should have been deleted at the revised deposit stage.   |
| HO14     | Second para., bullet b) should read 'Windfall' sites: a maximum of 30% of affordable units will be sought on all sites of 15 or more dwellings   | Overlooked consequential revision which should have been made at Revised Deposit stage.  |
| BI 2     | Delete revision 7/21 " and appropriate facilities for waste recycling or reprocessing".  | Consequential modification as a result of representations<br>BI4/345/7085R and BI5/345?7086R   |
| Para 7.6 | <p>Allocations in adopted Plan for Eastbourne should read 48,700 square metres not 48,7000</p> <p>Amend figures for South Wealden to read</p> <ul style="list-style-type: none"> <li>· Completed 18175m<sup>2</sup></li> <li>· Commitments 27900 m<sup>2</sup></li> <li>· Total 68263m<sup>2</sup></li> </ul> <p>Delete 182,026 insert 161,674m<sup>2</sup></p> <p>Page 100, second line insert after 7.4 hectares, "estimated 20,000m<sup>2</sup></p> <p>Add new para 7.16a " Structure Plan policies E5 and W9 indicate that industrial or semi-industrial sites are generally suitable for waste management/recycling uses. Such uses will be supported where a need can be demonstrated, where they would be environmentally acceptable and would not conflict with other site specific policies of this Plan"</p> | <p>Typographical error</p> <p>Response to representation<br/>BI7.16/345/7084R</p> <p>Response to representation<br/>BI7.16/345/7084R</p> <p>Response to representation<br/>BI4/345/7085R and BI5/345/7086R</p> |



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| BI4       | <p>Delete revision 7/28 (or appropriate facilities for waste recycling or reprocessing)</p> <p>Delete revision 7/30 (unless it can be demonstrated that the proposed use would not limit the range and quality of sites available for employment purposes)</p> <p>Revision 7/36 delete 9218 square metres, insert 4860 square metres</p> | <p>Response to representation BI4/345/7085R</p> <p>Response to representations BI4/345/7085R;</p> <p>BI4/367/7019R</p> <p>Factual error</p> |
|           | Delete entry for "Land at Fort Lane (EB/1995/0570)" and "320 square metres"  | Factual change, consent no longer current   |
| BI5       | Delete revision 7/39 (or appropriate facilities for waste recycling or reprocessing)   | Response to representation BI5/345/7086R  |
| TR13      | Delete first sentence "During the plan period the need for park and ride facilities will be kept under review with a view to early implementation of appropriate facilities."  | GOSE have highlighted this as a statement of intent, which should not be included in a policy.  |
| TR16      | <p>Insert "and policy NE21" after "policy NE20" in revision 8/69</p> <p>Insert after "UHT4);" setting of the AONB"(Policy UHT3" in revision 8/69</p>   | <p>Response to representation TR16/369/7059R</p> <p>Response to representation TR16/505/7091R</p>   |
| TR17      | Insert "and policy NE21" after "policy NE20 in revision 8/70   | Response to representation TR17/369/7060R   |
| Para 8.33 | First sentence to commence "In the longer term a <u>gyratory</u> system.."   | Typographical error   |

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| TC2a       | Insert at end of para 10.15a "it will be a requirement that any additional off-street provision is managed in accordance with the relevant adopted parking strategy in order that wider transport objectives are not undermined".   | Response to representation<br>TC2a/367/7020R     |
| TC10.23a   | Insert "rather than a concentration" after "a spread of large venues" in revision 10/24   | Response to representation<br>TC10.23/46/7001R   |
| Para 12.32 | Delete last sentence of revision 12/60, insert new sentence "A suitable site will be identified within the Plan period in the area in conjunction with Wealden District Council and the County Council."  | Response to representation<br>LCF12.32/345/7087R |
| LCF15      | Delete last sentence "Any permission will be subject to a requirement for a travel plan, and implementation of 'safe routes to school'(see policies TR3 and TR10)"  | Response to representation<br>LCF15/367/7053R    |
| US2a       | Amend policy as follows<br><br>"Surface Water Disposal and Foul Sewage Disposal Infrastructure.<br><br>Development will only be permitted where adequate sewage treatment, foul sewerage and surface water drainage infrastructure are available, or can be made available with appropriate phasing of development...." | Response to representation<br>US2a/369/7062R     |
| US13.12    | At end of para "Proposals for development within areas at risk of flooding should be supported by a flood risk assessment, in accordance with paragraph 20 and Appendix F in PPG25"   | Response to representation<br>US13.12/369/7063R  |

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| US13.13 | In revision 13/26 delete "enables" insert "which has enabled" and add to end of revision "in order to facilitate future development"  | Response to representation US13.13/369/7064R  |
| US13.16 | In revision delete all of sentence from "as annual rainfall" and insert "in accordance with guidance laid down in PPG25"  | Response to representation US13.16/369/7065R  |
| US3     | Second paragraph to commence " Within the Willingdon Levels catchment area..."  | Overlooked consequential revision which should have been made at Revised Deposit stage. |
| US4     | Delete "Developments which would be detrimental to the integrity of tidal and sea defences will not be permitted"<br><br>Insert new policy US4a: "Integrity of Flood Defences"<br><br>Development which would be detrimental to the integrity of fluvial, tidal and sea defences will not be permitted" | Response to representation US4/369/7066R  |
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**Revision to Proposals Map:**

In response to representation UHT21/349/5633 Ocklynge Chalk Pit to be excluded from the archaeologically sensitive area.

In response to Planning and Licensing Committees decision to amend the detailed boundary of the Site of Nature Conservation Interest E1 – Langney Levels - the position of the notation symbols to be slightly adjusted to better reflect the designated site.

| <b>Appendix B</b> | <b>List of Policies which will not be challenged at the Local Plan Inquiry.</b> |
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| NE5               | Minimisation of construction industry waste                                     |
| NE7               | Waste minimisation measures in residential development                          |
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| NE8   | Reprocessing industries                  |
| NE10  | Bedfordwell Road Depot                   |
| NE16  | Contaminated Land                        |
| NE22  | Nature Conservation of other sites       |
| D5    | Change of Use of agricultural buildings  |
| UHT1  | Design of New Development                |
| UHT3  | Setting of AONB                          |
| UHT4  | Visual Amenity                           |
| UHT5  | Protecting walls and landscape features  |
| UHT7  | Tree Planting                            |
| UHT8  | Landscaping                              |
| UHT10 | Protection of Historic Parks and Gardens |
| UHT11 | design of public areas                   |
| UHT12 | Shopfronts                               |
| UHT13 | Advertisements                           |
| UHT14 | External Floodlighting                   |
| UHT15 | Public Art                               |

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| UHT19 | Buildings of Local Interest                            |
| UHT20 | Retention of Historic Buildings                        |
| HO3   | Retaining Residential Use                              |
| HO7   | Redevelopment  |
| HO9   | Redevelopment of garage courts                         |
| HO11  | Residential use above shops                            |
| HO13  | Residential mix  |
| HO16  | Dedicated student accommodation                        |
| HO17  | Sheltered housing                                      |
| HO18  | Supported and special needs housing                    |
| HO20  | Residential amenity                                    |
| BI 2  | Designated industrial areas                            |
| BI 6  | Business and industry in residential and tourist areas |
| BI 7  | Design criteria  |
| TR3   | Travel Plans   |
| TR4   | Quality bus corridors                                  |
| TR6   | Facilities for cyclists                                |

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| TR7  | Provision for pedestrians                                    |
| TR8  | Contributions to pedestrian network                          |
| TR9  | Home Zones   |
| TR10 | Safe routes to school  |
| TR12 | Car parking for those with mobility problems                 |
| TR13 | Park & Ride  |
| SH2  | Business uses outside the retail hierarchy                   |
| SH6  | New local convenience stores                                 |
| SH7  | District local and neighbourhood centres                     |
| TC6  | Late opening cafes etc.                                      |
| TC7  | Seaside Road   |
| TC11 | St Leonards Road area  |
| TC12 | Retaining residential use                                    |
| TC13 | Town Centre housing allocations                              |
| TO1  | Tourist accommodation area                                   |
| TO3  | Tourist accommodation outside the tourist accommodation area |
| TO4  | Improvements to existing accommodation                       |

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| TO5   | New tourist accommodation                  |
| TO6   | Camping and caravanning                    |
| TO10  | Language schools                           |
| LCF3  | Criteria for childrens playspace           |
| LCF12 | Retention of allotments                    |
| LCF13 | Sites for allotments                       |
| LCF19 | Community facilities                       |
| LCF20 | Retention of community facilities          |
| LCF22 | Library requirements                       |
| LCF23 | Redevelopment of Public houses             |
| US1   | Hazardous installations                    |
| US9   | Underground ducting                        |
| IR1   | Provision of capital works for development |
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Policies BI 2 (Designated Industrial Areas) is also unchallenged but is proposed to be modified as a consequence to proposed modifications to policies BI 4 and BI 5.