

COMMITTEE:	Cabinet/ Planning and Licensing Committee
DATE:	13 March 2003/11 March 2003
SUBJECT:	Proposed modifications to the Revised Deposit Draft Eastbourne Borough Plan 2001-2011
REPORT OF:	Director of Planning, Regeneration and Amenities
Ward(s):	All
Purpose:	To seek agreement for modifications to be made to the draft Borough Plan in light of recommendations made in the inspector's report on objections to the Plan; and to seek authorisation that the proposed modifications be formally advertised for a six week period for public comment.
Contact:	Dinah Elliott, Local Plan Officer, Telephone 01323 415251 or internally on extension 5251.
Recommendations:	The Planning and Licensing Committee and Cabinet are recommended to ask the Council to agree: <ul style="list-style-type: none"> a) Proposed modifications to the emerging replacement Borough Plan as set-out in the document "Eastbourne Borough Plan 2001-2011: Proposed Modifications"; b) That the proposed modifications be placed on deposit for public comment for a six week period commencing 24 April 2003.
1.0	<u>Introduction</u>

1.1	An inquiry into unresolved objections to the draft Borough Plan 2001-2011 was heard by an independent inspector, appointed by the Secretary of State, during Summer 2002. The inspector's report was received in December 2002 and, in compliance with government guidance, made available for public inspection once certain technical checks had been made. These checks resulted in further correspondence with the inspector on certain matters and he submitted an addendum to his document on 22 January 2003.
1.2	Officers have now had an opportunity to consider in detail the inspector's recommendations and have prepared a separate document indicating the Council response to these recommendations and the modifications which are required to be made to the draft Plan. Authority is now sought for this document (which accompanies this agenda item) to be published for public comment. The Regulations governing the preparation of Development Plans require that the proposed modifications are placed on deposit for a six week period to enable representations to be made on the proposed modifications or on any aspects where the Council has failed to comply with the inspector's recommendation. It is only after consideration of any objections received that the Council can consider formally adopting the Plan as formal planning policy, to replace the Adopted Borough Plan 1998.
2.0	<u>The Inspector's Report.</u>
2.1	Officers consider that the inspector has been strongly supportive of the Plan's policies and proposals, especially in the key areas of housing, business and industry and transport. Notably he has identified that adequate provision has been made to deliver the Structure Plan requirements for housing and employment land; he supported the threshold of 15 units for contributions toward affordable housing and he concurred with the test of genuine redundancy where the loss of business land and premises to other uses is proposed. The inspector, with the assistance of a technical assessor, also considered the compensatory flood storage scheme for the Willingdon Levels in the light of a number of expressed concerns about the risk of flooding from proposed developments around the Levels. They concluded that the scheme is based on robust methodology and that there are no insurmountable difficulties to the control of flooding which would prevent development going ahead in the area.
2.2	The inspector's main recommendations related to: <ul style="list-style-type: none"> · Eastbourne Park- he considered that the Council should commit to a full biodiversity study of the area; and also to supplementary planning guidance to re-establish the overall vision for the parkland which he felt were not sufficiently expressed within the Borough-wide Plan;

2.3	<p>Other modifications recommended to the Council generally confirm modifications which the Council recommended to him, either to satisfy objections made at the Revised Deposit stage (see Cabinet minutes of 10 April 2002) or to meet matters which emerged during the preparation of the Council's evidence on various objections (such modifications were agreed by the Chairman of Planning and Licensing under delegated arrangements). Attention is drawn, in particular, to the inspector's recommendation in respect of the boundary of the Area of Outstanding Natural Beauty (AONB). During the course of preparation of evidence for the Inquiry it became apparent that the Countryside Commission (the predecessor to the Countryside Agency) had acted beyond its powers in interpreting the AONB boundary for the Adopted Borough Plan. The inspector has concurred that the Commission has exceeded their legal powers and modification 3b now shows the AONB boundary as depicted on the 1966 Designation Map. This is markedly different in places to the line shown on the Adopted Plan.</p>
2.4	<p>Officers have considered at length all the recommendations made by the inspector and consider that the draft Plan should generally be modified along the lines he suggests. However particular attention is drawn to two matters:</p> <ul style="list-style-type: none"> · <u>Policy TC4 (Town Centre Primary Retail Area)</u>. Officers consider that the inspector's recommended policy is ambiguous and does not give clear guidance to prospective developers. It is considered that the guidance in policy TC5 (secondary retail areas) which is not recommended for modification is clearer and it is proposed that provisions for the primary retail area should be amalgamated into this policy; · <u>Policy LCF 16 (Education Requirements)</u>: the inspector recommends that this policy be moved to the housing chapter. Officers do not accept this because there are a number of other policies within the Plan which also seek developer contributions but which are not recommended to be moved. It is considered to be more useful to provide appropriate cross references to developer contributions in policies HO4 and HO5.

2.5	The Council is under no obligation to agree all recommendations made to it by the inspector, but needs to have regard to the fact that policies and proposals which are not modified along the lines suggested may have less weight, especially at any planning appeals. It is considered that the proposed modifications to policies TC4 and LCF 16 are broadly in line with the inspector's recommendations and will not, therefore, present future difficulties for this Council as local planning authority.
3.0	<u>Consultations</u>
3.1	The draft Plan has been the subject of extensive consultation at three separate stages: Issues Consultation; First Deposit and Revised Deposit. The Development Plan Regulations also provide for consultation on the proposed modifications and it is proposed to place them on deposit for a six week period commencing 24 April 2003.
3.2	This report will also be considered by Planning and Licensing Committee on 11 March 2003 and a verbal report on the outcome will be given at the meeting.
4.0	<u>Financial Implications</u>
4.1	<p>Two specific recommendations by the inspector have financial implications for this Council:</p> <ul style="list-style-type: none"> · The biodiversity survey of Eastbourne Park will require employment of specialist consultants as such expertise does not exist within the Council; · The commitment to monitor the Compensatory Flood Storage Scheme also requires employment of specialist consultants. · <p>Both these elements will be the subject of separate reports to Cabinet as and when human resources are available to undertake the work, together with their financial implications.</p>
4.2	Arrangements for the six week consultation on the modifications have been taken into account in the budget established for the preparation of the Plan.

5.0	<u>Other Implications</u>
5.1	Environmental: there are no recommendations within the inspector's report which are considered to undermine the contribution of the Plan to maintaining and enhancing the Borough's environment;
5.2	Human resource: there are no additional human resource implications stemming from the inspector's report. However it should be noted that the Development Planning Section was significantly under-resourced for the Borough Plan Inquiry and the inquiry was only achieved as a result of staff good-will and out-of-office working. As a result there is a back log of less urgent work still to be completed.
5.3	Anti-poverty: there are no recommendations within the inspector's report which are considered to undermine the Plan's commitment to a stronger local economy which would benefit all sections of society.
5.4	Youth: there are no recommendations within the inspector's report which are considered to undermine the Plan's policies and proposals which should assist young people.
5.5	Human Rights: no recommendation within the inspector's report is considered to have implications for human rights as set-out in the appropriate legislation. Although many objections to the Revised Deposit draft Plan have not been upheld by the inspector there has been sufficient opportunity for these public concerns to be addressed in the formal system as laid out by legislation.
5.6	Community Safety: there are no recommendations within the inspector's report which are considered to undermine the Plan's policies and proposals affecting community safety.
6.0	<u>Conclusion</u>
6.1	Members are asked to endorse the proposed modifications to the draft Borough Plan and agree that they be placed formally on deposit for a six week consultation period commencing 24 April 2003.

Dinah Elliott Local Plan Officer	
Background Papers: The Background Papers used in compiling this report were as follows: Draft Eastbourne Borough Plan 2001-2011: Inspector's Report into Objections. December 2002. Report to Cabinet 10 April 2002: draft Eastbourne Borough Plan 2001-2011. To inspect or obtain copies of background papers please refer to the contact officer listed above.	
(DME/TP10/5/mods)	