

BODY	CABINET
DATE	23 October 2013
SUBJECT	Eastbourne Town Centre Local Plan (formerly known as the Eastbourne Town Centre Area Action Plan)
REPORT OF	Senior Head of Development

Ward(s) Devonshire, Meads & Upperton

Purpose To seek Members endorsement of the Eastbourne Town Centre Local Plan for adoption at Full Council on 20th November 2013

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Recommendations That Members endorse the Eastbourne Town Centre Local Plan and recommend that at Full Council it is approved for adoption along with the revised Policies Map.

That any minor or technical adjustments found necessary in the Town Centre Local Plan are delegated to the Senior Head of Development in consultation with the Cabinet portfolio holder.

1.0 Introduction

1.1 The Eastbourne Town Centre Local Plan (TCLP) has been shaped over the last 4 years by close consultation with the community and stakeholders. The Local Plan sets out a strategy and proposals for the future development and regeneration of the Town Centre up to 2027.

1.2 The Town Centre is at the heart of Eastbourne and is home to the town's principal shopping, employment and tourist attractions. Proposals for key Development Opportunity Sites will maximise the economic potential of the Town Centre attracting more shoppers, businesses, workers and residents. The TCLP sets out the policies and proposals that will achieve this.

1.3 The TCLP has been prepared in accordance with the relevant government regulations and was submitted to the Government on 31st January 2012. Following some concerns the Inspector had with the content of the submitted Plan, the Council made changes to strengthen the policy base of the document, to ensure it demonstrates how and when Town Centre proposals will be delivered. These modifications to the TCLP were approved by Cabinet on 6 February 2013 and consulted

on between 22nd February and 5th April 2013.

1.4 The Examination in Public for the TCLP took place on Thursday 16th and Friday 17th May 2013.

1.5 The focus of the examination sessions included discussions on the following key issues:

Matter 4: Quantum and Type of Development

Matter 5: Development Opportunity Sites – General Matters

Matter 6: Development Opportunity Sites – Site Specific Matters

Matter 7: Public Realm Projects/Initiatives

1.6 During the hearing sessions, the Planning Inspector sought additional information and clarification from the Council on a number of matters. The Council was invited to put forward suggested amendments to address or clarify these issues.

1.7 The Council published a list of proposed Main Modifications to the TCLP and stakeholders and the local community were invited to make representations on the 'soundness' of these proposed Main Modifications between 14th June and 26th July 2013.

1.8 At a meeting of the Local Planning Steering Group on 30th July it was reported that seven representations had been received. Members acknowledged the representations received and endorsed the responses detailed in the briefing note that had been prepared for the meeting. Copies of the representations were forwarded to the Inspector to enable her to prepare a report into the Local Plan's soundness.

1.9 In order to ensure that the plan is found sound, the Council requested that it wished the Inspector to recommend any further modifications to the TCLP that are necessary to make it sound or legally compliant and therefore capable of adoption.

1.10 The Final Inspectors Report, together with the Inspector's Appendix of proposed Main Modifications (MMs) was formally received on 11 September 2013. This can be viewed along with the TCLP on the Eastbourne Borough Council website www.eastbourne.gov.uk/tclp. The documents can also be viewed in hard copy format at the Eastbourne Borough Council Offices, 1 Grove Road and local libraries.

2.0 Inspector's Report

2.1 The Inspector's report concluded that the TCLP provides an appropriate basis for the planning of the Town Centre over the next 15 years providing a number of modifications are made to the Plan. Most of the modifications to address this were proposed by the Council, and the Inspector recommended their inclusion after full consideration of the representations from other parties on these issues.

2.2 The modifications can be summarised as follows:

- amend references to planning for housing and office space to ensure consistency with the Eastbourne Core Strategy Local Plan (adopted February 2013);
- make a range of changes to the development opportunity sites to clarify their status as site allocations, set out a clear programme and strategy for delivery and demonstrate that project planning has commenced;
- make changes to ensure that the public realm projects, including the arts trail, are positively planned and deliverable;
- clarify the methodology and timing for taking forward the potential areas of change;
- update development management policies to take account of recent developments and strategies, especially the cycling strategy;
- re-draft the building heights/ tall buildings policy to ensure that it is justified and coherent; and
- re-draft the implementation and monitoring section to ensure that it is effective and supports delivery of the Plan.

At a meeting of the Local Plan Steering Group on 19th February 2013, Members approved the modifications prior to consultation, as delegated by the Cabinet approval of 6th February. In addition at a meeting of the Steering Group on 29th August, Members were informed that we had received a 'fact check' report from the Planning Inspectorate (as a precursor to receipt of the Inspector's final report) and that the document had been found 'sound' subject to the modifications we had consulted on.

2.3 **Assessment of Duty to Co-operate**

The Council had submitted a Statement of Compliance (SC) to the Inspector which detailed how it had addressed the duty to co-operate. The SC set out the Eastbourne context and described the engagement and discussions it had undertaken with Wealden and East Sussex County Council. It detailed the projects, discussions and working groups in which the Council had participated in preparing both the Core Strategy Local Plan and the TCLP and listed the wide range of public bodies with which the Council had collaborated. In particular, the Plan had also been prepared in the context of presentations and interactive workshops with key stakeholders, such as the Disability Involvement Group, the Youth Forum, Eastbourne Strategic Partnership and the Town Centre Management Initiative.

2.4 The Inspector concluded that it was clear from the Statement of Compliance that the Council's approach to preparing the Plan had been underpinned by collaborative working, that it had co-operated with all the relevant bodies and had met the duty to co-operate.

2.5 **Assessment of Soundness**

The Inspector concluded that it was clear that a number of significant changes were required to the Plan to ensure that key housing and

office development, as well as regeneration, is delivered through the Development Opportunity Sites. However, the Inspector considered that the changes proposed ensure that the Plan is positively prepared and are effective in relation to the overall deliverability of the Development Opportunity Sites.

2.6 In addition, the Inspector confirmed that subject to the proposed modifications, the Plan provides a sound basis for delivering and monitoring the Town Centre proposals and projects.

2.7 **Assessment of Legal Compliance**

In assessing the compliance of the Plan with the legal requirements, the Inspector has confirmed that the Plan meets them all.

2.8 **Overall Conclusion and Recommendation**

In conclusion, The Inspector has confirmed that with the recommended main modifications, TCLP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

3.0 **Next Steps**

3.1 The TCLP and revised Policies Map can now be approved for adoption by Full Council on 20th November 2013. After adoption, the Local Plan policies will be material considerations in the determination of planning applications for development in the Town Centre, along with the Eastbourne Core Strategy Local Plan and the saved policies from the Eastbourne Borough Plan (2003).

3.2 The adoption of the TCLP provides new policies for the Town Centre and as such some of the saved policies of the Eastbourne Borough Plan will be deleted. These are listed in a new Appendix to the TCLP.

3.3 The TCLP will also be a guide for developers and the community to show where and how the Town Centre will grow and develop in the future. Its main vision is that by 2027, 'Eastbourne Town Centre will be a place that attracts more shoppers, workers, residents and visitors to spend more time enjoying a vibrant and varied offer and mix of uses in a well connected series of attractive streets and public spaces. Increasing investment in the town will bring wide-ranging benefits and will allow Eastbourne to respond positively to climate change.'

4.0 **Resource Implications**

4.1 Financial Implications

There are no direct financial implications to the Council arising from this report. The cost of the publication and publicity for the formal adoption of the Eastbourne Town Centre Local Plan will be met from within the existing service budget.

4.2 Legal Implications

The Council is required to notify the public that there is a legal challenge period. Any person aggrieved by the Town Centre Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that the document is not within the appropriate powers or that a procedural requirement has not been complied with. Any application must be made no later than six weeks after the date of adoption by Full Council in November i.e. by 1st January 2014.

4.3 Human Resource Implications

Officers will manage the publicity arrangements for the publication of the Eastbourne Town Centre Local Plan, which will include an Adoption Statement.

4.4 Equalities and Fairness Analysis

An equality and fairness analysis is ongoing, the results of which will be reported via the Council's agreed internal systems. Should this policy require amendment, delegated authority should be given to the Chief Officer in conjunction with the Cabinet portfolio holder to make such amendments. Where a material change is required the policy will be re-presented to Cabinet.

5.0 Conclusion

5.1 Cabinet are requested to recommend to Full Council that the Eastbourne Town Centre Local Plan and revised Policies Map are formally adopted.

Background Papers:

- Inspector's Report on the Eastbourne Town Centre Local Plan (September 2013)
- Eastbourne Town Centre Local Plan Submission Version (January 2012)
- Schedule of Proposed Modifications to the TCLP (June 2013)
- Revised Policies Map
- Planning Committee Report 5 February 2013
- Planning Committee Report 29 November 2011
- Cabinet Report 6 February 2013
- Cabinet Report 14 December 2011

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.
