

**BODY:** CABINET  
**DATE:** 18<sup>th</sup> April, 2012  
**SUBJECT:** Modifications to pre-adoption draft Eastbourne Local Plan: LDF Core Strategy  
**REPORT OF:** Senior Head of Development and Environment

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**Ward(s):** All

**Purpose:** For Members to note the use of the Chief Executive's emergency powers to make proposed modifications to the pre-adoption draft Eastbourne Plan in light of the requests made by the Planning Inspector, non-compliance with which would have seriously delayed the timescale for Full Council to be able to adopt the plan in its final form. For Members to grant delegated authority that will enable the Senior head of Development and Environment to make any further changes as necessary to defend the draft Plan at the forthcoming Examination in Public and to ensure smooth progress towards adoption.

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**Recommendation:**

1. To note that a six week consultation on proposed major modifications to the Core Strategy (Eastbourne Plan), between 9<sup>th</sup> March and 20<sup>th</sup> April 2012, is taking place, using the Chief Executive's urgency powers.
2. To delegate authority to the Senior Head of Development and Environment in consultation with the Lead Cabinet Member and the Local Development Framework Steering Group to make any further necessary amendments, whether arising from the consultation or otherwise, to the draft Eastbourne Plan in preparation for its Examination in Public, and throughout the pre -adoption process.

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**1.0 Introduction**

- 1.1 The Eastbourne Local Plan or LDF Core Strategy has been shaped over the last 5 years by close consultation with local people and civic groups. The Council

has also worked closely with Wealden District Council, to ensure that the research that has informed this plan is complementary for both of the administrative areas. What has grown out of all that work is a holistic plan that will shape the future development of Eastbourne for the next 15 years. It is intended as a guide for the community to show where and how the town will grow and develop in the future. It will also be a guide for decision makers and developers about what is likely to be acceptable by way of proposed developments.

- 1.2 The Plan has been prepared in accordance with the relevant government regulations and was submitted to the government on 31<sup>st</sup> January, 2012. It has now reached the stage of Examination in Public (EIP) which is expected to start on 15<sup>th</sup> May, 2012. The Inspector appointed (Sue Turner) has requested an additional 6 weeks of publicity on three of the proposed amendments (major modifications) to the Proposed Submission Version to enable stakeholders and interested parties a further opportunity to make representations to the Inspector. Members will recall that at the Cabinet meeting prior to the draft Plan's submission to the government, delegated authority was given to the Senior Head of Development and Environment to make any necessary minor amendments to the consultation draft. This delegation proved not to be wide enough to accommodate the wishes of the Inspector; hence the decision by the Chief Executive to use his urgency powers to keep the approval process moving within a reasonable timescale and the production of this report, which invites members to now make a delegation wide enough to cover any future potential delays. Consultation on the proposed major modifications commenced on 9<sup>th</sup> March and ends on 20<sup>th</sup> April, 2012. In accordance with Regulation 27 of the 2004 Act as amended in 2008, letters have been sent to all interested parties on the LDF Database and an advert placed in the local newspaper. The proposed modifications as well as explanatory briefing notes have also been placed on the LDF website for comments online. The schedule of proposed major modifications and minor changes are attached in Appendix A.
- 1.3 By using the Chief Executive's urgency powers to consult on the major modifications, the Council was able to move forward to the Examination in Public as quickly as possible and avoid having to postpone the EIP and let the timetable slip into July/August or possibly even September, 2012.
- 1.4 The six-week consultation on the proposed major modifications commenced on 9<sup>th</sup> March, 2012 and ends on 20<sup>th</sup> April, 2012. In accordance with Regulation 27 of the 2004 Act as amended in 2008, letters have been sent to all interested parties on the LDF Database and an advert placed in the local newspaper. The proposed modifications as well as explanatory briefing notes have also been placed on the LDF website for comments online. The schedule of proposed major modifications and minor changes are attached in Appendix A.

## **2.0 Proposed Major Modifications**

- 2.1 Following consultation on the Proposed Submission Version of the Eastbourne Plan between 16<sup>th</sup> September and 9<sup>th</sup> December, 2011, Members of the LDF Steering Group considered the requests for further changes to the plan on 17<sup>th</sup> January 2012. The Group was advised that :

- A total of 117 representations had been received from 26 respondents.
- Of these 57 related to issues of the 'soundness' of the Plan whilst the remaining 60 made general comments.
- The main issues raised in the representations were:
  1. A lack of commitment to providing for gypsies and travellers.
  2. The restriction of housing development at Sovereign Harbour to 150 dwellings.
  3. The identification of Sovereign Harbour retail park as a 'District Shopping Centre'.
  4. Omission of sites for development put forward by developers.
  5. The relationship between the Core Strategy proposals and the land within the South Downs National Park.
  6. The reduction of the threshold at which development should make for the provision of affordable housing from 15 to 1 dwelling.
  7. Uncertainty over the delivery of infrastructure to serve development.
  8. The specific exclusion of the acceptability of wind turbines within Eastbourne Park.
- In response to the representations a number of editorial changes were recommended in order to correct drafting errors, improve the clarity of the Core Strategy and improve 'soundness' and 'legal compliance'.
- A total of 48 changes were agreed. (These were subsequently divided into 45 minor changes, which do not impact on the soundness of the Plan and 3 Major Modifications which potentially do affect the soundness),

2.2 The Council then prepared the necessary documentation including a schedule of Proposed changes in order to 'Submit' the Eastbourne Plan for formal Examination in Public on 31<sup>st</sup> January, 2012.

2.3 Following a letter (dated 5th March, 2012) from the Inspector the Council agreed, by the Chief Executive using his urgency powers, to publish three of the proposed amendments as major modifications for a further 6 weeks of consultation. This allows additional persons who may disagree with the proposals to make their views known, and to attend and debate the matter at the Examination in Public if they wish to.

### **3.0 What happens next?**

3.1 A description of the comments on the major modifications received to date will be presented verbally to the Cabinet meeting. A schedule of representations received and resulting implications will be debated at a meeting of the forthcoming LDF Steering Group to be arranged for shortly after the 20<sup>th</sup> April, 2012.

3.2 The Examination in Public of the Core Strategy is due to commence on 8<sup>th</sup> May. It will be held in the Court Room at the Town Hall. The programme for the Examination will be provided to Cabinet at the meeting. The latest information will also be published on the Council's website ([www.eastbourne.gov.uk/ldf](http://www.eastbourne.gov.uk/ldf)). Everyone interested in the Eastbourne Local Plan is welcome to attend and listen to the Hearing sessions, but only those who have made representations on the Proposed Submission or the major modifications will be able to speak.

3.3 The Inspector will report back to the Council once she has considered all the evidence and submissions put forward before and during the Examination in Public (scheduled to commence on 15<sup>th</sup> May, 2012). She will also consider whether there are any further modifications necessary to make the Core Strategy sound. These will also be published for a six-week consultation following the end of the Examination in Public.

#### **4.0 Resource Implications**

4.1 The Council has budgeted a total £143,000 for progressing the Core Strategy and Town Centre Area Action Plan through to its adoption. The Examination in Public will be an intensive period of work for the team and has been resourced to take this into account.

#### 4.2 Financial

There are no direct financial implications to the Council of this report. The cost of the publication and publicity for the Examination in Public will be met from within the existing service budget.

#### 4.3 Legal

As stated above, the production of a Local Development Framework which includes a Core Strategy is a statutory requirement under the Planning and Compulsory Purchase Act 2004 (as amended in 2008).

#### 4.4 Staff Resources

Officers in the Planning Policy Team will manage the publicity arrangements for the Proposed Submission document, the collection and processing of representations and the preparation of the necessary documentation for submitting the Core Strategy.

#### **5.0 Conclusion**

5.1 Cabinet is requested to note that a six week consultation on proposed major modifications to the Core Strategy (Eastbourne Plan), between 9<sup>th</sup> March and 20<sup>th</sup> April, is being undertaken, using the Chief Executive's urgency powers. Cabinet is also requested to delegate authority to the Senior Head of Development and Environment, in consultation with the Lead Cabinet Member and the Local Development Framework Steering Group, to make any further amendments whether arising from the consultation or otherwise to the Eastbourne Plan in preparation both for its Examination in Public and throughout the pre-adoption process.

**Iona Cameron**

**Planning Policy Manager**

**Background Papers:**

The Background Papers used in compiling this report were as follows:

*Planning Policy Statement 12: Local Spatial Planning (CLG, 2008)*

*Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)*

*EBC Constitution Section C3 page 14 – D14 Scheme of Delegation & Proper Officer List July 2011*

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

## Appendix A - Proposed Major Modifications and Minor Changes to the Core Strategy

### Major Modifications

The following table consists of a list of major modifications to the Core Strategy in response to Representations received on the Proposed Submission Core Strategy.

<b>Modification No.</b>	<b>Section/Paragraph no.</b>	<b>Proposed Modification</b>
<b>MOD1</b>	Policy D4:Shopping	<ul style="list-style-type: none"> <li>Delete Sovereign Harbour from the list of District Shopping Centres</li> </ul>
<b>MOD2</b>	Appendix C: Eastbourne Retail Hierarchy	<ul style="list-style-type: none"> <li>Delete map relating to Sovereign Harbour District Shopping Centre.</li> </ul>
<b>MOD3</b>	Table 3: Breakdown of Housing Delivery 2006-2027	<ul style="list-style-type: none"> <li>Amend 'Potential Units on Windfall Sites (2022-2027)' to 550 net units and 'Resulting Windfall Reliance (Before 2022)' to 798 net units to reflect the correct distribution of the windfall figure.</li> </ul>

## Proposed Minor Changes

The following table consists of a list of minor changes to the Core Strategy in response to Representations together with other minor typographical corrections and amendments:

No.	Section/Paragraph no.	Proposed Change
	<b>Whole Core Strategy</b>	
<b>MC1</b>		<ul style="list-style-type: none"> <li>Change all references to "the Borough" and replace with "Eastbourne".</li> </ul>
<b>MC2</b>		<ul style="list-style-type: none"> <li>include additional item in Appendix A: "Eastbourne – refers to all that part of Eastbourne Borough area excluding the South Downs National Park."</li> </ul>
	<b>Flysheet</b>	
<b>MC3</b>		<ul style="list-style-type: none"> <li>Delete "Proposed" from title.</li> </ul>
<b>MC4</b>		<ul style="list-style-type: none"> <li>Change date to "January 2012"</li> </ul>
<b>MC5</b>		<ul style="list-style-type: none"> <li>Delete from "Price" to end.</li> </ul>
	<b>Foreword</b>	
<b>MC6</b>		<ul style="list-style-type: none"> <li>In the fourth paragraph, after "Eastbourne Park" delete "as well as the areas of outstanding natural beauty that have become recently incorporated into the South Downs National Park".</li> </ul>
<b>MC7</b>		<ul style="list-style-type: none"> <li>In the first sentence of the sixth paragraph after "their area," delete "this" and replace with "the".</li> </ul>
<b>MC8</b>		<ul style="list-style-type: none"> <li>In the first sentence of the 9<sup>th</sup> paragraph, delete "Climate" and replace with "climate".</li> </ul>
<b>MC9</b>		<ul style="list-style-type: none"> <li>Delete last sentence.</li> </ul>
	<b>Introduction</b>	
<b>MC10</b>	Paragraph i.1	<ul style="list-style-type: none"> <li>In the first sentence delete "Proposed".</li> </ul>
<b>MC11</b>	New paragraph i.2	<ul style="list-style-type: none"> <li>Add the following text: "The South Downs National Park Authority became the local planning authority for the South Downs National Park in April 2011, including the area within Eastbourne Borough. As a consequence of this fundamental change, the National Park has been excluded from the area to which this Core Strategy applies. However, because of the relationship with the urban area, the National Park has been shown on the key diagram and is referred to in the text. The South Downs National Park Authority will prepare a Local Development Framework for the National Park, with the Core Strategy expected to be adopted in 2014. In the meantime, the policy framework for the</li> </ul>

		National Park will continue to be provided by national planning policy and the relevant saved policies of the Eastbourne Borough Plan. The Borough Council and National Park Authority will work closely together on cross-boundary planning (and other) issues in recognition of the important relationship between the town and the Downs."
<b>MC12</b>		<ul style="list-style-type: none"> <li>• Renumber subsequent paragraphs.</li> </ul>
<b>MC13</b>	Paragraph i.9	<ul style="list-style-type: none"> <li>• In the sixth bullet point, add "Eastbourne" before "Financial Viability".</li> </ul>
<b>MC14</b>		<ul style="list-style-type: none"> <li>• Add the following documents to the list of evidence base documents: <ul style="list-style-type: none"> <li>- Windfall Housing Delivery Briefing Note (2011);</li> <li>- Equalities and Fairness Impact Assessment (2011).</li> </ul> </li> </ul>
<b>MC15</b>	Paragraph i.10	<ul style="list-style-type: none"> <li>• In the first sentence delete "(when approved)", and delete the last two sentences.</li> </ul>
	<b>Section A: Vision and Spatial Objectives</b>	
<b>MC16</b>	Paragraph 1.1.6	<ul style="list-style-type: none"> <li>• Delete last two sentences and replace with: "A key priority for the Council is to provide high quality, skilled employment opportunities at Sovereign Harbour."</li> </ul>
<b>MC17</b>	Paragraph 1.1.15	<ul style="list-style-type: none"> <li>• Delete paragraph</li> </ul>
<b>MC18</b>	Paragraph 1.1.18	<ul style="list-style-type: none"> <li>• At the end of the last sentence add the following text: "whilst contributing positively towards meeting the overall needs of Eastbourne."</li> </ul>
<b>MC19</b>	Paragraph 1.4.3	<ul style="list-style-type: none"> <li>• In the last sentence, after "B2 Sustainable Neighbourhoods" add "D1: Sustainable Development".</li> </ul>
<b>MC20</b>		<ul style="list-style-type: none"> <li>• After "D6: Gypsies, Travellers and Travelling Showpeople" add "D9: Natural Environment"</li> </ul>
	<b>Section B: The Strategy</b>	
<b>MC21</b>	Table 3: Breakdown of Housing Delivery 2006-2027 Change moved to major modifications table.	<ul style="list-style-type: none"> <li>• <del>Amend 'Potential Units on Windfall Sites (2022-2027)' to 550 net units and 'Resulting Windfall Reliance (Before 2022)' to 798 net units to reflect the correct distribution of the windfall figure.</del></li> </ul>



	<b>Key Diagram</b>	
<b>MC22</b>		<ul style="list-style-type: none"> <li>Amend map notation and key to make it clear that the South Downs National Park is excluded from the Core Strategy.</li> </ul>
<b>MC23</b>		<ul style="list-style-type: none"> <li>Add footnote “ *Identified supply, including windfall sites (for a breakdown of the number of identified net units in each neighbourhood, see Table 2: Housing Delivery in each Neighbourhood up to 2027)”</li> </ul>
	<b>Section C: Neighbourhood Policies</b>	
<b>MC24</b>	Figure 2 Neighbourhood 1: Town Centre	<p>Amend notations to ensure consistency with the Town Centre Area Action Plan:</p> <ul style="list-style-type: none"> <li>Include new notation to illustrate “Mixed Use Opportunity Areas” by replacing orange ‘residential opportunity sites’ at Upperton Road/Southfields Road and Enterprise Centre/Railway with light blue ‘mixed use opportunity’ sites.</li> </ul>
<b>MC25</b>		<ul style="list-style-type: none"> <li>Add “Key area of Change” stars to show “potential Areas of Change” identified in the TCAAP at Devonshire Park, Land at Langney Road and Pevensey Road.</li> </ul>
<b>MC26</b>		<ul style="list-style-type: none"> <li>Add “Key Area of Change” star to represent Development Opportunity Site 5 of the TCAAP: the former Co-operative site.</li> </ul>
<b>MC27</b>	Figure 5, Neighbourhood 4: Old Town - Key Diagram	<ul style="list-style-type: none"> <li>Change annotation of Manor House (Former Town Art Gallery) from residential opportunity site (orange) to landmark (blue).</li> </ul>
<b>MC28</b>	Figure 8, Neighbourhood 7: Hampden Park – Key Diagram	<ul style="list-style-type: none"> <li>Remove residential opportunity site from centre of key area of change located by Brassey Parade District Shopping Centre (Station House, Station Parade site).</li> </ul>
<b>MC29</b>	Paragraph 3.14.1	<ul style="list-style-type: none"> <li>In first sentence after “residential areas” add “including Kingsmere”.</li> </ul>
<b>MC30</b>	Policy C14: Sovereign Harbour Neighbourhood Policy	<ul style="list-style-type: none"> <li>In seventh bullet point, after “berths” add the following text: “and associated boat storage facilities”.</li> </ul>
<b>MC31</b>	Paragraph 3.15.6	<ul style="list-style-type: none"> <li>In first sentence, after “Sovereign Harbour” delete “Neighbourhood Plan”</li> </ul>

	<b>Section D: Delivering the Strategy</b>	
<b>MC32</b>	Section 4.1	<ul style="list-style-type: none"> <li>In the italicised text at the beginning of the section after "Linked to" add, "Key Spatial Objective 2: Sustainable Growth,"</li> </ul>
<b>MC33</b>	Paragraph 4.1.16	<ul style="list-style-type: none"> <li>Delete second sentence and replace with "The Environment Agency has identified Eastbourne as being located within an area of water stress and it is therefore essential that water resources are managed carefully."</li> </ul>
<b>MC34</b>	Paragraph 4.3.8	<ul style="list-style-type: none"> <li>Delete paragraph 4.3.8 and replace with "The Council will work closely with the South Downs National Park Authority (which has responsibility for the area of the Borough within the South Downs National Park) to ensure the special character of this unique landscape is preserved and enhanced."</li> </ul>
<b>MC35</b>	Policy D6: Gypsies, Travellers and Travelling Showpeople	<ul style="list-style-type: none"> <li>In sixth bullet point, after "on the" add "residential amenity of the".</li> </ul>
<b>MC36</b>	Paragraph 4.6.4	<ul style="list-style-type: none"> <li>In the first sentence: "add "for" between "provide" and "gypsies".</li> </ul>
<b>MC37</b>	Section 4.7	<ul style="list-style-type: none"> <li>In italicised text after each of the three words "Key", add the word "Spatial"</li> </ul>
<b>MC38</b>	Policy D7: Community, Sport and Health	<ul style="list-style-type: none"> <li>In the first sentence of the third paragraph, after "required to" add "deliver on site provision or"</li> </ul>
<b>MC39</b>	Section 4.8	<ul style="list-style-type: none"> <li>In the italicised text, after "Key" add the word "Spatial".</li> </ul>
<b>MC40</b>	Section 4.9	<ul style="list-style-type: none"> <li>After "Linked to" add "Key Spatial Objective 2: Sustainable Growth and". After "Key" add "Spatial"</li> </ul>
<b>MC41</b>	Policy D9: Natural Environment	<ul style="list-style-type: none"> <li>Delete the text in the second bullet point and replace with "Identifying a network of strategically and locally important green space areas. Development will only be permitted where it does not cause the fragmentation of these existing habitats or landscapes or exceptionally where there is an overriding need for the development which cannot be met on alternative land."</li> </ul>
<b>MC42</b>	Policy D10: Historic Environment	<ul style="list-style-type: none"> <li>In criterion 1. after "preserves", delete "and" and replace with "or".</li> </ul>
<b>MC43</b>		<ul style="list-style-type: none"> <li>In criterion 4, add "positively" before "contributes".</li> </ul>

<b>MC44</b>	Paragraph 4.10.7	<ul style="list-style-type: none"> <li>• Formatting indentation at the beginning of the 1<sup>st</sup> sentence.</li> </ul>
	<b>Section E: Implementing the Strategy</b>	
<b>MC45</b>	Section 5.1 (page 108)	<ul style="list-style-type: none"> <li>• In the italicised text after “Key” add the word “Spatial”.</li> </ul>