

**Report to:** Scrutiny Committee

**Date:** 10 February 2025

**Title:** Eastbourne Local Development Scheme

**Report of:** Robert Cottrill, Chief Executive

**Cabinet member:** Councillor Colin Swansborough, Cabinet member for Enterprise, Community Spaces and Planning

**Ward(s):** All

**Purpose of report:** To seek Cabinet endorsement of the Local Development Scheme and recommend that it be formally adopted by Full Council on 26 February 2025

**Decision type:** Key

**Officer recommendation(s):**

- (1) That Cabinet recommends to Full Council that the Eastbourne Local Development Scheme as set out in Appendix 1 be adopted at the Full Council meeting on 26 February 2025 and thereafter be reported to Government
- (2) That Cabinet agrees that the preparation of the Houses in Multiple Occupation Development Plan Document (HMO DPD) is discontinued, and replaced with a Supplementary Planning Document (SPD)
- (3) That delegated authority is given to the Chief Executive in consultation with the Cabinet Member for Enterprise, Community Spaces and Planning to make on-going minor and technical updates to timetables within the Local Development Scheme where necessary.

**Reasons for recommendations:**

- (1) To meet the Government requirement for local planning authorities to publish an updated LDS before 6<sup>th</sup> March 2025. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution identifies that the adoption of the Local Development Scheme is a function of Full Council.

- (2) To enable the new Eastbourne Local Plan to be prepared and submitted by the deadline of December 2026 for examination under the existing plan-making system
- (3) To ensure that the Local Development Scheme can be kept up to date without needing to bring minor amendments back to Full Council.

**Recommendations to the Scrutiny Committee**

- 1) Note the Recommendations in the Eastbourne Local Develop Scheme report; and
- 2) Respond to the Cabinet with any views it wishes to be considered.

**Contact Officer(s):**

**Name:** Matthew Hitchen  
**Post title:** Senior Planning Policy Officer  
**E-mail:** [matthew.hitchen@lewes-eastbourne.gov.uk](mailto:matthew.hitchen@lewes-eastbourne.gov.uk)  
**Telephone number:** 01323 415253

## **1 Introduction**

- 1.1 Government have identified a clear objective to drive local plans to adoption as quickly as possible, in order to progress towards the ambition of achieving universal plan coverage and ensure plans contribute positively to the ambition of delivering 1.5 million homes by the end of this Parliament. However, preparing a local plan is a time and resource-intensive process, and this comes at a time when local authorities are experiencing significant financial pressures.
- 1.2 Alongside changes to the National Planning Policy Framework (NPPF) made in December 2024, the Government are requiring that all local planning authorities produce an updated Local Development Scheme within 12 weeks of the publication of the NPPF, i.e. by no later than 6 March 2025.
- 1.3 The Local Development Scheme (LDS) is the Council's timetable for the production of planning documents. It outlines the planning documents that the local planning authority intend to produce with the key dates and milestones for progress. The current LDS was adopted in November 2022. This confirms that the current Local Plan is out of date and a new Eastbourne Local Plan needs to be prepared. Some progress has already been made towards this, but there is still significant work required to progress the new Local Plan to adoption.
- 1.4 The adoption of the LDS is a function of Full Council, so meeting these requirements will mean a new LDS would need to be adopted by Full Council on

26 February 2025. The adoption of the LDS is a function of Full Council, and it is requested that Cabinet approve the Local Development Scheme as set out in Appendix 1, and recommend to Full Council that it be formally adopted.

## **2 Background**

- 2.1 The Planning and Compulsory Purchase Act 2004 requires that local planning authorities in England must prepare local plans to guide development in their area. Local plans, which form part of the Development Plan for an area, are central to the workings of the 'plan-led' system, with the requirement that any planning decisions must be taken in line with the development plan unless material considerations indicate otherwise.
- 2.2 The local plan is one of the most important strategies that local authorities are responsible for preparing. A local plan sets out a vision and a framework for the future development of the area addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure. It is not just a planning document – it draws together 'place' related Council priorities and aspirations from housing strategy, coastal defence and green infrastructure, carbon neutrality and climate resilience. Without an up-to-date local plan, Council's lack control over their spatial future and many other Council strategies and aspirations will not be able to be delivered.
- 2.3 Local Planning Authorities are required to produce a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It can also include other planning policy documents such as Supplementary Planning Documents (SPDs) that are due to be produced. The LDS must be made publicly available and kept up-to-date.
- 2.4 The current LDS that was adopted in November 2022 can no longer be considered to be up to date as the preparation of the local plan has not been able to progress as anticipated and milestones identified in this version have not been met.
- 2.5 Despite local plans being fundamental to the plan-led system, the process of preparing a local plan is notoriously long, complex and expensive. The average amount of time to prepare a local plan from start to finish is seven years. Government have stated that 'the plan-led approach is, and must remain, the cornerstone of our planning system' and confirmed their intention to implement reforms designed to streamline and speed up the plan making process that were proposed through the Levelling-Up and Regeneration Act.

- 2.6 On 12 December 2024, the Government published a new NPPF. The Written Ministerial Statement (WMS) accompanying this highlighted the importance of local plans as the 'best way of engaging communities in decisions about the future of their area', and the Government commitment to universal local plan coverage.
- 2.7 Through the WMS, the Government are requiring all local planning authorities to produce an updated LDS within 12 weeks of the publication of the NPPF. The updated LDS should include clear, realistic, and specific dates for consultation and submission of the local plan. Once updated, the LDS should be made publicly available, and a copy sent to the Ministry.
- 2.8 The WMS confirms that the Government expects local authorities to rise to the challenge to accelerate plan-making, and confirmed that Government will use the full range of ministerial intervention powers at their disposal, including taking over an authority's plan making directly, if that does not happen. It also notes that revised local plan intervention criteria, published alongside the new NPPF, will boost Government's ability to act quickly where plan-making stalls.

### **3 Local Plan Progress and Current Situation**

- 3.1 The current LDS covers the period 2022-2025 and set out the following milestones:
- Public consultation (Reg 18): November 2022 – January 2023
  - Publication of Proposed Submission (Reg 19): November 2023
  - Proposed Submission Representation Period (Reg 20): November 2023 – December 2023
  - Submission to the Secretary of State (Reg 22): February 2024
  - Independent examination (Reg 24): May 2024 – June 2024
  - Publication of recommendations of Inspector (Reg 26): September 2024
  - Adoption (Reg 28): November 2024
- 3.2 As the first stage of public consultation on the new local plan, 'Eastbourne's Direction of Travel: Issues & Options for the new Local Plan' was published in November 2019, which invited comment on the main issues that the Local Plan should address and on potential options for addressing those issues.
- 3.3 A Regulation 18 consultation on the 'Eastbourne Growth Strategy' was undertaken between November 2022 and January 2023 in accordance with the LDS. The purpose of this consultation was to enable the local community to be

part of the discussion regarding the level of housing and employment growth that could be accommodated in Eastbourne and where it might be located. The public consultation on the Growth Strategy received 644 direct responses and three petitions, generating around 4,000 individual comments.

- 3.4 Following the consultation, it was determined that there would be a need for further evidence to help assess the suitability of some of the sites identified within the Growth Strategy to progress to the next stage. In March 2023, Cabinet decided that any further public consultation into the Eastbourne Local Plan would be paused until all evidence on potential allocation sites is sought, available and assessed.
- 3.5 Whilst some further evidence gathering took place through preparation of technical evidence studies, budget and resource pressures meant that the full requirements for evidence could not be met in the short term and the local plan could not move forward during 2023. This means that the other milestones within the LDS have not been met.
- 3.6 By the end of 2023, the previous Government announced proposals (alongside the Levelling Up and Regeneration Act) to reform plan-making by introducing a new system of producing local plans within a 30-month timeframe. This included a deadline for submitting plans for examination under the existing system of June 2025.
- 3.7 At the start of 2024, it became clear that it would not be possible to prepare the new Eastbourne local plan for submission by June 2025. Uncertainty over how plan-making would take place under a new system meant the preparation of the local plan continued to be on hold due to concern about investing significant further officer time and consultancy costs on preparation work that may not all be necessary, particularly given the financial constraints that the Council is operating under.
- 3.8 Whilst there was uncertainty around how the local plan would progress, Cabinet decided in July 2024 to progress the HMO DPD to introduce new planning policies to address current issues associated with HMOs. Public consultation (Regulation 18) on the HMO DPD took place over summer 2024.
- 3.9 Through the July 2024 consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system', the current Government have confirmed their intention to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025, with plans needing to be submitted for examination under the existing system no later than December 2026 (deadline extended from June 2025). They have also confirmed that '*Local planning authorities should*

*continue to progress their plans to adoption under the existing system without delay. Authorities without an up-to-date plan should not stop work on a plan with the intention of preparing a plan under the new system*<sup>1</sup>.

- 3.10 In accordance with the WMS, the Council now needs to prepare a new LDS that clearly sets out the proposed timetable for the preparation of the local plan, including specific dates for consultation and submission. In order to meet the Government deadline of 12 weeks following the publication of the NPPF, a new LDS would need to be approved by Full Council on 26 February 2025, with Government notified of the timetable thereafter.

## 4 Eastbourne Local Plan

- 4.1 The new Eastbourne Local Plan has already progressed through two rounds of public consultation, and a significant amount of evidence gathering and analysis of consultation responses has been undertaken.
- 4.2 The remaining work on the local plan can be broken down into eight main stages:
- **Stage 1: Sites and Strategy** – completing the assessment of sites based on evidence and finalising the strategy for the quantum and distribution of development, including site allocations. The outstanding issues predominantly relate to issues of flood risk and open space/playing pitch needs. Updates to existing evidence base on housing need and employment need will also be required.
  - **Stage 2: Policies** – drafting the suite of strategic and non-strategic policies that will be included within the plan, based on six themes: carbon neutrality, prosperous economy, quality environment, thriving communities, homes for all, and effective infrastructure.
  - **Stage 3: Draft Local Plan** – producing a draft of the local plan based on outcomes of Stage 1 and Stage 2 and taking this forward for public consultation (Regulation 18 stage).
  - **Stage 4: Testing** – following Regulation 18 consultation and confirmation of the sites, strategy and policies, subjecting the draft local plan to testing to understand individual and cumulative impacts of development and how these can be mitigated, or if any changes need to be made to the strategy to address these impacts.

---

<sup>1</sup> [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

- **Stage 5: Proposed Submission** – putting together the final draft local plan, known as the Proposed Submission version, and undertaking final round of public consultation (Regulation 19/20 stages).
- **Stage 6: Submission** – preparing for submission of the local plan, including considering representations and updating evidence base where necessary, and then submitting to Secretary of State / Planning Inspectorate.
- **Stage 7: Examination** – involving responding to Inspectors questions, hearing sessions, and potential consultation on modification that the Inspectors deems necessary for the plan to be sound.
- **Stage 8: Adoption** – receipt of the Inspectors report and arrangements for final adoption of local plan by Full Council.

4.3 The NPPF requires that the preparation and review of all local plan policies should be underpinned by relevant and up-to-date evidence. At Examination, evidence must be provided to demonstrate that the local plan has been prepared in accordance with legal and procedural requirements and that it is sound.

4.4 A number of evidence studies to inform the local plan have been completed to date. These are:

- Land Availability Assessment (2022)
- Windfall Assessment (2022)
- Residential Density Assessment (2022)
- Gypsy & Traveller Accommodation Assessment (2022)
- Economy Study (2022)
- Shared Transport Evidence Base (STEB): Interim Assessment and Mitigation Strategy and Sustainable Transport Audit (2022)
- Strategic Flood Risk Assessment Level 1 (2022)
- Renewable Energy Study (2023)
- Town Centre Retail & Leisure Study (2023)
- Initial Viability Study (2023)
- Biodiversity Study (2023)
- Landscape Sensitivity Study (2024)
- Townscape & Tall Buildings Study (2024)
- Building Energy Performance Study (2024)
- Local Housing Needs Assessment (2024)
- HMO Study (2024)
- Tourist Accommodation Study (2024)

4.5 However, further evidence is still required to progress the local plan. Whilst some of the evidence can be prepared in-house, there are evidence

requirements that need technical expertise and would therefore need to be undertaken by consultants. The outstanding evidence requirements include:

- Open Space & Playing Pitch Study
- Green Infrastructure Study
- Sustainable Neighbourhood Assessment
- Gypsy & Traveller Site Assessment
- Transport Study
- Water Cycle Study
- Eastbourne Park Flood Storage Assessment
- Viability Assessment
- Infrastructure Delivery Plan
- Sustainability Appraisal
- Habitats Regulation Assessment

4.6 It is also anticipated that some of the existing evidence studies will need updating before the plan can be submitted. As a minimum, this would include the Land Availability Assessment, Local Housing Needs Assessment, Economy Study and Strategic Flood Risk Assessment.

4.7 There is funding implications associated with this evidence, as well as other stages in the process. The Examination process in particular requires a significant amount of funding due to the need to pay for the Planning Inspector and the administrative and technical support that will be required to take the plan through examination.

4.8 The total estimated additional cost to progress the local plan through to adoption is **£626,750** (excluding staff costs). These costs are broken down in the table below:

<b>Item</b>	<b>Estimate Cost</b>
Additional Evidence requirements	£400,000
Regulation 18 Consultation	£10,000
Regulation 19 Consultation	£10,000
Duty to Co-operate support	£5,000
Examination – Legal Advice	£15,000
Examination – Inspector Costs	£75,000
Examination – Programme Officer	£10,000
Examination – Technical Support	£10,000
15% contingency	£81,750
<b>Total</b>	<b>£626,750</b>



- 4.9 A 15% contingency has been built into the estimated cost projections to take account of need for extra work, additional evidence studies or reviews of existing evidence that may unexpectedly arise during the remaining stages of the plan making process.
- 4.10 Planning Policy has an annual base budget of £20,000, which means that there would be a requirement for **£566,750** additional funding over a 3-year period to progress the local plan to adoption.

## **5 Timetable**

- 5.1 The Government is clear that they expect local planning authorities to progress local plans swiftly and without delay. Government have confirmed that 'local planning authorities should continue to progress their plans to adoption under the existing system without delay', which indicates an expectation that local plans will be progressed in order to meet the deadline of submission for examination by the end of December 2026. Therefore, it is proposed to accelerate the preparation of the new local plan to meet this deadline.
- 5.2 Under this option, the milestones for local plan progress would be:
- Public Consultation (Regulation 18): **November/December 2025**
  - Publication of Proposed Submission (Regulation 19): **July 2026**
  - Proposed Submission Representation Period (Regulation 20):  
**August/September 2026**
  - Submission to the Secretary of State (Regulation 22): **December 2026**
  - Independent examination (Regulation 24): **January – September 2027**
  - Publication of recommendations of Inspector (Regulation 26): **October 2027**
  - Adoption of local plan (Regulation 28): **November 2027**
- 5.3 This timetable would clearly demonstrate to Government that the Council is seeking to make swift and positive progress on preparing the new Local Plan for submission by the December 2026 deadline, which would limit the risk of the Government taking intervention action to progress plan-making in Eastbourne.
- 5.4 It should be noted that the Council is in control of the timing of the stages up to and including submission, but thereafter timing is dependent on the Planning Inspectorate and the appointment of an Inspector.
- 5.5 In terms of funding, this timetable would require the following to be budgeted over the next three financial years:

	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>Total</b>
Base Budget	£20,000	£20,000	£20,000	£60,000
Additional funding required	£276,125	£172,625	£118,000	£566,750
<b>Total</b>	<b>£296,125</b>	<b>£192,625</b>	<b>£138,000</b>	<b>£626,750</b>

## **6 Houses in Multiple Occupation Development Plan Document**

- 6.1 In July 2024, Cabinet agreed a series of interventions to address concerns relating to the proliferation and impact of Houses in Multiple Occupation (HMOs) in the town. This included the introduction of new planning policy to provide more extensive criteria for applications for new HMOs to be assessed against, through the preparation of an HMO Development Plan Document (DPD).
- 6.2 The HMO DPD was subject to public consultation at Regulation 18 stage between 2<sup>nd</sup> August and 27<sup>th</sup> September 2024, with a total of 44 representations made to the consultation.
- 6.3 However, the pace at which the local plan would need to progress would mean that it would not be possible to continue with the preparation of a separate HMO DPD. Therefore, the HMO DPD would need to be discontinued, and new planning policies relating to HMOs would be incorporated into the new local plan.
- 6.4 Although the HMO DPD would need to be discontinued, a new HMO Supplementary Planning Document (SPD) could be progressed instead. This would provide more detailed guidance on the application of existing policies relating to HMOs, which could start to address some of the impacts of new HMOs in advance of new policy in the local plan. However, it should be noted that an SPD would hold less weight in the determination of a planning application compared to new policy.

## **7 Risks and Implications**

- 7.1 Accelerating the progress of the local plan would require a significant budget allocation, particularly in the 2025/26 financial year. This has not previously been identified within the Medium Term Financial Strategy, which already identifies a requirement to identify additional savings for the period 2025/26 to 2028/29.

Accelerating the progress of the local plan present risks in relation to setting a balanced budget for 2025/26.

- 7.2 Government have confirmed their intention to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025, with plans needing to be submitted for examination under the existing system no later than December 2026. They have also confirmed that *'Local planning authorities should continue to progress their plans to adoption under the existing system without delay. Authorities without an up-to-date plan should not stop work on a plan with the intention of preparing a plan under the new system'*<sup>2</sup>.
- 7.3 Government have made clear the intention that rapid progress is made towards universal local plan coverage through using Government's powers of intervention when needed. Failure to do this would mean that Government may consider intervention in the Eastbourne Local Plan.
- 7.4 Alongside the new NPPF, the Government published new Planning Practice Guidance (PPG) with updated local plan intervention criteria, indicating that revised criteria will help ensure that future local plan intervention action is targeted, swift, and proportionate.
- 7.5 PPG<sup>3</sup> confirms that 'decisions on intervention will be taken in line with relevant legal tests and should have regard to plan progress and local development needs'. Legal tests will only apply where the Secretary of State is considering making directions or removing plan-making powers where she thinks that a planning authority is failing in respect of plan-making. Planning authorities will be invited to put forward any exceptional circumstances that they think the Secretary of State should consider in relation to any plan-making intervention action.
- 7.6 Discontinuing the preparation of the HMO DPD would mean that there would be a delay to introducing new planning policy for managing the proliferation and impacts of HMOs in the town. However, this can be mitigated through converting the HMO DPD into a SPD to provide more detailed guidance on how existing policies should be applied to address the current issues. Although a SPD is not part of the Development Plan, it would be a material consideration in the determination of a planning application.
- 7.7 Overall, it is considered that this timetable would clearly demonstrate to Government that the Council is seeking to make swift and positive progress on

---

<sup>2</sup> [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK](#)

<sup>3</sup> [Plan-making - GOV.UK](#)

preparing the new Local Plan for submission by the December 2026 deadline, which would limit the risk of the Government taking intervention action to progress plan-making in Eastbourne.

- 7.8 Accelerating the preparation of the local plan would also mean that an adopted local plan should be in place ahead of the implementation of local government reorganisation, as proposed by the Devolution White Paper.

## **8 Alternative Options considered**

- 8.1 The alternative option considered was to defer the preparation of the local plan under 2026/27, given the investing significant further officer time and consultancy costs on preparation work for the local plan in the context of the constraints that the Council faces in setting a balanced budget for 2025/26.
- 8.2 Under this alternative option, the timetable for the local plan would be based on limited progress being made during 2025/26 based on the existing base budget of £20,000, with more a more significant commitment to time and resources from 2026/27. This would result in the local plan not being submitted for examination until July 2028, which would be after the deadline for submitting plans for examination under the current system. This would mean that a new local plan would be prepared under a new plan-making system, with significant uncertainties inherent with this.
- 8.3 Government have made clear the intention that rapid progress is made towards universal local plan coverage through using Government's powers of intervention when needed. Government have also confirmed that local planning authorities should continue to progress their plans to adoption under the existing system without delay.
- 8.4 Delaying the progress of the local plan until 2026/27 would be in direct conflict with Government expectations around accelerating plan-making and this represents a strong and clear risk that the Government may consider intervention in the Eastbourne Local Plan. Intervention could mean that decisions on the preparation and contents of the local plan are taken away from Eastbourne Borough Council.
- 8.5 It would be expected that the costs of any intervention would be borne by Eastbourne Borough Council.
- 8.6 Furthermore, delays in adopting a new local plan would prolong the period that the local plan is out of date and is therefore unable to demonstrate a five-year housing land supply. This means that policies in the existing Local Plan will be given less weight in the determination of planning applications and at appeals,

with decisions on development proposals having to be made in the context of the 'presumption in favour of sustainable development' in the NPPF (para 11). As a consequence, the Borough would be more vulnerable to speculative planning applications, which would be determined under the NPPF's presumption in the absence of an up-to-date plan, and would have less ability to influence planning proposals that do come forward.

8.7 Delays in adopting a new local plan will also mean that the Council would continue to not have an overall strategy for how manage growth and change is managed in the town. This would prolong uncertainty over the amount and location of future development, which could have negative impacts on communities and compromise the realistic planning of new and improved infrastructure to accommodate the growth that would be permitted in the absence of an up-to-date local plan.

8.8 On this basis, the alternative option of deferring the preparation of the local plan is not the preferred option, and accelerating the preparation of the local plan to enable submission by December 2026 is recommended.

## **9 Consultation**

9.1 There is no legal requirement to undertake public consultation on the Local Development Scheme. Stages of public consultation are built into the timetable for the Local Plan.

9.2 The Local Plan Steering Group was consulted on the preparation of the LDS. The Local Plan Steering Group is an informal advisory body whose purpose is to enable Members to provide advice and input to help steer the Council's work on planning policy related activity.

## **10 Corporate plan and council policies**

10.1 The Eastbourne Borough Council Corporate Plan 2024-2028 identifies ambitions to develop new housing in the town, continue to invest in the economic regeneration of our town, and ensure the town and its surrounds continue to be outstanding environments, to be enjoyed by our residents, visitors and by future generations, which the local plan will assist in achieving. The Corporate Plan specifically identifies that a new Local Plan to set out policies and proposals for new development is a priority.

10.2 In the context of the Housing and 'Cost of living' crisis, the Corporate Plan identifies 'delivering a new Local Plan to support the provision of more social, affordable, sustainable, energy and resource efficient, climate resilient housing, delivering for our tenants and residents more effectively' as a key area of focus.

10.3 The Corporate Plan further confirms that a new Local Plan will enable us to address the provision and allocation of employment land, and that the local plan has a key role to play in tackling climate change.

## **11 Financial appraisal**

11.1 The financial implications of this report are considered in Sections 4, 5 and 6.

11.2 The WMS confirmed that the Government are providing a package to local planning authorities of over £100 million over the coming year. This would be provided through enabling an increase in planning application fees, as well as through planning capacity and capability funding announced at Budget. However, there is no indication of how this will impact the level of funding available to Eastbourne Borough Council. The costs associated with the developing the plan are considerable, estimated to total £626,750 over the next three financial years. These amounts have not been built into the Council's budget and therefore reflect an additional pressure to the Council's budgetary position which is likely to be only partially offset by the National Funding package described.

## **12 Legal implications**

12.1 Section 15(1) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare and maintain a scheme to be known as their local development scheme. It is important for the Council to comply with Section 15(8) of the Planning and Compulsory Purchase Act 2004 which provides that a local planning authority must revise their local development scheme at such time as they consider appropriate.

12.2 Subsection (9) sets out that the same statutory provisions apply to the revision of a scheme as they apply to the preparation of the scheme. Upon the revision of a scheme, the local planning authority must make the following available to the public –

- a) The up-to-date text of the scheme
- b) A copy of any amendments made to the scheme
- c) Up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable

12.3 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution, the adoption of the LDS is a function of Full Council. However, it is a proper function of Cabinet to consider

the LDS and make a recommendation to Full Council for its adoption with or without amendment.

- 12.4 Section 27 Planning and Compulsory Purchase Act 2004 contains default powers for the Secretary of State to prepare or revise development plan documents if he thinks the local planning authority are failing properly to carry out these functions themselves. Under these provisions, an authority must reimburse the Secretary of State for any expenditure incurred in exercising these powers.

Legal Implications Provided - – 013672-EBC-JCS 23.12.24

### **13 Risk management implications**

- 13.1 The risk management implications are identified in Section 7.
- 13.2 A risk assessment has been provided within the Local Development Scheme (Appendix 1) to acknowledge the risks associated with the Local Plan and identify mitigating measures to avoid adverse impact on the delivery of the LDS and the local plan timetable.

### **14 Equality analysis**

- 14.1 It is not considered that an Equalities and Fairness Analysis is required for the Local Development Scheme because the timetable for the preparation of a new Local Plan will not impact on protected groups.
- 14.2 The new Local Plan itself will need to undergo an equalities and fairness analysis, and this will be undertaken during the preparation of the plan.

### **15 Environmental sustainability implications**

- 15.1 The environmental sustainability implications are identified in Section 6.

### **16 Appendices**

- 16.1
- Appendix 1 – Eastbourne Local Development Scheme

### **17 Background papers**

The background papers used in compiling this report were as follows:

- [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)
- [Levelling-up and Regeneration Act 2023 \(as amended\)](#)

- [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)
- [National Planning Policy Framework \(2024\)](#)
- [Written Ministerial Statement: Building the homes we need \(12 December 2024\)](#)
- [Proposed reforms to the National Planning Policy Framework and other changes to the planning system \(July 2024\)](#)
- [Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation \(December 2024\)](#)
- [Planning Practice Guidance: Plan-making](#)
- [Eastbourne Local Development Scheme 2022-2025](#)