

<b>COMMITTEE</b>	<b>CABINET</b>
<b>DATE</b>	<b>23 March 2016</b>
<b>SUBJECT</b>	<b>Local Employment and Training Supplementary Planning Document</b>
<b>REPORT OF</b>	<b>Senior Head of Regeneration, Planning and Assets</b>

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<b>Ward(s)</b>	All
<b>Purpose</b>	For Members to approve the proposed Local Employment and Training Supplementary Planning Document (SPD) for publication for a 12 week period to receive representations in preparation for formal adoption by Full Council.
<b>Contact</b>	Sara Taylor, Strategy & Commissioning Officer (Regeneration) 1 Grove Road, Eastbourne Tel no: (01323) 415609 E-mail: <a href="mailto:sara.taylor@eastbourne.gov.uk">sara.taylor@eastbourne.gov.uk</a>
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. To approve the Local Employment and Training SPD for publication for a 12 week consultation period to receive representations and comments.</li><li>2. To delegate authority to the Senior Head of Regeneration, Planning and Assets in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the representation period.</li></ol>

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## **1.0 Introduction**

- 1.1 Eastbourne Borough Council is preparing a Local Employment and Training Supplementary Planning Document (SPD) to assist in securing local labour agreements as part of development proposals. The level of development required in Eastbourne up to 2027 will create a significant number of jobs and this SPD will play an important role in helping to secure local employment at both construction and operational stages of this development.
- 1.2 The Local Employment and Training SPD will replace the Local Employment and Training Technical Guidance Note, adopted 1 April 2013. The Technical Guidance Note has been tried and tested since adoption and has confirmed a need for development to an SPD.

## **2.0 What is a Supplementary Planning Document?**

- 2.1 A Supplementary Planning Document (SPD) is a planning policy document that adds further detail on a policy within a Local Plan. They are used to provide additional information on how a policy should be implemented or what is required in order to satisfy the policy.
- 2.2 Supplementary Planning Documents are material planning considerations in the determination of planning applications and provide additional guidance on matters contained within Local Plans. In respect of this SPD, the Local Plan is the Eastbourne Employment Land Local Plan (ELLP).
- 2.3 This Local Employment and Training SPD has been prepared to provide detail to the Eastbourne Employment Land Local Plan Policy EL1 in order to provide a framework as to how local labour agreements (including employment and training measures) will be secured and how to maximise local employment opportunities at both the construction and first operational phase of the development.
- 2.4 The Employment Land Local Plan was submitted to the Secretary of State for Public Examination in February 2016 following public consultation. It is anticipated that the Public Examination will take place in May 2016, and once it has been found sound by the Planning Inspectorate it can be adopted, which is anticipated for October 2016.

## **3.0 Local Employment and Training SPD**

- 3.1 The Council and its local partners are committed to working in partnership with the developer and operator to assist in the delivery of this in order to maximise the opportunities available to all parties. Developers and operators that support this SPD and achieve the measures identified within will be recognised by local residents, business and key stakeholders as major contributors towards the growth and success of the local economy.

## **4.0 Why is it important to have a Local Employment and Training SPD?**

- 4.1 As construction falls in eighth place within the top ten most popular apprenticeships<sup>1</sup>, a mechanism needs to be put in place to preserve and maintain a trained workforce particularly in construction. This can be achieved by dedicated measures such as local labour agreements. Employment and training targets, particularly those associated with apprenticeships, work experience and NVQ start and completions during the construction phase will encourage employers to invest in their workforce and raise the profile of the construction industry.
- 4.2 The 2015 Summer Budget confirmed the Government's ongoing commitment

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<sup>1</sup> SFA data, National Audit Office, Ancestry: the Centre for Economics and Business Research

to apprenticeships by introducing an apprenticeship levy to encourage large companies to set up training schemes, in addition to creating 3 million new apprenticeships. This demonstrates an ongoing commitment to apprenticeships.

- 4.3 In considering the points outlined, Eastbourne Borough Council believes that there is a clear case to use a Section 106 Agreement to secure local labour agreements from future developments. This will secure contributions from developments that will support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by new developments.
- 4.4 The Council works in partnership with local education and training providers to ensure that courses relevant to industry and employment needs can be planned and provided.
- 4.5 The contribution is financial in the form of a monitoring fee. The fee enables the funding of personnel to undertake the monthly monitoring of employment and training during the construction phase and up to one month in the first operational phase. It also covers negotiation, co-ordination and administration of employment and training initiatives associated with a development such as meet the buyer events, extra curricula activities, sector based work academies and local promotion. If required the fee will also include drafting Employment and Training Plans.
- 4.6 The following thresholds will trigger a request for a local labour agreement:
- Commercial** – All developments (other than C3/C4 Planning Use Class), including change of use, that create/relate to 1,000 sq m. (gross). This also includes developments of strategic importance (eg essential infrastructure, development identified in Council plans and strategy) and all of those that create 25+ jobs.
- Residential** - Major developments (within C3/C4 Planning Use Class) that involve 10 or more gross units.

## **5.0 Consultation**

- 5.1 On 9 February 2016, the Local Plan Steering Group endorsed and gave authority to take the Local Employment and Training SPD to Cabinet for authority to publish for consultation.
- 5.2 The Local Employment and Training SPD, if approved by Cabinet, will be subject to a 12 week consultation period between 1 April 2016 and 24 June 2016 to allow stakeholders and the local community to comment and make representations.

5.3 The consultation will be made available online allowing representations to be made electronically via the Council's online consultation portal. The consultation procedure will be in compliance with the Statement of Community Involvement. Comments may also be submitted by email or post.

## **6.0 Next Steps**

6.1 Following the consultation period, a summary of representations will be prepared and a revised Local Employment and Training SPD will be tabled to Local Plan Steering Group for endorsement followed by submission to Full Council for approval and adoption in the Autumn 2016.

## **7.0 Implications**

### 7.1 Legal Implications

#### *7.1.1 106 Agreement*

The power of a Local Planning Authority to enter into a planning obligation (also known as a section 106 agreement) with any person interested in land in the area of the local planning authority is contained within Section 106 of the Town and Country Planning Act 1990 (as amended). Planning obligations are secured by Deed either by way of planning agreements or unilateral undertakings and are required in order to mitigate the impact of the proposed development.

In accordance with the Act, planning obligations:

- May require cash payments to be made;
- Must be registered as a local land charge
- May be enforced against the person entering into it and against any person deriving title from that person; and
- Can be enforced by means of injunction.

#### *7.1.2 Supplementary Planning Document - Consultation*

Town & Country Planning (Local Planning) (England) Regulations 2012 prescribes the legal process that must be carried out when the Council is seeking to create a Supplementary Planning Document (SPD). As part of the public consultation the regulations require that the Council prepares a statement setting out:

- (i) the persons the local planning authority consulted when preparing the supplementary planning document;
- (ii) a summary of the main issues raised by those persons; and
- (iii) how those issues have been addressed in the supplementary planning document

This statement must be made available as part of the consultation in accordance with the regulations.

### 7.1.3 *Adoption*

The SPD will, if adopted, become a development plan document. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that the creation of development plan documents are a function of full Council, therefore adoption of the SPD cannot be adopted until it is approved by Full Council.

## 7.2 Financial Implications

7.2.1 There are no financial implications to the Council as a direct result of this report. The cost of the consultation and publication of the Local Employment and Training SPD will be met from within the service budget, which has been subject to bids through the Service and Financial Planning process.

## 7.3 Human Resource Implications

7.3.1 Officers in the Regeneration & Planning Policy team will manage the consultation arrangements for the Local Employment and Training SPD and the collection and processing of representations received.

## 7.4 Equalities and Fairness Implications

7.4.1 The Local Employment and Training SPD supports and adds further detail to the Employment Land Local Plan (ELLP). An Equalities and Fairness Impact Assessment was undertaken during the scoping stage in the production of the ELLP and the assessment demonstrates that the ELLP was unlikely to have any significant impact on equalities and fairness.

## **8.0 Conclusion**

8.1 In order to progress the Local Employment and Training SPD towards adoption, Cabinet are requested to approve the Local Employment and Training SPD for publication to receive representations between 1 April 2016 to 24 June 2016.

8.2 It is anticipated that a further report will be submitted to Cabinet in the Autumn when the Local Employment and Training SPD is put forward for adoption by Full Council.

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### Background Papers:

- Local Employment and Training Supplementary Planning Document (February

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- Local Employment and Training SPD Sustainability Appraisal Screening Report (February 2016)
  - Local Employment and Training SPD Statement of Consultation (March 2016)
  - Employment Land Local Plan Submission Version (February 2016)
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