

<b>COMMITTEE</b>	<b>CABINET</b>
<b>DATE</b>	<b>9 November 2016</b>
<b>SUBJECT</b>	<b>Local Employment and Training Supplementary Planning Document</b>
<b>REPORT OF</b>	<b>Director of Regeneration and Planning</b>

---

<b>Ward(s)</b>	All
<b>Purpose</b>	To seek Cabinet endorsement of the Local Employment and Training Supplementary Planning Document (SPD) in order to allow formal adoption at Full Council on 16 November 2016.
<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. That Cabinet endorse the Local Employment &amp; Training SPD and recommend that at Full Council it is approved for adoption.</li><li>2. That any minor or technical adjustments found necessary in the Local Employment &amp; Training SPD are delegated to the Director of Regeneration and Planning in consultation with the Cabinet portfolio holder.</li></ol>

---

## **1.0 Introduction**

- 1.1 Eastbourne Borough Council has prepared 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 development.
- 1.2 The Local Employment and Training SPD was published for consultation from 1 April to 24 June 2016. Following representations amendments have been made. The SPD requires adoption in order that it may be implemented.

## **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 Following public consultation, the Employment Land Local Plan was submitted to the Secretary of State for Public Examination in February 2016. The Public Examination took place in May and June 2016, and the Planning Inspectorate considered it to be sound in October 2016. The Employment Land Local Plan has been recommended for endorsement and adoption by Full Council in conjunction with this Local Employment and Training SPD.

## **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 Construction falls in eighth place within the top ten most popular apprenticeships<sup>1</sup>, and 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.

---

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

- 4.2 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.
- 4.3 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 Following Cabinet approval, the Local Employment and Training SPD was subject to a 12 week consultation between 1 April 2016 and 24 June 2016 to allow stakeholders and the local community to comment and make representations.
- 5.3 Notice of the consultation was published in an advertisement in the Eastbourne Herald on Friday 1 April 2016. Articles were also published in the Eastbourne Independent newspaper on 1 April 2016, April's edition of the Council's e-business newsletter and the consultation portal on the Council's website.
- 5.4 Specific and general consultation bodies, other organisations, residents and businesses and stakeholders on the Local Plan Mailing List were informed of the consultation and invited to participate.

- 5.5 In total 512 consultees were invited to participate in the consultation. Thirty-five consultees joined the consultation. Six consultees submitted a total of ten representations.
- 5.6 All the representations were considered and the Local Employment and Training SPD was amended to reflect the responses. Details of the consultation responses, response and amendments are provided as Appendix 1 to this report. The final version of the Local Employment and Training SPD is provided as Appendix 2.
- 5.7 The proposed Local Employment and Training SPD will replace the Local Employment and Training Technical Guidance Note (TGN), which was adopted 1 April 2013.

## **6.0 Implications**

### **7.1 Legal Implications**

- 6.1.1 The Local Employment and Training SPD has been prepared in order to comply with Regulation 12 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.
- 6.1.2 Following adoption, there is a 3 month period where any person aggrieved by the decision to adopt the Local Employment and Training SPD may make an application to the High Court for Judicial Review. Any application for Judicial Review should be made not later than 3 months after the date of adoption (i.e. Wednesday 8 February 2017).

### **7.2 Financial Implications**

- 7.2.1 There are no financial implications to the Council as a direct result of this report.

### **7.3 Human Resource Implications**

- 7.3.1 There are no direct human resource implications to the Council of this report. Officers in the Regeneration & Planning Policy team manage adherence to the Local Employment and Training SPD as part of their day to day duties.

### **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 The Local Employment and Training SPD was published for consultation from 1 April 2016 to 24 June 2016. A total of 512 consultees were invited to participate; 35 consultees joined the consultation and six consultees responded with ten representations.
- 8.2 The representations were reviewed and where appropriate amendments have been made to the Local Employment and Training SPD. Details of the representations, responses and amendments are documented in the Local Employment and Training SPD Statement of Consultation and Representations (August 2016).
- 8.3 Following the consultation and an analysis of representations and revision of the Local Employment and Training SPD, Cabinet are requested to recommend to Full Council that the Local Employment & Training SPD be formally adopted at the Full Council meeting on 16 November 2016.
- 

### Background Papers:

- Local Employment and Training Technical Guidance Note (April 2013)
- Local Employment and Training SPD Sustainability Appraisal Screening Report (February 2016)
- Employment Land Local Plan Submission Version (February 2016)
- Local Employment and Training Statement of Consultation and Representations (August 2016)

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

---

## Appendix 1 – Table of Responses to consultation on Local Employment and Training SPD

Rep ID	Consultee	Section	Summary of Representation	Officer Response	Recommended Change
LETSPD/ 01	Patricia Palmer	General	<p>I believe the council should involve local schools in the setting up of a local skills agency - getting employers to visit pupils about to leave school who maybe undecided about their future career. It is imperative that employers invest in young people, especially in plumbing, electrical and building careers, so that we have skilled workers for the future. Investing means training in required manual skills of course, but also in all the peripheral duties required in construction - girls too!</p> <p>I also believe that employers, or the local skills agency, should offer further education that is directly related to the prospective employee's chosen career. Many young people slip through the educational net whilst at school, only realising the qualifications and skills they need once confronted with the job requirements. We MUST invest in education alongside employment skills. To turn someone down because he/she failed to obtain GCSEs of 'C' or above is not good enough. We will only get more people in employment by helping them train for the job whilst helping them get the right qualifications and paying them a decent wage - as part of the same apprentice package.</p> <p>There are also older people (aged 25+) who face the same dilemma of having left school without the required qualifications and find themselves without the skills/qualifications required by employers and no chance of now gaining them because of financial restraints. We need to invest in them too, giving them the chance to earn a living whilst learning the job both practically and academically.</p> <p>Eastbourne needs to invest in our young people</p>	<p>East Sussex County Council (ESCC) has established a Construction Ambassador Programme developed by CITB where representatives from industry have been trained to deliver careers sessions in schools. The programme includes supporting training material.</p> <p>ESCC has also recruited two Enterprise Co-ordinators to work with schools. One project is the recruitment of industry based Enterprise Advisors (EAs). The project aims to match businesses with schools to improve the quality and relevance of careers advice and guidance activities delivered by the schools. The project started in November 2016 and is due to run until July 2016 in the first instance. It is then likely to be extended until July 2017.</p> <p>Across East Sussex a number of employers have been engaged to become EAs with some already being matched to schools. Once all 24 EAs have been engaged and matched, they would be supported in producing a bespoke Careers Strategy for each school involved in the project. It is also intended that each EA will have a support pack.</p> <p>Employment and Training Plans are negotiated at the construction and operation (where appropriate) stages of development. These are monitored regularly and opportunities for local people of all ages to undertake work experience and/or apprenticeships are explored and encouraged. Both of these options enable on the job learning. Main contractors are also invited to participate in careers talks and offer site visits.</p> <p>The Council is also a sponsor in the Big Future</p>	None

Rep ID	Consultee	Section	Summary of Representation	Officer Response	Recommended Change
			BIG TIME. Local businesses need to follow suit and be strongly encouraged by the council to commit whole-heartedly.	Show which is an opportunity for years 10 and 11, young people, parents and family to meet with further education, training providers and prospective employers.	
LETSPD/02	Stuart Bannerman	Chapter 7 Appendix 1	Excessive use of the phrase " to use reasonable endeavours". This is hard to define and hard to enforce. Such a vague term should only be deployed where there is no possible alternative. Whilst there may be instances where such text could be acceptable in a planning context, more precise and enforceable obligations should always be preferred. Otherwise the less scrupulous developers are likely to gain unfair advantages over those who take their public obligations more seriously. Such a result leads to a breakdown in respect for the Council's policies and, ultimately, the Council itself. A far more rigorous approach to policy drafting is needed here please.	Agree - revisited legal agreement and reviewed the use of 'reasonable endeavours'.	Legal advice has been sought. Appendix 1 has been revised and reference to 'reasonable endeavours' has been reduced to a minimum.
LETSPD/03	Clare Westbrey-Tong	Chapter 2, Page 6	Use of the descriptor 'encouraging' How will encouraging be defined and measured? Could bullet points 4 &5 be more specific and measurable?	Narrative has been extracted from Policy EL1 – Economy and Employment Land, therefore, it would be inappropriate to amend the wording.	None
LETSPD/04		Chapter 7, Page 13	Consider the provision of Traineeships as a measure and activity – Traineeships can be a useful pre-employment/pre Apprenticeship activity.	Measured activity has been taken from the CITB's Client Based Approach to developing and implementing an Employment and Skills Strategy on construction projects through on site training. The CITB is the recognised construction industry expert for education and training. It has set benchmarks dependent on the type of development and build value. The Local Employment and Training SPD based the training and education commitment on the benchmarks. At the time of drafting the SPD the benchmarks did not set targets for traineeships. However in June 2016 V2 of the documentation was released incorporating traineeships. In light of this revision traineeships will be encouraged and supported.	Revision to include reference to traineeships.

Rep ID	Consultee	Section	Summary of Representation	Officer Response	Recommended Change
				It is envisaged that further education and training provider representatives will meet with contractors to discuss work experience and apprenticeship opportunities. At this stage exploration of traineeship opportunities would be welcomed.	
LETSPD/05		Page 23	Residential benchmark standards – consider x1 Apprentice start for £1-3.5m projects	The benchmarks are set by CITB and accepted within the industry. The introduction of an apprenticeship commitment for builds up to £3.5m will affect the commitment target for larger build values and will not conform with CITB benchmarks. It is difficult for small developments, particularly those of less than 12 months duration to achieve apprenticeship requirements. However, contractors are advised of apprenticeship placements via TrAC.	None
LETSPD/06		Page 35	In the monitoring form consider collecting some information from employers regarding the impact of engaging with Work Experience or Apprenticeships. In order to meet the 'Pride of Place' objectives it will be important to collect evidence of impact for case studies etc.	Agree and recommend a Work Experience and Apprenticeship feedback/comment section be added to Appendix 5 – Monitoring Form.	Appendix 5- Monitoring Form updated to incorporate apprenticeship and work experience placement feedback and comments.
LETSPD/07	Geoff Johnson	Chapters 4 and 5	<p>The way in which EBC applies the requirements is contrary to the tests set out in Paras 203/4 of the NPPF and to Para 153</p> <p>That the trigger in the policy for applying the regulations to residential developments is pitched at too low a level and is too vague. Following on from this the reqs in the policy place an unreasonable burden on developers of smaller schemes eg the Heatherleigh. It should be noted that the Heatherleigh was not even a 'major application' as defined in the Management Regulations but was caught by the extension of this definition in the policy to gross increases of 10 units (whatever that means ). If the trigger point is to be kept at this low level it should at least be based fairly and squarely on the statutory</p>	<p>The respondent had recently been in dialogue with the Council in the negotiation of a local labour agreement (LLA) on a local development. During the LLA negotiation, the thresholds for residential development were reviewed, updated and incorporated in the draft SPD prior to consultation. The amendments were made in light of the respondent's observations.</p> <p>Following the representation, EBC sought advice and advised the respondent that it is the Council's decision to determine the threshold at which to seek local labour/training provisions. Whilst it may be considered that the threshold should be higher, the respondent failed to show that the requirement relating to local labour</p>	None

Rep ID	Consultee	Section	Summary of Representation	Officer Response	Recommended Change
			<p>definition of 'major application' so that everyone knows where they stand.</p> <p>Personally I think that it is ok (subject to the NPPF issues) applying it to a substantial scheme like the Churchill development in Upperton Road but the Heatherleigh was simply the conversion of 55 hotel bedrooms to 28 flats , all internal work and very little new build. If the policy is to be retained the residential trigger should be looked at again.</p> <p>Going back to the NPPF tests in Para 204 what concerns me is that EBC is ignoring the guidance and applying the requirements on scale alone. The first test is the most significant. Aldi and Morrisons were clearly within the scope of this test as they were on prime employment land and the requirements could be applied in full to make the loss of the employment land more palatable in policy terms. In most other cases though the regulations have been applied purely on scale with no regard for the first test in cases where there is no possible policy objection and therefore no need to 'sweeten the pill'.</p> <p>I note that the NPPF tests are referred to briefly in passing in the policy with no real attempt to explain how they would be dealt with.</p>	<p>and training for a net increase of 10 or more residential units had had a significant effect on the viability of a scheme.</p> <p>The Council also reviewed the relevant sections of the CIL Regulations (2010 as amended) and considered that the SPD complies with the legal tests and the NPPF.</p>	
LETSPD/08		Chapters 4 and 5	<p>I don't know how much scrutiny will be given to these issues in the process of approving and adopting the SPD. Does it automatically go before an Inspector? If it does and his/her brief is to ensure compliance with the NPPF there could be a problem.</p>	<p>With regard to the process for approving and adopting the SPD, it is anticipated that a report will be presented to Planning Committee and Cabinet in November, and if agreed it will then be forwarded onto Full Council for adoption.</p> <p>There is no requirement for an Examination as the guidance expands on Policies contained within the Employment Land Local Plan that has been considered by an Inspector.</p>	None
LETSPD/09	Highways England	General	<p>No comment – interest lies in proposals impacting operation of strategic road networks.</p>	None	None
LETSPED/	Historic England	General	<p>No comment.</p>	None	None

<b>Rep ID</b>	<b>Consultee</b>	<b>Section</b>	<b>Summary of Representation</b>	<b>Officer Response</b>	<b>Recommended Change</b>
10					

## **Appendix 2 – Local Employment & Training SPD**