

Report to: Cabinet

Date: 20 March 2024

Title: Local Employment and Training Supplementary Planning Document

Report of: Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning

Cabinet member: Councillor Peter Diplock, Cabinet Member for Planning

Ward(s): All

Purpose of report: For Members to approve the proposed Local Employment and Training Supplementary Planning Document (SPD) for publication for an eight-week period to receive representations in preparation for formal adoption by Council

Decision type: Cabinet

Officer recommendation(s):

- 1) To approve the Local Employment and Training SPD for publication for an 8 week consultation period to receive representations and comments.
- 2) To delegate authority to the Regeneration Lead in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the representation period.

Reasons for recommendations: Refresh of policy to reflect changes in employment and training

Contact Officer(s):

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1 Introduction

1.1 Following the adoption of the Local Employment and Training Supplementary Planning Document (SPD) in November 2016 Eastbourne Borough Council is refreshing the policy to reflect adaptations in approach based on implementation of policy since April 2013. The policy will continue to secure local labour agreements as part of development proposals. This SPD will play an important role in helping to secure local employment and training initiatives at both the construction and operational stages of development.

- 1.2 The Local Employment and Training SPD will replace previous adopted policy dated November 2016. The SPD has been tried and tested since adoption and following seven years' implementation demonstrates a need for a refresh.

2 Proposal

- 2.1 Local Plan Steering Group has endorsed and given authority to take the Local Employment and Training SPD to Cabinet for authority to publish for consultation.
- 2.2 The Local Employment and Training SPD, if approved by Cabinet, will be subject to an 8-week consultation period between 6 May 2024 and 29 June 2024 to allow stakeholders and the local community to comment and make representations.

3 Outcome expected and performance management

- 3.1 To ensure continued deliverability, the refreshed SPD will only apply to larger commercial and residential developments. Prescribed thresholds have been set for commercial developments of 1,000 sq m. or more that create 25 jobs or more and those deemed of strategic importance, and residential development that involve ten or more units. At this scale of development, the opportunities for local employment will be significantly greater.
- 3.2 The SPD sets out the types of measures and activities that could be delivered and will be agreed appropriate to the nature and scale of each development.

Members should note that each development will have obligations defined in an S106 agreement. These will vary from site to site dependent on the scale of development, as well as perceived deliverability.

4 Consultation

- 4.1 The Council's approach has been informed by:
- Liaison with other local authorities
 - Participation in the Construction Task Group
 - Extensive use of local labour agreements in Eastbourne Borough Council (since April 2013)
- 4.2 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.

5 Corporate plan and council policies

- 5.1 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 all phases of the development.

5.2 This policy complies with the Employment Land Local Plan.

6 Business case and alternative option(s) considered

6.1 Officers have considered a range of options for implementing a local labour SPD, these include:

- Continuation of the existing SPD placing hard to achieve construction training obligations
- Alternative initiatives to secure construction apprenticeships and work experience placements.

7 Financial appraisal

7.1 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. Any other costs associated with the report's recommendations are to be contained within existing department revenue budgets.

8 Legal implications

8.1 106 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 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.

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

Adoption

Once adopted, the SPD will become a development plan document. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that the creation of development plan documents is a function of full Council.

Once this is done, the SPD must be made available to the public and a formal adoption statement must be prepared and published in accordance with regulation 11 of the 2012 Regulations.

Legal implications Provided 18.01.24 EBC-JCS 12639

9 Risk management implications

9.1

Risk	Likelihood	Impact	Mitigation
Developer refuses to comply with Local Employment and Training SPD	Low	High	SPD is established policy with no refusal to comply to date
Delay in planning process	Medium	High	To ensure compliance with planning process, employment and training initiatives may be addressed via unilateral undertaking
Additional burden stymies development	Low	High	The proposals remove obligations at the construction phase
Minority groups are not able to access opportunities	Low	High	Officers work with all local stakeholders and groups to maximise awareness of opportunities
Reduced development post Covid-19	High	High	Council support and co-ordination with employment and training initiatives

10 Equality analysis

- 10.1 An Equality & Fairness Analysis has been undertaken on these proposals. This has concluded that education and training programmes and initiatives/activities offered via the local employment and training process address fairness and equality criteria.

11 Environmental sustainability implications

- 11.1 The Council's carbon neutral by 2030 target encourages sustainable economic growth achieved by working with private and public partners on key strategic sites and working with the East Sussex College Group to address skills gaps and employability issues. The SPD seeks to support local businesses to upskill staff in emerging green technologies. The delivery of local training at the Eastbourne Green Hub encourages partnership working and reduces travel. It is considered that the refreshed SPD fits with the Council's carbon neutral target.

12 Appendices

- Appendix 1: Local Employment and Training Supplementary Planning Document
- Appendix 2: Minutes from Local Plan Steering Group Committee, Monday, 18 December 2023

13 Background papers

- Eastbourne Employment Land Local Plan Policy EL1
- Eastbourne Core Strategy Local Plan
- Equality and Fairness Screening