

Local Employment and Training Supplementary Planning Document

STATEMENT OF CONSULTATION

September 2016

1.0 Introduction

- 1.1 This consultation statement has been prepared in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012. It supports the Local Employment and Training Supplementary Planning Document (SPD), which has been published for public consultation.
- 1.2 In preparing Supplementary Planning Documents (SPDs) local authorities are required to publish a Statement of Consultation setting out:
- Who was consulted during the preparation of the draft SPD;
 - How they were consulted;
 - The main issues raised in response to the consultation;
 - How those issues were addressed in the draft SPD.
- 1.3 The Local Employment and Training Supplementary Planning Document has been prepared by Eastbourne Borough Council. The draft SPD was published for consultation between 1st April 2016 and 24th June 2016.
- 1.4 The Local Employment and Training SPD will 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.
- 1.5 The 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.

2.0 Who was consulted?

- 2.1 Eastbourne Borough Council maintains a mailing list of all bodies, organisations and individuals that have previously asked to be kept informed about the preparation of planning policy documents. All stakeholders on the mailing list were notified by email of the consultation being undertaken.
- 2.2 The Employment and Training SPD will replace the tried and tested Employment and Training Technical Guidance Note. The Technical Guidance Note had a three week targeted consultation of professional and technical organisations that involved 83 stakeholders, including local architects, planning agents, builders, development companies, education providers and business support organisations. A full list of stakeholders consulted during the targeted consultation is provided in Appendix 1.
- 2.3 In addition, for the Employment Land Local Plan, selected stakeholders who it was considered would have a specific interest were notified of the consultations. This included some stakeholders who were not on the mailing list but it was considered may have an interest in the production of the Plan.
- 2.4 The stakeholders who were notified on the Employment Land Local Plan included: all statutory consultees, large employers located on industrial estates, landowners and agents, enterprise-related agencies, the Chamber of Commerce, and the Federation of Small Businesses. In addition, all properties located on the town's industrial estates were sent a letter informing them of the consultation.
- 2.5 The consultation for the Employment and Training SPD took place from 1 April to 24 June 2016. Stakeholders who were notified and invited to participate consisted of statutory consultees, architects and planning agents, Chamber of Commerce, Federation of Small Business, Sussex Downs College and local training and employment support providers and consultees on the consultation portal.

3.0 How were they consulted?

- 3.1 The basis for the Local Employment and Training SPD comes from the Employment Land Local Plan. The emerging Employment Land Local Plan was subject to four separate rounds of consultation with the local community and other stakeholders.
- 3.2 All consultees on the Eastbourne Local Plan mailing list, including statutory consultees, were invited to make comments and representations on the Employment Land Local Plan during:

- Pre-production Engagement Questionnaire – June-August 2013
- Proposed Draft Employment Land Local Plan – December 2013 – March 2014
- Proposed Submission Employment Land Local Plan – December 2014 – February 2015
- Revised Proposed Submission Employment Land Local Plan – December 2015 – January 2016

3.3 The Local Employment and Training SPD has been informed by:

- Desktop and verbal research undertaken on other local authority approaches
- Dialogue with CITB – Construction Skills, the Construction Training Industry Board, who provided key guidance
- A successful pilot on the Morrison's supermarket. On average 67% of employees on the construction site and 23% of businesses contracted were local; and of the starting workforce 83% were local of which 45% were previously not in employment
- External lawyers to the Council providing legal advice on the Section 106 Agreement for the Arndale Centre Extension
- A 3 week targeted consultation of professional and technical organisations and partners that have shown interest in Planning Policy.

3.4 A Local Employment and Training Technical Guidance Note was produced in February 2013 and subject to targeted consultation with key stakeholders including planning agents, developers, consultants and those with an interest in development matters between 20 February and 13 March 2013.

3.5 Throughout the preparation of the SPD, internal discussions and meetings have taken place. There have been regular meetings with Building Partnerships, Jobcentre Plus and Sussex Downs College.

3.6 Frequent meetings also took place between key officers and councillors on the Local Plan Steering Group.

3.7 Eastbourne Borough Council's Cabinet approved the draft Local Employment and Training SPD for the purposes of public consultation on 23 March 2016. It was presented to the Council's Planning Committee for its consideration on Tuesday 22 March 2016.

3.8 The document was published for a period of consultation prior to its adoption in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.9 The consultation took place over a 12-week consultation commencing on Friday 1 April until Friday 24 June 2016. The SPD documents comprise the following:

- Draft Local Employment and Training SPD
- Statement of Consultation
- Guidance Notes for Making a Representation
- Statement of Representations Procedure
- Response Form

3.11 Specific and general consultation bodies, other organisations, residents and businesses and stakeholders that were on the Local Plan Mailing List were informed of and invited to participate in the consultation by email. In total 512 consultees were invited to participate the consultation. Thirty-five consultees joined the consultation.

3.12 Notice of the consultation and locations where the documentation was available were published in an advertisement that appeared in the local newspaper the Eastbourne Herald on Friday, 1 April 2016. Details regarding the consultation and participation were also published on the Council's consultation portal, April's issue of the Council's e-Business Newsletter and in the Eastbourne Independent newspaper on Friday 1 April 2016.

4.0 Summary of the Main Issues and how they were addressed

Employment Land Local Plan

4.1 There were no consultation responses received on the various versions of the Employment Land Local Plan that related to the part of Policy EL1 that references Local Labour and relates to the Local Employment and Training SPD.

Pre-production Engagement/Technical Guidance Note

4.2 A total of 29 responses were received on the Technical Guidance Note consultation from 4 organisations:

- Performance Retail Limited Partnership
- Eastbourne Chamber of Commerce Ltd
- Teal Planning on behalf of Sovereign Harbour Ltd
- Eastbourne Homes

4.3 A table containing the response received is provided in Appendix 2, and the main issues are summarised below.

4.4 *Performance Retail Limited Partnership (PRLP)*

- 4.4.1 PRLP raised concerns that significant requirements relating to the percentage of contracts that should be given to local businesses may affect the viability of development schemes. In addition, there is concern that reference to 'local people' could have the effect of precluding future tenants from occupying certain commercial units. As a result of this, the SPD will not provide specific targets for the percentage of contracts that should be given to local businesses.
- 4.4.2 PRLP recommended a more flexible wording to outline the requirement of Employment and Training Plans to ensure that it is not too onerous on any developer dealing with multiple tenant occupancy. However this misunderstands that bespoke support that can be provided to each tenant. Each tenant will be looking to train and recruit. EBC would work with each to put together an Employment Training Plan to provide a flexible approach to meet the needs of the employer. EBC will assist them with their employment and training needs.
- 4.4.3 PRLP requested the removal of the target for guaranteed job interviews for local unemployed residents who have undertaken specific pre-employment training. However, it is considered that unemployment is a local priority and this obligation should be retained. The target that will be negotiated on a case by case basis with each tenant, including in a multiple tenant occupancy schemes. It's unlikely to occur in the construction phase as workforce in place. The SPD will make it clear that each tenant in a multi-occupancy scheme will have their own targets and Employment Training Plan for the starting workforce.
- 4.5 *Eastbourne Chamber of Commerce Ltd*
- 4.5.1 The Chamber of Commerce are concerned that the local employment and training requirements will favour multi-national and national contractors who have better resources and will further deter local indigenous contractors from tendering even if they are afforded the opportunity. The Council does not want to add extra burdens on contractors. It should be noted that Eastbourne Borough Council cannot influence the way national companies enter into framework agreements. However the SPD seeks to influence national companies when they develop in Eastbourne so capturing the opportunity for local employment. In addition, the monitoring role at EBC will assist with paperwork required for monitoring purposes to help those local companies with less resources.
- 4.5.2 The Chamber of Commerce feel that the financial contribution is just another tax of business. However, the financial contribution to be paid by the developer/owner only. The cost is nominal and covers the salary of a

monitoring position for one day a week for the during of the construction phase and an additional 4 weeks if there is an end use of the site.

4.5.3 The Chamber of Commerce question where the trainees provided will work when their project is finished. They are also concerned that there are no local facilities or courses available within a 50 mile radius that provides the classroom training or support for any construction management course. The Council are committed to working with partners, including Sussex Downs College, to ensure that relevant and appropriate courses are available to assist with training. It is considered that apprentices will remain with employer during the term of their apprenticeship. The SPD does not dictate which firms will employ apprentices so could potentially be local firms. The Training and Apprenticeships in Construction (TrAC) initiative is an option which will involve local people. The work experience placements are also aimed at local people. The construction phase is potentially only one side of the process. The SPD also impacts on the end use of a development by assisting the operator with the employment and training of their starting workforce.

4.6 *Teal Planning on behalf of Sovereign Harbour Limited (SHL)*

4.6.1 Sovereign Harbour Limited (SHL) are concerned that the need additional financial cost on development has not been substantiated and is not supported by the evidence, and that it is overly bureaucratic, placing unnecessary administrative burdens on developers, contractors and operators that could act as a potential disincentive to investment in the town. However, EBC consider that this should be an incentive to investors as EBC and partners want to help developers, contractors and operators with their employment and training needs. The monitoring role is for one day per week during the course of the development and is not intended to be invasive but of assistance. The financial contribution is not only for the monitoring of the S106 Agreement but also the coordination of personalised Employment Training Plan's for developers and operators who will have access to local employment and training support of which most will be free. EBC will have additional hidden costs to absorb. EBC's approach has purposefully been developed to be flexible and unique to Eastbourne's economy.

4.6.2 SHL are concerned that more complex multi-site or multi-phase developments and the cost and administrative implications of the proposals on such schemes are not acknowledged. In response, multi-site and multi-phase developments will be acknowledged, and the fact that each site or multi-site will be negotiated on a case by case basis with flexibility will be referenced.

4.6.3 SHL feel that the targets are too prescriptive and there is no guarantee that appropriate candidates will be identified and retained. It is confirmed that targets have been taken from the industry approved CITB Client Based Approach, and that targets for operational phase to be negotiated to be flexible to unique needs.

4.6.4 SHL also note that larger established firms often operate their own employment and internal training programmes and systems, potentially linked with the NVQ or other national training programmes. Where such existing processes exist, firms should be exempted from being required to consider additional training measures. It is confirmed that the pro-forma provides the opportunity for developers and operators to outline their own procedures and how they meet relevant targets. The pro-forma will be discussed between the developer, operator/s and EBC to create an appropriate and bespoke Employment Training Plan.

4.7 *Eastbourne Homes*

4.7.1 Eastbourne Homes felt that there is a need to make the connection between education and sustainable jobs in construction. EBC will continue to discuss provision of construction training and a model to link training to local employment with Eastbourne Homes and Sussex Downs College.

4.7.2 Eastbourne Homes felt that targets for Construction Skills Certificate Scheme (CSCS) cards should be included. However EBC purposefully wants a simple and flexible approach but recognise the importance of CSCS cards. This will be added to the SPD as an additional requirement and to be discussed on a case by case basis as part of individual package.

4.7.3 Eastbourne Homes commented that the document should be named Local Employment and Training as opposed to 'Local Training'. This was agreed and the name has been changed.

Draft Local Employment and Training SPD

4.8 All representations received by the end of the consultation period and the issues raised have been taken into account when finalising the SPD.

4.9 A total of ten representations were received from six organisations and individuals.

4.10 A table containing the responses to the representations receiving on the Local Employment and Training SPD is contained in Appendix 3 and a Schedule of Changes made as a result of these representations is contained in Appendix 4.

4.11 *Patricia Palmer*

- 4.11.1 The consultation response recommended that the Council involve local schools in the establishment of a local skills agency to encourage employers to engage with school leavers who are seeking guidance on career options.
- 4.11.2 This area is being addressed by East Sussex County Council (ESCC), who have established a Construction Ambassador Programme developed by the Construction Industry Training Board (CITB) where representatives from industry are trained to deliver careers sessions in schools.
- 4.11.3 It was also highlighted that further education should be directly related to employment skills, emphasising the benefits of on the job training and apprenticeships. Further noted that provision should be extended to those aged 25+ years.
- 4.11.4 The SPD requires that Employment and Training Plans are negotiated at the construction and operation 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.

4.12 *Clare Westbrey-Tong*

- 4.12.1 The consultation response questioned the use of the terminology 'encouraging' and questioned how this would be defined and measured. It also requested consideration of the inclusion of 'Traineeships', and adjustment of residential apprenticeship targets.

As the terminology has been extracted from an adopted policy document, it would be inappropriate to amend in the SPD. The SPD has been amended to encourage Traineeships as a preliminary stage to an apprenticeship or to enable practical work experience. The benchmarks have not been amended to incorporate Traineeships as these will be captured in either work experience or Apprenticeship targets. The residential apprenticeship targets follow CITB benchmarks recognised in the construction industry, therefore, it would be inappropriate to amend.

4.12.2 The consultation response also suggested that feedback on work experience and apprenticeships be sought. In response, the data collection form in Appendix 5 of the SPD has been amended to incorporate work experience and apprenticeship feedback.

4.13 *Stuart Bannerman*

4.13.1 The consultation response highlighted excessive use of the phrase 'to use reasonable endeavours' which is hard to define and enforce. It was requested that more precise text be included that was clear, certain and enforceable, otherwise SPD likely to fall into disrepute and loopholes exploited.

4.13.2 In response, the use of the phrase 'to use reasonable endeavours' in the SPD has been reviewed with the Council Lawyer and its use has been minimised where appropriate.

4.14 *Geoff Johnson*

4.14.1 The consultation response made observations concerning thresholds for residential development and associated compliance with National Planning Policy Framework (NPPF).

4.14.2 During the negotiation of a Local Labour Agreement with this Consultee, the thresholds for development were challenged. In response to this challenge the thresholds were reviewed and amendments were made prior to the Local Employment and Training SPD consultation.

4.14.3 The consultee also questioned the process for approving and adopting the SPD and involving the Planning Inspector, particularly with regard to NPPF compliance.

4.14.4 A review of the relevant sections of the CIL Regulations (2010 as amended) was undertaken prior to the consultation; the Local Employment and Training SPD complies with the legal tests and the NPPF.

4.15 *Highways England*

4.15.1 Highways England confirmed they were not concerned with proposals that do not have the potential to impact the safe efficient operation of the strategic road network. In light of this, no amendments were made to the SPD.

4.16 *Historic England*

- 4.16.1 Historic England responded advising they had no comment to on the content of the SPD as it dealt with matters beyond their remit, therefore, no amendment was made to the SPD.

5.0 Conclusion

- 5.1 This Statement of Consultation and Representations sets out who was consulted and how on the Local Employment and Training SPD and what was said and how this influenced the production of the SPD.
- 5.2 Consultation on the Local Employment and Training SPD took place in two parts. A Pre-production Engagement/Technical Guidance Note was published for a targeted consultation with key stakeholders from 20 February to 13 March 2013 and from 1 April 2016 to 24 June 2016 the Local Employment and Training SPD was published for a 12 week consultation.
- 5.3 Representations received at all stages were considered and this has resulted in some amendments to the Local Employment and Training SPD. Amendments are documented in Appendix 4.

Appendix 1 – Stakeholders consulted during targeted consultation

Name	Organisation
	Amicus Horizon
Mr Philip Walmsley	Anchor Housing Association
Anthony Stevens	Anthony Stevens Associates
	Archipellico Architecture
Sophie Westlake	ASP
Lynetee Baldwin	Baldwin Training
Darren Kent	Banner & Stark
Barker Shorten	Barker Shorten Architects
	Berkley Homes
	Bishop & Levett Ltd
	Brian Grayston Architecture
John Ball	Building Design - Chartered Architects
	Challinor Hall Associates
Laura Warne	CITB - ConstructionSkills
Chris Keet	CKA Architects
	Colin Humphrey Chartered Architect
	Co-Ordinated Design And Construction Ltd
	David Green & Co Ltd
Mrs Diana Vickery	District Valuer Services -Valuation Agency
Steve Domsalla	Domsalla Building Services

Name	Organisation
	Dowsett Associates
	East Sussex County Council
FAO Chairman	Eastbourne Hotels Association
Ray Mason	EDEAL/Chamber
Derek Godfrey	Ellis Building Contractors Ltd
	Elm Architecture
	Elphick Builders
	Ely Planning
Martin Searle	Federation Of Small Businesses
Sandra West	Gemini Drawings
James Cook	GL Hearn
Greg Laye	Greg Laye
	GSL Design Partnership
	Hastings Borough Council
Caroline Proverbs	Hastoe Housing Association Limited
	Home Group
	HT Partnership
	Innerdale Hudson Architects
	James Pearce & Associates
	JH Payne & Sons Ltd

Name	Organisation
Lee Hawkins	Jobcentre Plus
	John D Clarke Architects
	John Parsons Associates
Nathan Anthony	Lee Evans
Simon Russian	Legal & General
	Lewes District Council
Liam Russell	Liam Russell Architects
Lee Botting	LJB Lee Botting Ltd
	MAP Architectural
	Morgan Carn Partnership
Steve Peggs	Network Rail
Chris Wojtulewski	Parker Dann Ltd
	Pellings LLP
Peter Moore	People Matter
Darren Jones	Persimmon Homes (South East)
	Peter Kenwood
Peter Lutterer	Peter Lutterer
Peter Shoemith	Peter Shoemith & Co Ltd
	Places for People
Jonathon Stoddart	Premier Marinas
Richard Stevens	Raglan Housing Association Ltd
Mike Reid	Reid & Dean

Name	Organisation
	Roger K Izzard
Anton Bree	Ross & Co Chartered Surveyors
	Rother District Council
	Saxon Weald
Matthew Symmonds	Southdown Surveyors
	Sovereign Harbour Limited
Mark McFadden	Stiles Harold Williams
Carol Pearce	Stredder Pearce
Craig Noel	Strutt & Parker
	Sussex Architectural Services
Melanie Hunt	Sussex Downs College
	Taylor Cranston Construction Ltd
	Taylor Wimpey
Marie Nagy	Teal Planning
Mike Tingley	Tingley Commercial
	Trevor J Hall Ltd
	Turley Associates
Mr Simon Lovell	Warden Housing Association
	Wealden District Council
	Wells Architecture
Mr Matthew Ashton	Westwaddy ADP

Appendix 2 – Summary of Representations received on the Technical Guidance Note – February 2013

Rep ID	Consultee	Summary of Comment	Officer Response	Change
Rep/01	Performance Retail Limited Partnership	The working and cooperation with local Council partners in terms of communication and promotion of vacancies for positions related to the construction and or operation of major schemes within Eastbourne is to be encouraged and welcomed.	Welcomed	No change
Rep/02		Recommends a lesser target percentage of employment opportunities generated in the construction phase as impacts the viability of the scheme, choice and competitiveness. Furthermore policy needs to be flexibly written for all different types of construction procurement.	Subsequent legal advice requires removal of term 'Local People' and target.	Removal of term 'Local People' and target.
Rep/03		It would be ultra vires for any S106 legal agreement to require 50% of contracts to be for local businesses as impacts the viability of the scheme, choice and competitiveness. Recommends more flexible wording: "Reasonable endeavours to ensure opportunities are given for businesses contracted and sub-contracted in the construction phase of the development will be 'Local Businesses'".	Subsequent legal advice requires removal of term 'Local Businesses' and target and will be encouraging the promotion of works locally.	Removal of term 'Local Businesses' and target.
Rep/04		A legal agreement requiring occupiers or tenants to comply with certain targeted employment opportunities can have the effect of precluding future tenants, impacting on scheme viability and long term economic growth. It is not fairly and reasonably related	Subsequent legal advice requires removal of term 'Local People' and target.	Removal of term 'Local People' target.

Rep ID	Consultee	Summary of Comment	Officer Response	Change
		in scale and kind to the development to prescribe such an onerous obligation on the developer and future occupiers		
Rep/05		Recommends more flexible wording to outline the requirement of Employment and Training Plans (ETP's). Otherwise too onerous on any developer especially those which will have to deal with multiple tenant occupancy. The consultee suggests the following changes to the clause: "Use reasonable endeavours to assist work with the Council in the development and implementation of an Employment and Training Plan to deliver a targeted employment and training campaign linked directly to the construction and operational jobs within the Development to prepare the local labour market and match suitable candidates to job specifications."	Potentially misunderstands the wealth of bespoke support that can be provided to each tenant. Each tenant will be looking to train and recruit. EBC would work with each to put together an Employment Training Plan. It's a flexible approach to meet the needs of the employer. EBC will be assisting them with their employment and training needs	No change.
Rep/06		Removal of target for guaranteed job interviews for local unemployed residents who have undertaken specific pre-employment training. Otherwise too onerous on any developer especially those which will have to deal with multiple tenant occupancy.	Subsequent legal advice requires removal of term 'Local' but can retain a target group. Unemployment is a local priority and obligation should be retained. It is a target that will be negotiated on a case by case basis with each tenant, including in a multiple tenant occupancy schemes. It's unlikely to occur in the construction phase as workforce in place.	Removal of term 'Local' but to retain obligation for target group. Make sure it is clear that each tenant in a multi-occupancy scheme will have their own targets and Employment Training Plan for the starting workforce, and target unlikely for construction phase.
Rep/07		Removal of target of NVQ training for subcontractors. Otherwise too onerous on any	Target taken from CITB Client Based Approach, industry approved. Should be	No change.

Rep ID	Consultee	Summary of Comment	Officer Response	Change
		developer.	retained.	
Rep/08		Additional "use reasonable endeavours" recommended to add clarity in sub-sections of Appendix 1.		Agreed. Add for clarity
Rep/09	Eastbourne Chamber of Commerce	The burden of the paperwork will favour the larger contractors that have the resources to process bureaucracy. It will further deter local indigenous contractors from tendering even if they are afforded the opportunity.	The Council does not want to add extra burdens on contractors. A monitoring role at EBC will assist with paperwork required for monitoring purposes.	No change.
Rep/10		The initiative seems to indicate there will be a levy for training but where will those trainees work when the project is finished?	Apprentices will remain with employer during the term of their apprenticeship. It does not dictate which firms will employ apprentices so could potentially be local firms. The Training and Apprenticeships in Construction (TrAC) initiative is an option which will involve local people. The work experience placements are also aimed at local people. The construction phase is potentially only one side of the process. It also impacts on the end use of a development by assisting the operator with the employment and training of their starting workforce.	Make sure it is clear that TrAC is one option that is under constant review.
Rep/11		Financial contribution another tax.	Financial contribution to be paid by the developer/owner only. The cost is nominal and covers the salary of a monitoring position for one day a week for the during of the construction phase and an additional 4 weeks if there is an end use of the site. The sum is multiplied by 50% to cover costs out of the funding scope of providers of	No change.

Rep ID	Consultee	Summary of Comment	Officer Response	Change
			employment and training support. For a 52 week development with an end use this equates to £6,300 which is low in comparison to other similar approaches made by other local authorities.	
Rep/12		This is an intervention to try to re-address the skills issue which has arisen because indigenous main contractor SME's have been side-lined by policies that favour the use of national contractors through huge frameworks.	EBC cannot influence the way national companies enter into framework agreements. However the SPD will seek to influence national companies when they develop in Eastbourne so capturing the opportunity for local employment.	No change
Rep/13		This will only continue to paper over cracks of a policy which already favours multi-national and national contractors in the misguided belief that this will represent best value. This is a bureaucratic approach to address a fundamental failure in a core policy whereas if the root of the problem was addressed there would be no need for this kind of intervention.	Part of this problem is compliance with EU Law and competitiveness. The SPD is designed to help 'Local People' and 'Local Business' benefit from large private developments, within constraints of EU Law.	No change
Rep/14		There are presently no local facilities or courses available within a 50 mile radius that provides the classroom training or support for any construction management course	Broader training needs are outside of scope of SPD. However it will start to influence the need for such training while also seeking construction firms to support that training on site. It is accepted there is a issue and EBC would support the Chamber directly raising with local training providers and construction training board.	No change
Rep/15		Local main contractor companies are often precluded from public sector works as a direct result of local government procurement policies that favour very large organisations.	The SPD is aimed at the private sector and is not a local government procurement policy. However in larger schemes, private or public, local sub contractors often	No change

Rep ID	Consultee	Summary of Comment	Officer Response	Change
			account for a large percentage of the work.	
Rep/16		"Decent homes" works has been given to businesses outside of East Sussex that close up their portacabins or rented offices as soon as a project is finished.	This is outside of the scope of this work	No change
Rep/17		No real roots are put down and the profit is not recycled back into the local community and the skills not developed at the right level for true sustainability.	Purpose is to help 'Local People' and 'Local Business' benefit from large private developments, within constraints of EU Law. Jobs for operational phase are sustainable. The SPD is wider than the construction phase. EBC and Eastbourne Homes are to forecast forthcoming construction work and to discuss with Sussex Downs College the linkages between employment and training and the SPD. Chamber is welcome to participate in discussions.	No change
Rep/18	Teal Planning on behalf of Sovereign Harbour Ltd	Concern that seeks to impose additional financial cost on development to support Council's administrative costs of managing the processes that has not been substantiated and is not supported by the evidence set out.	Nominal contribution as a development partner. Not only for the monitoring of the S106 Agreement but also the coordination of personalised Employment Training Plan's for developers and operators who will have access to local employment and training support of which most will be free. EBC will have additional hidden costs to absorb.	
Rep/19		Does not acknowledge for more complex multi-site or multi-phase developments and the cost and administrative implications of the proposals on such schemes.	Should be acknowledged as has been done for multi-operator developments. Each site or multi-site will be negotiated on a case by case basis with flexibility. The fee can be applied for each phase. The only administration burden on the construction supply chain is the monitoring	Acknowledge multi-site and multi-phase developments in the SPD and that flexibility will be applied.

Rep ID	Consultee	Summary of Comment	Officer Response	Change
			form. If the development has an end use, the tenant only needs to complete once for the starting workforce.	
Rep/20		Will be overly bureaucratic, placing unnecessary administrative burdens on developers, contractors and operators such that it will add further to their financial burden and could act as a potential disincentive to investment or locate in the town.	Should be an incentive to investors as EBC and partners want to help developers, contractors and operators with their employment and training needs. The monitoring role is for one day per week during the course of the development and is not intended to be invasive but of assistance. EBC's approach has purposefully been developed to be flexible and unique to Eastbourne's economy during the recession.	No change
Rep/21		Suggests the return of quarterly monitoring reports rather than monthly.	Data has to be collated regardless of regularity imposed. If the development has an end use, the tenant only needs to complete once for the starting workforce.	No change
Rep/22		Apprenticeships and work experience targets too prescriptive.	Targets taken from CITB Client Based approach, industry approved. Targets for operational phase to be negotiated to be flexible to unique needs.	No change
Rep/23		No guarantee that appropriate candidates will be identified and retained. We suggest the numbers sought within each category are expressed as bands or targets and that categories can be merged if candidates in certain categories cannot be found, enabling more in another group to be appointed.	Targets and categories taken from CITB Client Based approach. Monitoring role will broker with providers to aid identification and retention. If unsuccessful flexibility can be applied.	No change
Rep/24		The requirement to report where contractors have been staying and for how long will be an additional and unnecessary imposition on	It's an ideal and the approach adopted can be determined on a case by case basis but it's an opportunity to demonstrate the wider	No change

Rep ID	Consultee	Summary of Comment	Officer Response	Change
		contractors. We understand the reason for wanting to collate this information in terms of monitoring linked benefits for the local economy but suggest this is 'nice to know' information rather than critical to the project itself. We suggest such information can be gained more accurately through accommodation based surveys and the Council's tracking of occupancy rates within the town's hotel and guest house accommodation. The requirement to provide regular reports on how contractors and sub-contractors have 'been spending their leisure?'. This again is potentially interesting to the Council in terms of understanding linked economic benefits but we suggest verges into private information and time that employers and lead contractors cannot be required or expected to ask.	economic benefits of each development on the town which in turn promotes the developer, construction supply-chain and operator positively.	
Rep/25		Often larger established firms operate their own employment and internal training programmes and systems, potentially linked with the NVQ or other national training programmes. Where such existing processes exist, firms should be exempted from being required to consider additional training measures.	The Pro-forma is the opportunity for developers and operators to outline their own procedures and how they meet relevant targets. The Pro-forma will be discussed between the developer, operator/s and EBC to create an appropriate and bespoke Employment Training Plan.	No change
Rep/26		We note that the templates include suggested clauses with % levels to be negotiated and completed on a scheme by scheme basis, but also that some numbers are in fact included, e.g. Appendix 1... [50%] of employment	Reference to 'Local People' and 'Local Businesses' to be removed due to legal advice.	Removal of 'Local People' and 'Local Businesses' and any targets in Appendix 1 but retained as starting points for

Rep ID	Consultee	Summary of Comment	Officer Response	Change
		opportunities generated during the construction phases should be local people. The [%] should all be left blank in all cases to make clear that each is to be agreed.		negotiation in the core document.
Rep/27	Eastbourne Homes	Change name to Local Employment and Training Technical Guidance Note.	The Note references 'employment and training'. Makes sense to insert 'and employment'.	Make modification to the name of the Note.
Rep/28		A need to make the connection between education and sustainable jobs in construction. TrAC should not be the only option for short term developments.	Eastbourne Homes and EBC to map types and value of future construction work in town. EBC to organise a meeting between EBC, Eastbourne Homes and Sussex Downs College to discuss provision of construction training and a model to link training to local employment.	No change.
Rep/29		Targets for Construction Skills Certificate Scheme (CSCS) cards should be included - evidence of occupational competence. Suggested target of 80% and methodology to periodically obtain list of those working on site and who have CSCS cards and make random checks on site.	EBC purposefully wants a simple and flexible approach but recognise the importance of CSCS cards.	Add as an additional requirement and to be discussed on a case by case basis as part of individual package.

Appendix 3 – Table of Responses to Draft Local Employment and Training Supplementary Planning Document

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</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</p>	None

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			<p>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 BIG TIME. Local businesses need to follow suit and be strongly encouraged by the council to commit whole-heartedly.</p>	<p>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 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.</p>	
LETSPD/02	Stuart Bannerman	Chapter 7 Appendix 1	<p>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</p>	<p>Agree - revisited legal agreement and reviewed the use of 'reasonable endeavours'.</p>	<p>Legal advice has been sought. Appendix 1 has been revised and reference to 'reasonable endeavours' has been reduced to a minimum.</p>

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			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.		
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. It is envisaged that further education and training provider representatives will meet with contractors to discuss work experience and apprenticeship	Revision to include reference to traineeships.

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				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	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 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 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	None

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			<p>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 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</p>	<p>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 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>	

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			<p>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>		
LETSPD/08		Chapters 4 and 5	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.	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. 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.	None
LETSPD/09	Highways England	General	No comment – interest lies in proposals impacting operation of strategic road networks.	None	None
LETSPED/10	Historic England	General	No comment.	None	None

Appendix 4 – Schedule of Changes - Draft Local Employment and Training Supplementary Planning Document

Ref	Rep ID	Section	Modification	Reason
A1	LETSPD/02	7.0 Local Employment and Training Measures to be Secured, Para 7.2, page 13	Deletion of text 'to use reasonable endeavours to'	To ensure consistency in revision of documentation and clarify the Council's obligations when negotiating and processing LLAs.
A2	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 18	Para 1.1 added text 'ensure that'	To clarify and improve understanding following deletion of para 1.1.1 'Use reasonable endeavours to ensure that:'
A3	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 18	Deletion of para 1.1.1 'Use reasonable endeavours to ensure that:'	To reduce vague local labour commitment and reduce opportunity for contractors to opt out of obligations.
A4	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 18	Amendment of numbering following removal of para 1.1.1. Deletion of 1.1.1.1, 1.1.1.2, 1.1.1.3, 1.1.1.4 and replacement with revised numbering 1.1.1, 1.1.2, 1.1.3 and 1.1.4.	Renumbering following amendment and to improve presentation.
A5	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 18	Para 1.1.2, deletion of text 'Use reasonable endeavours'	To define delivery output from contractors and remove option to opt out of obligation.
A6	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 18	Para 1.1.2.1 (renumbered 1.1.6) insertion of word 'Provide'	To define delivery output from contractors and remove option to opt out of obligation.
A7	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, pages 18 and 19	Amendment of numbering following removal of paras 1.1.2, 1.1.2.1, 1.1.2.2, 1.1.2.3, 1.1.2.4, 1.1.3, 1.1.4, 1.1.5, 1.1.6, 1.1.7 and replacement with revised numbering 1.1.5, 1.1.6, 1.1.7, 1.1.8, 1.1.9, 1.1.10, 1.1.11,	Renumbering following amendment and to improve presentation.

Ref	Rep ID	Section	Modification	Reason
			1.1.12, 1.1.13 and 1.1.14	
A8	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 19	Para 1.1.3 (renumbered para 1.1.10) deletion of text 'use reasonable endeavours'	To define delivery output from contractors and remove option to opt out of obligation.
A9	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 19	Para 1.1.4 (renumbered para 1.1.11) deletion of text 'to use all reasonable endeavours to' and replacement with 'and shall'	To define delivery output from contractors and remove option to opt out of obligation.
A10	LETSPD/02	Appendix 1, Template Section 106 Wording for Local Labour, page 19	Para 1.1.5 (renumbered para 1.1.12) deletion of text 'to use all reasonable endeavours to' and replacement with 'and shall'	To define delivery output from contractors and remove option to opt out of obligation.
A11	LETSPD/04	Section 7, Local Employment and Training Measures to be Secured, page 13	Para 7.1, addition of second bullet point stating 'Traineeships in conjunction with work experience placements or as a preparatory phase for progression to an apprenticeship'	To accommodate reference and inclusion of traineeships
A12	LETSPD/04	Section 8, Mechanism for Securing Local Employment and Training Measures, page 17	Para 8.1, Addition of second bullet point stating 'Traineeships combined with work experience or as a preparatory phase to an apprenticeship'	To accommodate reference and inclusion of traineeships
A13	LETSPD/04	Appendix 2, page 21	Addition of second paragraph stating 'Benchmarks have not been included for Traineeships as these will delivered as and when appropriate in conjunction with work experience or as a preparatory phase to an Apprenticeship. The achievement of work experience or Apprenticeship benchmarks via a Traineeship route will be tracked and recorded in the summary report for the	To outline how traineeships will be tracked and recorded

Ref	Rep ID	Section	Modification	Reason
			development.'	
A14	LETSPD/06	Appendix 5, Monitoring Form, page 34	Added additional data collection text and box	To collect feedback and comments from construction contractors on apprenticeship and work experience placements
A15		Date Footer – all pages	Text 'April' deleted and replaced with text 'September'	To reflect date of revised document
A16		<p>Para 2.2, line 7, page 9</p> <p>Para 4.2, line 2, page 10</p> <p>Para 6.5, line 4, page 12</p> <p>Para 7.2, line 1, page 13</p> <p>Para 8.1, line 6, page 14</p> <p>Para 8.2, lines 2 and 5, page 14</p> <p>Para 8.3, line 3, page 14</p> <p>Para 8.7, line 5, page 15</p> <p>Para 8.8, line 3, page 15</p> <p>Para 8.9, line 3, page 15</p> <p>Para 8.10, bullet 1, page 16</p> <p>Para 8.14, line 3, page 16</p> <p>Para 8.18, bullet 1, page 17</p> <p>Para 8.20, line 2, page 18</p> <p>Para 8.22, bullet 1, page 18</p> <p>Appendix 1 sub heading, page 19</p> <p>Para 1.1.11, line 6, page 20</p> <p>Para 1.1.12, line 5, page 20</p>	Additional text '(or Unilateral Undertaking)', added	<p>When there is no Affordable Housing, Highways requirement or ESCC involvement it may be more effective to enter into a Unilateral Undertaking agreement.</p> <p>The use of a Unilaterail Undertaking would be subject to negotiation and agreement with the agent/developer.</p> <p>The addition of the text 'Unilateral Undertaking' enables flexibility in the application of Local Labour Agreements</p>
A17		Appendix 8, row 23, page 37	Addition of 'Unilateral Undertaking' glossary term.	To provide an explanation of the term Unilateral Undertaking

