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Iona Cameron
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Our Ref: PINS/T1410/429/5

Date: 21 November 2012

Dear Iona,

EASTBOURNE BOROUGH COUNCIL CORE STRATEGY : FINAL REPORT

Thank you for your letter, providing your comments in response to the fact check of the Inspector's report on the Council's Core Strategy.

The Inspector has corrected the errors that have arisen and made the amendments to the report where appropriate, and I enclose your final report.

Clearly it is now for the Council to adopt the Document at its discretion. The Inspectorate maintains a national database of Local Plans progress on the Planning Portal (and a submissions database) and we would be grateful if you can advise the Plans Team when you adopt in order that your plan status can be updated.

The Council should consider whether adoption could have any effect on appeals currently being considered by the Planning Inspectorate. As you know, appeals must be determined on the basis of the development plan as it exists at the time of the Inspector's (or the Secretary of State's) decision, not as it was at the time of the Council's decision. If adoption changes the policy position, the relevant Inspector(s) will need to take that into account. In addition, please ensure that your new policy position is clearly explained when submitting your Questionnaire in relation to future appeals received after adoption.



INVESTOR IN PEOPLE



If the above circumstances apply, it would be very helpful if the Council could contact the relevant Case Officer(s) in the Planning Inspectorate dealing with any outstanding case(s) at the time of adoption.

Yours sincerely

Stuart Liddington
Plans Team



The Planning
Inspectorate

Report to Eastbourne Borough Council

by Sue Turner RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 21 November 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO EASTBOURNE CORE STRATEGY

LOCAL PLAN

Document submitted for examination on 31 January 2012

Examination hearings held between 15 May and 17 May 2012

File Ref: PINS/T1410/429/5

Abbreviations Used in this Report

AA	Appropriate Assessment
AHVA	Affordable Housing Viability Assessment
AWCE	Additional Windfall Conversion Evidence
DSC	District Shopping Centre
EFVAHS	Eastbourne Financial Viability of Affordable Housing Study
ELR	Employment Land Review
ELSAE	Employment Land Supplementary Additional Evidence
GTAA	Gypsy and Traveller Accommodation Assessment
HCA	Homes and Communities Agency
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LCA	Landscape Character Assessment
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
MM	Main Modification
NPPF	National Planning Policy Framework
ONS	Office for National Statistics
RS	Regional Strategy
SA	Sustainability Appraisal
SC	Statement of Compliance with the duty to co-operate
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SDNP	South Downs National Park
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WHD	Windfall Housing Delivery Briefing Note

Non-Technical Summary

This report concludes that the Eastbourne Borough Council Core Strategy Local Plan provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Introduce a commitment to commence immediately an assessment of current and future levels of need and demand for employment floorspace which will inform an Employment Land Local Plan to replace Policy D2 within 2 years;
- Update housing delivery information to reduce projected reliance on windfall sites;
- Clarify Policy D4 to spell out the sequential approach to site selection for retail development;
- Amend Policy D6 to provide an effective strategy to meet local needs for Traveller sites; and
- Amend Policy D1 to add reference to the presumption in favour of sustainable development.

Introduction

1. This report contains my assessment of the Eastbourne Core Strategy Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (January 2012) which is the same as the document published for consultation in September 2011.
3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. This report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). These main modifications are set out in full in the Appendix.
4. The modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA). I have taken all the consultation responses into account in writing this report. For clarification, as not all of the modifications suggested by Council are required for soundness, the MM reference numbers in the Appendix to this report differ from those used by the Council in its consultation exercises.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Council has submitted a Statement of Compliance (SC) which details how it has addressed the duty to co-operate. The SC sets out the Eastbourne context and describes the engagement and discussions it has undertaken with Wealden, the only neighbouring district council, and with East Sussex County Council. It also details the projects and discussions in which the Council has participated in a number of working groups and collaborated with a wide range of public bodies.
7. It is clear from the SC that the Council's approach to preparing the Plan has been underpinned by collaborative working, that it has co-operated with all the relevant bodies and has met both the spirit and the letter of the duty to co-operate.

Assessment of Soundness

Preamble

8. Pending any subsequent revocation orders, at the time of writing this report the South East Plan Regional Spatial Strategy to 2026 (RS) is extant and forms part of the development plan for the Borough. During the Examination the Government published the National Planning Policy Framework (the Framework) and Planning policy for traveller sites. All Representors were consulted on this revised national planning policy and, together with the Council, were asked to comment on its impact on the soundness of the Plan. All responses have been taken into account.
9. Paragraph 182 of the NPPF sets out the soundness tests for the examination of Local Plans and introduces the requirement that plans should be "positively prepared". This test has been taken into account as part of the examination, together with the already established soundness tests.
10. The Plan covers only the area of Eastbourne which lies outside the South Downs National Park (SDNP). However the Council has liaised with the SDNP Authority to save relevant and appropriate Local Plan Policies, so as to ensure that the SDNP has policy coverage until its own Local Plan is adopted. The Council has proposed a number of additional modifications to explain this situation in more detail. However the Plan is clear in setting out the relationship between the two areas. Whilst the proposed additional modifications are not required to ensure soundness, they could be made to add clarity if the Council so chooses. Similarly the Council may choose to make other additional modifications, some of which it has already suggested, to provide updating, clarification and corrections of minor errors.

Main Issues

11. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

Issue 1 – The overall spatial strategy

Has the Plan been positively prepared to set out a clear spatial vision for the Borough, flowing from an understanding of Eastbourne's context and key issues and underpinned by a presumption in favour of sustainable development?

12. The Plan's "Portrait of Eastbourne" sets out the context and key elements of the town. It highlights opportunities for growth and regeneration and explains how the identification of 14 neighbourhoods, each with its own characteristics and identity, has led to the "Neighbourhood" approach to planning for the town. The vision is that by 2027 Eastbourne will be a premier coastal and seaside destination within an enhanced green setting, meet the needs of the whole community and positively respond to climate change. It aligns with the vision of the Sustainable Community Strategy "Pride of Place."
13. The Plan identifies the key issues for Eastbourne, including its lack of suitable housing and the underperformance and poor quality urban environment of the

town centre. The key issues flow into the spatial objectives, which are underpinned by the themes of sustainability, growth and town centre regeneration.

14. The spatial strategy has evolved through the consultation stages from the first Issues and Options in 2005. The result is a combination of urban intensification, creating sustainable centres, supporting sustainable neighbourhoods and developing a single greenfield urban extension. It is clear that the process has been based on the need to balance sustainable development and conservation of the natural and built environment with growth and regeneration. The neighbourhood based approach places sustainability and the issues important to local communities at the heart of the strategy. However the Council has proposed additions to Policy D1 and to the explanatory text to ensure consistency with the NPPF. Subject to these modifications (**MM1 – MM3**), the spatial strategy is positively prepared to meet the development needs of the area and with a presumption in favour of sustainable development.

Is the focus for growth on the town centre and Sovereign Harbour justified and consistent with the principles of sustainable development?

15. Policy B1 states that growth will be focussed on two sustainable centres in the town centre and Sovereign Harbour. In both of these locations growth is linked to regeneration as well as sustainability. The town centre is acknowledged as underperforming, with potential for an improved retail offer and more efficient use of land. Sustainable growth here is clearly justified and consistent with the Borough's objectives of strengthening the town centre as a sub regional shopping and leisure destination, encouraging tourism and supporting economic growth. The town centre is also recognised as having potential to supply a significant proportion of the Borough's housing growth, through conversions and redevelopment.
16. Sovereign Harbour has been the focus of considerable housing growth over the last 20 years. However whilst the shopping centre and the waterfront area together provide a range of facilities, the Council is aware of shortcomings in community facilities and services. These shortcomings, together with poor access and linkages, have led to Sovereign Harbour being assessed as one of the least sustainable neighbourhoods in Eastbourne.
17. In this context local residents are strongly opposed to further housing growth and the maximum of 150 new dwellings, set out in Policy B1, has been agreed through negotiation between the Council, local residents and the landowners. There is also scope for further employment development at Sovereign Harbour, although the amount of employment floorspace proposed in the Plan has been questioned and is discussed in detail later in this report.
18. The proposal to make Sovereign Harbour a focus for growth, set out in Policy B1, is complemented by Neighbourhood Policy C14 which sets out the vision for the area and includes the objectives of developing community facilities, improving public transport provision, enhancing the provision of cycling and walking routes and enhancing the Marina as a tourist attraction. The draft Sovereign Harbour Supplementary Planning Document (SPD) provides detail to the objectives of Policy C14 and seeks to ensure that new and improved

community facilities will be at the heart of future building plans.

19. In conclusion, focussing growth on the town centre and Sovereign Harbour is justified by the evidence and represents a positive strategy which is consistent with the presumption in favour of sustainable development.

Issue 2 – Housing

Is the Plan's approach to housing land supply based on up to date evidence and does it represent positive planning?

20. The Plan proposes to meet the RS requirement for Eastbourne to provide 4,800 dwellings between 2006 and 2026. Taking account of the high level of housing delivery in the first four years of the RS plan period, and extending the housing trajectory to 2027 in order to ensure a 15 year supply, the Plan's overall housing target is 5,022 net units. Tables 2 and 3 of the Plan identify the location and nature of housing delivery.
21. Table 2 is informed by the Strategic Housing Land Availability Assessment (SHLAA) and indicates the housing delivery anticipated in each neighbourhood. It demonstrates the Plan's objective of directing more new homes to the neighbourhoods that have been identified as being the most sustainable in the Sustainable Neighbourhood Assessment. The exception is Sovereign Harbour which is a strategic focus for housing growth and where the Plan sets out to improve sustainability. Table 3 identifies the type of housing development that is expected, taking account of units delivered up to March 2011 and all sites identified in the SHLAA, including greenfield and brownfield sites and allocated employment sites which have no reasonable prospect of being used for employment. Table 2 and Table 3 both show that a significant contribution to housing supply is expected to come from windfall sites.
22. In order to ensure that the Plan is based on a rigorous analysis of identified sites and to minimise reliance of windfall sites the Council updated its schedule of development sites during the examination. Account was taken of developments completed in the 2011/12 monitoring year, as well as new planning permissions granted and newly identified sites. As part of this exercise it also re-assessed commitments and identified sites to ensure that as many as possible are brought forward as early in the plan period as possible.
23. This exercise has resulted in a revised housing trajectory which shows an increase in the units that have already been delivered and reduces windfall requirement from 1,348 net units to 1,185. The housing trajectory is not included in the Plan, but it is an interpretation of the housing delivery figures set out in Tables 2 and 3 of the Plan, which need to be modified to reflect the up to date position with regard to housing delivery. This should be done through making modifications (**MMs 4 - 9**) as set out in the Appendix to demonstrate positive and effective planning and so to ensure soundness.

Is the housing target, based as it is on the RS housing requirement for Eastbourne, consistent with paragraph 47 of the NPPF, which requires Local Plans to boost significantly the supply of housing?

24. The Plan adopts the RS target of 240 units per annum until 2026, with an additional 222 dwellings in 2027. This is consistent with the policy based

household forecasts in the Eastbourne and South Wealden Strategic Housing Market Assessment (SHMA). However the SHMA notes that when compared with trend based housing growth projections, the RS housing target for Eastbourne implies a significant constraint on demand.

25. The SHMA is currently under review and the draft Eastbourne Strategic Housing Market Assessment (2012) analyses up-to-date evidence of housing need based on government household projections, which are derived from Office for National Statistics (ONS) population projections. The draft 2012 SHMA indicates that the 2010 household projections are expected to show a lower rate of increase than previously anticipated. However based on past trends and 2010 population data it still predicts that the rate of household growth from 2010 to 2035 is likely to be 400 units each year. This suggests that the housing target would need to be increased to comply with paragraph 47 of the NPPF, which requires Local Plans to meet the full, objectively assessed needs for market and affordable housing in the area.
26. However the goal of boosting housing supply needs to be considered in the context of Eastbourne's physical and environmental constraints. The urban area is bounded by the coastline, South Downs National Park and land subject to flood risk. Consequently the SHLAA found that the potential to accommodate new housing outside the built up area boundary is extremely limited. The SHLAA process, together with sustainability assessment of greenfield sites, has led to the identification of only one deliverable site for a greenfield urban extension.
27. Large parts of the Borough are susceptible to tidal and fluvial flooding and the Strategic Flood Risk Assessment (SFRA) has informed exception testing of brownfield and greenfield sites within the urban area. In addition, sites in Eastbourne Park, an open green space in the centre of the urban area, have been thoroughly tested through the SHLAA process. The park's capacity for flood storage, together with its archaeological, biodiversity and landscape sensitivity, justify its safeguarding for flood management and its protection from the impact of development.
28. In addition to the SFRA and assessments of landscape character and biodiversity, Eastbourne's SHLAA takes account of a review of the financial viability of sites with development potential. This has resulted in several sites which are housing allocations in the Local Plan being found to be financially unviable due to abnormal development costs, such as flood mitigation measures. Thus they have been excluded from the housing trajectory.
29. Whilst the Plan meets the RS housing target it does not meet the full need for housing that has been identified in the Eastbourne and South Wealden SHMA and the draft Eastbourne SHMA. However the NPPF requires Local Plans to direct development away from areas at highest risk of flooding and advises that the sequential test and if necessary the exception test will have to be passed for development to be allocated. The methodology of the Eastbourne SHLAA is consistent with this policy. Furthermore the approach that the Council has taken to conservation of the natural environment in assessing the potential for housing land is entirely consistent with section 11 of the NPPF.
30. By taking the RS target for housing supply the Plan will fall short of meeting

the full, objectively assessed needs for market and affordable housing in the area. However the Council has demonstrated that the approach it has taken is justified by Eastbourne's physical and environmental constraints and by the need to meet the requirements of the NPPF regarding conservation of the natural environment.

Is there compelling evidence that windfall sites have consistently been available in the local area and that they will continue to provide a source of supply?

31. The Plan relies on a significant contribution from windfall sites in order to compensate for the failure of the SHLAA to identify sufficient deliverable sites. To demonstrate that reliance on windfall sites is based on a pattern of windfall sites coming forward, the Council has submitted detailed evidence in the Windfall Housing Delivery (WHD) Briefing Note. This document, prepared in September 2011, uses trends in windfall development over the last six years to calculate an annual windfall delivery figure of 110 units.
32. The SHLAA drives down to a level of detail to analyse very small sites which in some cases are only capable of delivering a single dwelling. However it has not assessed sites capable of delivering 1 – 4 dwellings through redevelopment (normally the demolition of a larger building to be replaced by single dwellings) or through the change of use of small scale non residential uses outside the town centre. Consideration of these types of development, together with unidentified sites and conversions of existing residential property, are included in the WHD Briefing Note.
33. The detailed work that has been carried out to assess the type and rate of windfall development is thorough and robust. It provides evidence that windfall sites have consistently become available in Eastbourne over the past 6 years. However the "Methodology for Windfall Delivery" in the WHD Briefing Note identifies that of the projected windfall provision of 110 units, it is anticipated that approximately 88 will be conversions. This raises the question of whether the stock of large houses suitable for conversion can be relied upon to continue to provide a source of housing supply for the next 15 years.
34. To address this concern the Council has carried out further analysis of the potential for windfall conversions to continue to come forward. This study, the "Additional Windfall Conversion Evidence" (AWCE) (May 2012) looks at the future opportunities for windfall conversions in the areas where the majority (84%) are expected to come forward, in three key neighbourhoods: the town centre, Seaside and Meads. The AWCE describes a complex exercise, based on a breakdown of residential conversions into categories reflecting different types and sizes of building and varying levels of net residential gain. Sampling of character areas within each of the three neighbourhoods has been used to establish a potential maximum net gain.
35. The findings of the AWCE demonstrate that the potential for conversion to residential units in these neighbourhoods far exceeds the windfall allowance for each that is set out in table 2 of the Plan. In the town centre only 24.2% of the potential units need to be delivered during the plan period, whilst in Meads and Seaside 10.4% and 8.6% respectively will be needed. The AWCE is a detailed study based on planning applications and completions in recent years, as well as local knowledge of the existing housing stock. It is robust

evidence which demonstrates that the Plan's reliance on windfall sites to deliver new housing is realistic.

Is the Plan's approach to providing a mix of housing type, tenure and size justified and effective?

36. Policy D5 sets out the requirement for housing development to take account of the need identified in the most up to date strategic housing market assessment and specifies the requirement for housing development to contribute towards the provision of affordable housing. The SHMA identifies that whilst most growth over the next 20 years is likely to be made up of small households, there will still be a demand for larger property. The Council acknowledges that reliance on significant delivery from windfall sites, particularly conversions, as well as the nature of land that is available in the Borough, will limit the potential for delivering larger dwellings. However the Plan has been prepared in collaboration with Wealden District Council and the housing market area includes potential greenfield sites in South Wealden and in Hailsham and Polegate. It is clear that cross boundary working will continue to be necessary to ensure that a range of housing size and type is provided. The Plan provides for this to take place through the SHMA process.
37. The SHMA identified that the need for affordable housing exceeds the overall housing target and the Plan seeks to maximise provision throughout the plan period. The Council's financial viability evidence is set out in the 2011 document: Eastbourne Financial Viability of Affordable Housing Study (EFVAHS). This study, based on a residual value approach, found a strong case for reducing the threshold at which a contribution to affordable housing is required and concluded that a threshold of zero could be applied. Policy D5 takes this recommendation forward by requiring all development to contribute towards affordable housing.
38. This policy also seeks to maximise affordable housing provision by introducing differential requirements, with 30% or 40% affordable housing to be sought, depending on housing sub markets within the Borough. The EFHVAS found a robust case for this approach, testing the capability of sites in a range of different locations across the Borough to contribute affordable housing. It also took account of the Plan's significant reliance on sites currently in commercial use, which are less able to generate robust residual values. Policy D5 optimises the potential for affordable housing contributions by setting requirements which reflect the disparity between house prices across the Borough. The Plan clearly defines the market areas for planning purposes and lists the neighbourhoods which are identified on the Key Diagram as either high or low value.
39. To conclude on this matter, the Plan provides effectively for a mix of housing size and type through continued cross boundary work with Wealden District Council and updating of the SHMA. The Plan's strategy to maximise provision of affordable housing, through a zero threshold and percentage contributions which reflect varying housing market values in the Borough, is justified by up-to-date affordable housing viability evidence.

Is the Plan's approach to providing sites for travellers consistent with national planning policies in the NPPF and Planning Policy for Traveller Sites, 2012?

40. The Plan's approach to planning for the travelling community, set out in Policy D6, was informed by now superseded policies in Circulars 01/2006 and 04/2007. During the examination the government published "Planning policy for traveller sites," setting out up to date policy on this issue. This requires local planning authorities to identify and update annually a supply of specific, deliverable sites for five year's worth of sites against locally set targets. Beyond this, they should identify a supply of specific, developable sites or broad locations for growth, for years 6 – 10 and where possible years 11 – 15.
41. The Plan has been informed by the Gypsy and Traveller Accommodation Assessment (GTAA) which was carried out in 2006 jointly with all the East Sussex LPAs as part of a single issue review of the South East Plan. The review process was not concluded, following the government's announcement of its intention to revoke Regional Strategies. However the GTAA showed the need in Eastbourne to 2016 to be 1 – 3 permanent pitches.
42. Policy D6 is a criteria-based policy which does not provide a positive or effective mechanism for meeting the accommodation needs of the traveller community, neither up to 2016 nor for the rest of the Plan period. The Council has proposed a modification to explain that work on a new GTAA has commenced with other LPAs and to set out a commitment to meet identified need for travellers.
43. Some of the LPAs cited have objected to the first part of the modification, stating that discussions are only preliminary and that no work has commenced on a GTAA. Paragraph 4.6.1 of the Plan already states that a further GTAA will be undertaken to identify needs beyond 2016 and remains accurate, has generated no objections and therefore should remain unaltered.
44. However the Council's proposed change to Policy D6 sets out a firm commitment to meet the identified need for travellers, either through working with neighbouring local planning authorities or, if this fails, to deliver adequate sites through the preparation of a Gypsy and Traveller Site Allocations DPD. This modification (**MM12**) is necessary to ensure soundness by providing an effective strategy for delivering traveller accommodation in accordance with the national policy.

Issue 4 – Employment

Is the quantum of employment land sought justified by the evidence?

45. The Plan's approach to employment land supply is informed by the Wealden and Eastbourne Employment Land Review (ELR), undertaken in 2008 and updated in 2010 by an addendum. The addendum takes account of changes in the economy to set out more realistic forecasts for employment growth. It summarises three growth scenarios up to 2016, after which the population within working age groups is expected to decline and it is anticipated that no additional employment land will be required. The Plan takes forward the "Policy Growth" scenario which is based on the population predication using the Plan's anticipated housing growth. This results in a requirement of an additional 33,205 square metres (sqm) of employment floorspace.
46. The ELR addendum identifies that some previously allocated sites have been withdrawn from the employment supply line due to site constraints or because

the SFRA has identified that they are at risk from flooding, therefore no longer viable for employment development. In addition the SHLAA has identified a number of existing employment sites which are of poor quality or in locations unsuitable for employment use. Policy D2 seeks to protect good quality employment space, but allows for sites which are unviable or unsuitable for employment use to be subject to change of use. This is consistent with paragraph 27 of the NPPF which discourages the long term protection of sites where there is no reasonable prospect of a site being used for that purpose. Consequently provision needs to be made not only to cater for employment growth but also to take account of the predicted loss of employment land to residential use as identified in the SHLAA.

47. Based on the ELR and its addendum, Policy D2 sets out to deliver 55,430 sqm of employment floorspace. However the justification for this figure, particularly the amount of B1 office use proposed at Sovereign Harbour, has been the subject of detailed discussion at the examination Hearings and subsequent submissions from participants in the examination.

Does the Plan make positive and flexible provision for delivering employment land?

48. Policy D2 sets out how the required 55,430 sqm of employment floorspace will be delivered. It seeks to maximise the use of existing employment sites, through densification or redevelopment, and to deliver new office development in the town centre and on land identified at Sovereign Harbour.
49. The Plan identifies a number of industrial estates where there is potential to create new employment floorspace through redevelopment or intensification. The Council has provided evidence to justify this approach, with examples of how intensification of existing industrial estates has delivered significant increases in floorspace in recent years. It is therefore anticipated that a total of 30,600 sqm of employment floorspace will be delivered through densification or redevelopment and a further 3,000 sqm as part of mixed use redevelopment in the town centre.
50. This element of the Plan's approach to delivering employment land is positively prepared and justified by evidence which demonstrates the capacity of existing industrial estates and the town centre to accommodate 33,600 sqm of employment floorspace. However, as referred to above, a number of concerns have been raised about the proposal in Policy D2 to support B1(a) development at Sovereign Harbour, which paragraph 4.2.13 of the Plan states will provide 30,000 sqm. First is the question of whether there is a reasonable prospect of such a substantial amount of office space being delivered at Sovereign Harbour. Second is the effect that such a large office development on the periphery of the town would have on the economic health of the town centre. These questions have led the Council to suggest a main modification to paragraph 4.2.14 of the Plan, proposing an early review of employment land supply and an assessment of the viability of business space development at Sovereign Harbour during the Plan period. The final area of concern has emerged as a result of considering the Council's Employment Land Supply - Additional Evidence (ELSAE), prepared during the examination, together with responses to consultation on the Council's suggested main modification to paragraph 4.2.14. These raise the question of whether the quantum of B1 office development proposed in the Plan is based on accurate and up to date

evidence.

Is the reliance on sites at Sovereign Harbour to deliver 30,000 sqm of B1(a) employment space justified and effective?

51. The background to locating this development at Sovereign Harbour is saved policy B14 of the Eastbourne Borough Plan 2001 – 2011, which allocates land on sites 6 and 7, adjacent to Pevensey Bay Road, for office development. Sovereign Harbour is now the subject of a masterplanning exercise and these sites continue to be identified for employment use in the Draft SPD. They represent the only large vacant sites in the Borough capable of accommodating high quality business space and the Council contends that they are capable of meeting its aspirations for diversifying and improving the local jobs market. The Plan also seeks, by locating large scale employment development on these sites, to reduce out-commuting from Eastbourne and help to make Sovereign Harbour a more sustainable neighbourhood.
52. However it is argued that there is no demand for such a large amount of this type of office development at Sovereign Harbour. The Council and the landowners have promoted these sites for employment use since the 1990's, encouraging their development as a business headquarters or office relocation. All attempts to market the site have failed largely, it is argued by the landowner, in the context of the wide availability of sites throughout UK and Eastbourne's poor transport links.
53. Furthermore the ELR identifies that Eastbourne and South Wealden is a relatively contained area, with low levels of in and out commuting. It notes the absence of inward investment, with reliance largely on local companies that require small scale office development. In its assessment of the Sovereign Harbour sites the ELR states that local market conditions point towards a phased development which, together with high infrastructure costs make it unlikely to be attractive as a high quality business park location in the open market. The ELR states that for development of these sites to proceed they will need to incorporate a mix of other higher value uses, and that no more than half the planned space is likely to come forward without intervention. In these circumstances it appears unlikely that the sites will be developed as anticipated for B1(a) use, within the plan period and at the scale that the Plan proposes.

Is the proposal to locate 30,000 sqm of B1(a) employment development at Sovereign Harbour consistent with maintaining and enhancing the economic health and sustainability of the town centre?

54. The scale and type of office development proposed on the periphery of the town also raises the question of its potential impact on the town centre. This second concern is highlighted by the fact that the 30,000 square metres of office space proposed at Sovereign Harbour represents more than 50% of the Borough's total employment supply. It is clear that the Plan seeks to improve the sustainability of Sovereign Harbour and make it a more self contained neighbourhood with opportunities for locally based employment. However this should not be at the expense of the viability and sustainability of the town centre. It is certainly clear that office development at the scale proposed risks drawing employment away from the centre of Eastbourne, undermining the

viability of town centre redevelopment sites and thus threatening the mixed use redevelopment which is key to town centre regeneration.

Is the B1 office element of the proposed employment land supply justified by robust evidence?

55. Consideration of the evidence raises questions about the base data and figures which have informed the amount of B1 office space proposed in the Plan.
56. The ELR and its subsequent addendum rely on an employment space/employee ratio of 18 sqm per employee as the basis for calculating the amount of office floorspace required. In comparison, the latest Homes and Communities Agency (HCA) standards set a ratio of 10 sqm per employee. It is acknowledged that this ratio cannot necessarily be applied to existing floorspace, particularly when much of Eastbourne's office space is in buildings dating from the 1960's and 1970's. However it is clear that with improving floorspace efficiency the 30,000sqm proposed at Sovereign Harbour could accommodate a greater number of jobs than forecast in the ELR, thus further questioning the need for such a large allocation.
57. The Council's evidence assumes that projected population growth in South Wealden will result in increased commuting into Eastbourne, particularly to Sovereign Harbour. However Wealden's Core Strategy, although not yet adopted, seeks to reduce out-commuting and includes strategic provision of additional employment land in the south of the Borough. Consequently it cannot be assumed that an increase in the population in South Wealden will necessarily lead to an increase in commuting into Eastbourne.
58. More fundamentally, the Council's references to employment use classes lack clarity, with inadequate distinction between the different B1 use classes in the evidence. This has not been made any clearer in the Council's ELSAE. As a result of the above deficiencies I am not satisfied that the Plan's provision for B1 employment land supply is based on accurate and consistent evidence.

Conclusion

59. The evidence on employment land supply lacks clarity and does not demonstrate that Policy D2 is the most appropriate strategy for supporting job growth and economic prosperity in Eastbourne. Furthermore uncertainty about the viability of directing 30,000 sqm of employment floorspace to Sovereign Harbour casts doubts on whether the strategy is deliverable during the Plan period. In order to ensure that Policy D2 is soundly based the Council will need to undertake a review of employment land supply and viability testing of proposals for employment development at Sovereign Harbour.
60. If the adoption of the Plan were to be delayed to allow for this work to take place and the Plan to be revised, Eastbourne would be left without an up-to-date local plan and the Council would be unable to take a pro active, plan led approach to delivering development. In particular this could result in a delay to the delivery of housing and much needed town centre regeneration. To avoid such a delay I recommend that Policy D2 should be the subject of an early review, leading to its replacement with an additional Local Plan to deal specifically with employment land supply. Work on this review should commence immediately and the Employment Land Local Plan, which will be

subject to examination, should be adopted by 2014.

61. The Council's suggested modification to paragraph 4.2.14 of the Plan provides a basis for an effective main modification. A strengthened version of the Council's wording, incorporating the above points, will ensure that the Plan is sound whilst not prejudicing the consultation that has already taken place on the proposed modification. Modification **MM10** should therefore be made to provide a justified and effective strategy for delivering employment floorspace.

Issue 4 – Is the designation of Sovereign Harbour as a District Shopping Centre consistent with maintaining the viability and vitality of the town centre?

62. Sovereign Harbour is designated in Eastbourne Borough Plan (2001 – 2011) as an out of town shopping centre. However inclusion of Sovereign Harbour as a District Shopping Centre (DSC) in the retail hierarchy in Policy D4 is consistent with the Council's neighbourhood and strategic goals for the area. The designation is strongly supported by local residents who regard it as an acknowledgement of the Council's commitment to broaden the range of community facilities and local services at Sovereign Harbour. Furthermore it removes the anomaly of Sovereign Harbour as an area which is a focus for housing growth but remains one of the few neighbourhoods that does not contain a designated district, local or neighbourhood shopping centre.
63. Concerns have been raised that the DSC designation will facilitate additional retail floorspace and threaten the viability of retail development in the town centre. Furthermore attention has been drawn to the Council's May 2010 Shopping Assessment, where the shopping centre at Sovereign Harbour is referred to as the Crumbles Retail Park, an out of centre retail warehouse park and its designation as a DSC is not recommended.
64. Any future retail development at Sovereign Harbour would need to be considered against Policy D4, which places the town centre at the top of the retail hierarchy and states that the impact of new retail development must not have an unacceptable impact on the vitality and viability of the town centre and other centres. However discussion at the examination hearings revealed that this policy does not provide sufficient clarity in prioritising the town centre for new retail development. For this reason the Council has proposed a main modification to spell out more clearly the sequential approach to site selection, with the town centre clearly placed above DSCs. Subject to this modification (**MM11**), Policy D4 provides an effective policy tool to control retail uses in other centres in order to protect the town centre. In these circumstances there is no reason why designation of Sovereign Harbour as a DSC should have a harmful impact on the town centre.
65. The sustainability appraisal of Policy D4 makes no specific reference to the designation of Sovereign Harbour as a DSC. However work has been carried out during the examination, by the Council and others, to assess the sustainability outcomes for designation or non-designation of Sovereign Harbour as a DSC. The Council's re appraisal of D4 in core document CS4(B): Addendum to the Eastbourne Plan – Core Strategy Sustainability Appraisal Appendices (April 2012), considers only the omission of Sovereign Harbour from the list of DSCs, which is in fact the status quo. It differs from the

submitted SA in that it concludes that not allocating Sovereign Harbour as a DSC would support the growth of the town centre and allow retail opportunities to be focused on the town centre. It could be inferred from this that the opposite, designation as a DSC, would be harmful to town centre growth and vitality. However I am satisfied that this potential outcome of the designation would be mitigated in full by **MM11**, which clarifies the sequential approach, with the town centre as the priority location for retail development.

66. In conclusion the Plan's designation of Sovereign Harbour as a DSC is consistent with its overall strategy and the goal of securing sustainable neighbourhoods. It would enable the Council to protect community facilities and services at Sovereign Harbour from edge and out of centre development and enable it to function as a sustainable neighbourhood. Subject to **MM11** Policy D4 is therefore justified, effective and consistent with paragraph 24 of the NPPF which requires Local Plans to define a network and hierarchy of centres that is resilient to anticipated future economic change.
67. The Council has suggested and carried out consultation on three further modifications relating to Policy D4, which would revise paragraphs 4.4.8 and 4.4.13 and the retail hierarchy in Appendix C. These changes are not needed for soundness, but the Council is free to introduce them as additional modifications to add clarity on this matter.

Issue 5 – Is the preclusion of wind turbines in Eastbourne Park justified by robust evidence?

68. Policy D11 seeks to conserve and enhance the environmental and ecological characteristics of Eastbourne Park, whilst encouraging its use for appropriate leisure and recreation. It is informed in part by the 2010 Eastbourne Landscape Character Assessment (LCA), which identifies 24 landscape character areas within the Borough and provides a detailed analysis of each, including guidelines on the capacity of each area to accommodate new development or other forms of environmental change.
69. Eastbourne Park is located in the Levels, where the LCA notes that the landscape is generally flat, low lying and open, with panoramic views and a highly visible urban edge. The LCA includes landscape planning guidelines for each character area, indicating how best to plan for the protection and enhancement of individual landscapes. For the character areas that make up the Park these include planning to resist development of telecommunication towers or any other vertical structures, unless absolutely essential.
70. Policy D11 encourages renewable energy generation installations, with the exception of wind turbines. However the Renewable Energy Potential Study (REPS), prepared in 2009, identified Eastbourne Park as a suitable location for wind turbines, meeting criteria for wind speed, terrain, grid connections and access. Consequently it is argued that the preclusion in Policy D11 is not appropriate.
71. A balance clearly needs to be struck between the Plan's objective of maximising the potential to deliver renewable energy installations through the Energy Opportunities Plan and conserving and enhancing the landscape character and ecology of Eastbourne Park. Both objectives are consistent with

the Plan's emphasis on sustainability and both are supported by policies in the NPPF. However the Plan's vision for Eastbourne Park, to provide a "green heart" for the town and contribute to the social, economic and physical well being of the community, is a unique opportunity for Eastbourne and will play a key part in supporting the spatial objectives of regeneration and community health. For this reason I consider that the robust protection of Eastbourne Park's landscape character, as set out in Policy D11, is justified and consistent with national guidance.

Issue 6 – Other matters

Is there compelling evidence to indicate that any of the omissions sites that have been promoted are capable of contributing to the Borough's housing or employment land supply?

72. A number of omission sites have been proposed for housing and employment development. I recognise that additional land for housing development would be beneficial in reducing the need to rely on windfall sites. Furthermore suitable sites in sustainable locations close to the town centre would add flexibility and diversity to the supply of employment land. For these reasons I have carefully considered the merits of all of the sites that have been put forward as omission sites.
73. Sites have been proposed for housing and employment in a number of locations on the fringes of Eastbourne Park and on open land adjacent to the Borough boundary. However all of these sites are affected by one or more constraints relating to landscape or nature conservation designations, flood risk or access. The Council has assessed some of the sites in its SHLAA and identified additional constraints relating to development viability. On this basis I am satisfied that the SHLAA, together with the SFRA and the evidence that supports Policy D11: Eastbourne Park together provide robust evidence to demonstrate that none of the omission sites are suitable for housing or employment development.

Is the Plan underpinned by robust infrastructure planning and does it set out clear and effective mechanisms for delivering the infrastructure needed to support the planned development?

74. Eastbourne's Infrastructure Delivery Plan 2012 (IDP) identifies the social and physical infrastructure required to deliver development in the Eastbourne Plan. It is an up-to-date plan which has been developed through cross boundary working and work with infrastructure providers and other stakeholders. It is informed in part by the Council's Sustainable Neighbourhood Assessment and it seeks to address existing shortfalls in infrastructure provision in the context of the planned growth, to establish sustainable communities.
75. The IDP includes the Infrastructure Delivery Schedule which provides a clear overview and includes timing, responsibility for delivery, funding arrangements and an analysis of risk and mitigation for each infrastructure item. In particular it identifies increased capacity to Eastbourne's Waste Water Treatment Works as a critical item of infrastructure upon which all new housing and employment development is dependent. It provides a clear strategy for delivering this infrastructure, as required, between 2016 and

2020. In conclusion the IDP is a thorough and up to date assessment of infrastructure required to support the Plan and how it will be delivered.

Does the Plan include an effective framework for monitoring the delivery of the overall strategy and individual policies?

76. The Plan's monitoring framework provides measurable targets and indicators to track the delivery for all strategic and neighbourhood policies. The explanatory text to Policy B1: Spatial Development Strategy and Distribution addresses the need for the Plan to include flexibility to deal with changing circumstances and sets out a number of contingency actions that have been identified to deal with known risks. The Council has confirmed that the trigger point for intervention will be based on information from the Local Monitoring Report, because this will enable delivery to be monitored, particularly that of housing, employment and infrastructure. It is proposed that the Sustainable Neighbourhood Assessment will also be regularly monitored and updated, to enable the impact of the Plan's policies on the sustainability of individual neighbourhoods to be assessed. In conclusion it is clear that the Plan includes a sound framework for monitoring the effectiveness of the strategy and of individual policies.

Assessment of Legal Compliance

77. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS November 2011 which sets out an expected adoption date of December 2012. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2009 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (June 2009) concluded that no measures of avoidance or mitigation are required.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Core Strategy is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.

2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.
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Overall Conclusion and Recommendation

78. The Plan has a number of deficiencies in relation to soundness which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
79. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Eastbourne Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Sue Turner

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	vi	i.1	Delete " The Core Strategy is in line with the South East Plan (Regional Spatial Strategy) to 2026... " and replace with: <u>"The Core Strategy is in line with the National Planning Policy Framework (to 2027), consistent with the South East Plan (Regional Strategy) to 2026 and..."</u>
MM2	viii	i.11	<i>Amend sub-section title to read "How does the Core Strategy fit with the existing Borough Plan and the <u>National Planning Policy Framework</u>?"</i> <i>After "...planning policies in the Borough Plan." Add: "When considering <u>development proposals</u>, the Council will take a positive approach that reflects the presumption in favour of sustainable development. It will work with <u>applicants to find solutions, that address concerns raised by local residents and community groups, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></i> <i>Planning applications that accord with the policies in this <u>Core Strategy Local Plan (and, where relevant, with polices in other plans which form part of the Development Plan)</u> will be approved, unless material considerations indicate otherwise</i>
MM3	70	Policy D1	<i>Add new first sentences to read "<u>There is a presumption in favour of sustainable development.</u>" Amend previous first sentence by deleting "New Development will" and replacing with "<u>All new development should be sustainable and....</u>".</i>
MM4	15	Table 2	<i>Delete existing table and replace with new table set out in Appendix 1.</i>
MM5	15-16	Table 3	<i>Delete existing table and replace with new table set out in Appendix 2.</i>
MM6	17	Key Diagram	<i>Amend Langney's colouration and change it from "Medium Levels of Growth (200-500 units)" to "<u>Low Levels of Growth (50-200 units)</u>"</i>

MM7	21	Figure 1	<i>Amend boundary of Upperton: Neighbourhood 2 (see Appendix 3) to include land at Bedfordwell Road depot, which has planning permission by virtue of planning application reference (EB/2008/0609).</i>
MM8	29	Figure 3	<i>Amend boundary of Upperton: Neighbourhood 2 (see Appendix 4) to include land at Bedfordwell Road depot, which has planning permission by virtue of planning application reference (EB/2008/0609).</i>
MM9	119-124	Appendix B Table 6	<i>Amend the first target in each of the Core Strategy neighbourhood policies (see Appendix 5).</i>
MM10	76	4.2.14	<p><i>Amend to read:</i> <i>"Land is identified for B1(a) use in Sovereign Harbour (30,000 square metres). The Council supports the use of this land for quality B1(a) office use to supplement This should take the form of a high quality business park to supplement local employment choice and provide a complementary development to the residential uses at the Harbour.</i> <i><u>A review of the employment land supply will be commenced immediately upon adoption of this Plan and will inform an Employment Land Local Plan which will be adopted before the end of 2014. The review will include an assessment of the viability of business space development at Sovereign Harbour for the Plan period. The Employment Land Local Plan will take account of the results of that assessment.</u></i></p>
MM11	80	Policy D4	<p><i>Amend the first bullet point of the final paragraph of Policy D4: Shopping as follows:</i> <i><u>"complies with the sequential approach to site selection, which prioritises development in the following order:</u></i></p> <ul style="list-style-type: none"> <i>• <u>Eastbourne Town Centre Primary and Secondary Shopping Areas (PSAs and SSAs);</u></i> <i>• <u>District Shopping Centres (DSCs);</u></i> <i>• <u>Local Shopping Centres (LSCs);</u></i> <i>• <u>Neighbourhood Shopping Centres (NSCs);</u></i> <i>• <u>Edge-of-centres; and</u></i> <i>• <u>Out-of-centre sites, which are accessible by a choice of transport means."</u></i>
MM12	87	D6	<p><i>Amend Policy D6 to read:</i></p> <p><i><u>Appropriate provision will be made for a site(s) for Gypsies, Travellers and Travelling Showpeople to meet local needs. In order to meet identified need for Gypsies, Travellers and Travelling Showpeople for the plan period, the Council will work with neighbouring local planning authorities on the provision of sites. If this process fails to identify sufficient sites by 2015, a Gypsy and Traveller Site Allocations DPD will be prepared to address the deficit.</u></i> <i>The following criteria will be used to assess the suitability of sites and will also be used to assess planning applications or proposals for Gypsies, Travellers and Travelling Showpeople:</i></p>

			<ul style="list-style-type: none">• the impact on landscape character and/or sites of nature conservation interest, and scope for mitigation;• the topography of the site and impact on visual amenity as well as the risk of flooding;• the location of the site in relation to the highway network and the potential impact on traffic movement and trip generation on local roads;• safe and convenient access to local services and facilities such as schools, shops and health services, and the availability of utility services;• adequate provision can be made for on-site parking, storage, play areas and landscaping screening in order to protect the amenities of adjacent occupiers; and• the impact on the residential amenity of the settled community
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Appendix 1:

MM4 - Table 2: Housing Delivery in Each Neighbourhood up to 2027

Neighbourhood		Identified Net Units	Windfall Net Units	Total Dwellings (Net Units)
1	Town Centre	701 715	541 475	1,242 1,190
2	Upperton	233 245	175 154	406 399
3	Seaside	233 230	249 218	482 448
4	Old Town	46 55	53 46	99 101
5	Ocklynge & Rodmill	247 246	13 12	260 258
6	Roselands & Bridgemere	91 86	34 30	125 116
7	Hampden Park	73 75	11 9	84
8	Langney	225 164	16 14	241 178
9	Shinewater & North Langney	91 69	0	91 69
10	Summerdown & Saffrons	4	40 36	44 40
11	Meads	181 177	206 181	387 358
12	Ratton & Willingdon Village	7	5	12
13	St Anthony's & Langney Point	17 20	5	22 25
14	Sovereign Harbour	150	0	150
Borough Eastbourne Total		2,297 2,243	1,348 1,185	3,645 3,428

Appendix 2

MM5 - Table 3: Breakdown of Housing Delivery

Type of Housing Development	Net Units
Units Delivered (1 April 2006 – 31 March 2012)	1,377 1,594
Deliverable Commitments	1,035 963
Deliverable Brownfield Allocations	52 402
Unallocated Brownfield Sites (Non-employment land)	450 444
Change of Use from employment to residential	435 249
Redundant Open and Amenity Space	179 69
Other Greenfield Sites (Urban Extensions and Garden Development)	86 60
Increased Density in Sustainable Neighbourhoods	60 56
Potential Units on Windfall Sites (2022-2027)	1,100 550
Total	4,774 4,387
Local Housing Target (2006-2027)	5,022
Resultant Windfall Reliance (Before 2022)	248 798 635

Figure 1 – Eastbourne’s Neighbourhoods

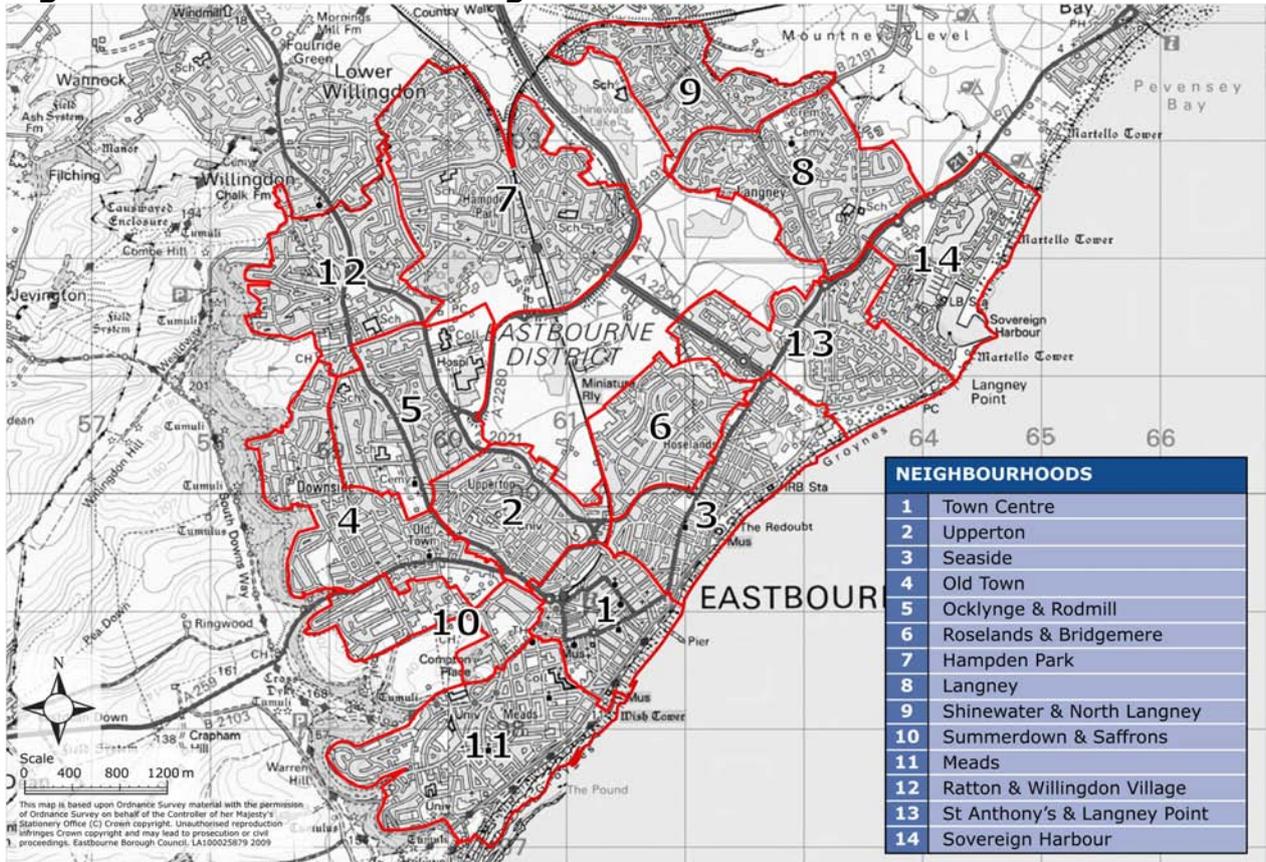
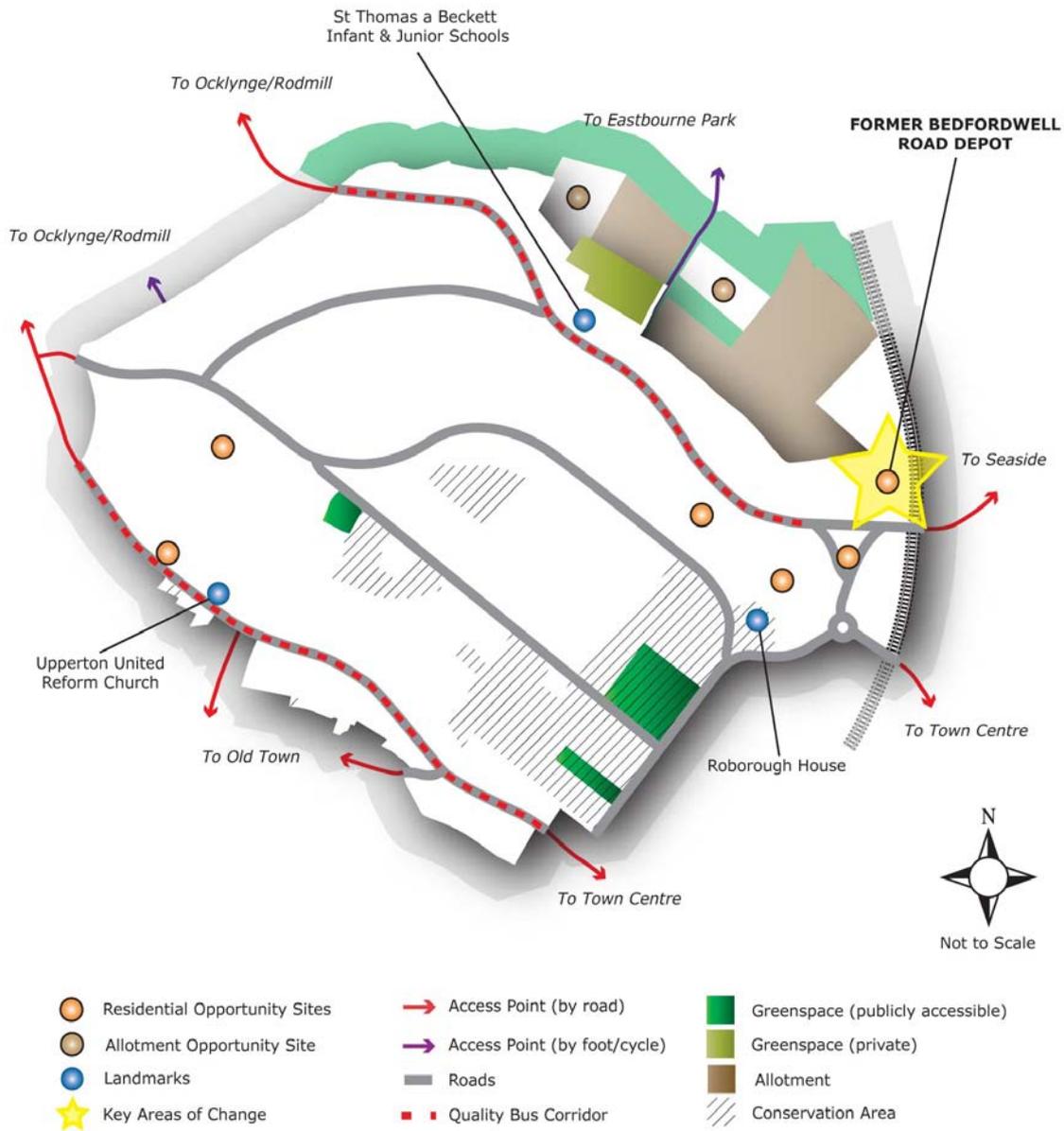


Figure 3 - Neighbourhood 2: Upperton



Appendix 5

MM9 - Table 6: Eastbourne Monitoring Framework

Core Strategy Policy	Target
C1: Town Centre Neighbourhood Policy	To prioritise the delivery of 1,242 <u>1,190</u> net dwellings before 2027 to assist in the regeneration of the Town Centre
C2: Upperton Neighbourhood Policy	To deliver 406 <u>399</u> net units within Upperton before 2027
C3: Seaside Neighbourhood Policy	To deliver 482 <u>448</u> net units within Seaside before 2027
C4: Old Town Neighbourhood Policy	To deliver 99 <u>101</u> net units within Old Town before 2027
C5: Ocklynge & Rodmill Neighbourhood Policy	To deliver 260 <u>258</u> net units within Ocklynge & Rodmill before 2027
C6: Roselands & Bridgemere Neighbourhood Policy	To deliver 125 <u>116</u> net units within Ocklynge And-Rodmill <u>Roselands & Bridgemere</u> before 2027
C8: Langney Neighbourhood Policy	To deliver 241 <u>178</u> net units within Langney before 2027
C9: Shinewater & North Langney Neighbourhood Policy	To deliver 91 <u>69</u> net units within Shinewater & North Langney before 2027
C10: Summerdown & Saffrons Neighbourhood Policy	To deliver 44 <u>40</u> net units within Summerdown & Saffrons before 2027
C11: Meads Neighbourhood Policy	To deliver 387 <u>358</u> net units within Meads before 2027
C13: St Anthony's & Langney Point Neighbourhood Policy	To deliver 22 <u>25</u> net units within Seaside before 2027