Proposed Submission

EMPLOYMENT LAND LOCAL PLAN

Guidance Note for Respondents

Invitation to make representation under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012

Before making your representation on the Proposed Submission Employment Land Local Plan, we would encourage you to read the following guidance, as it will explain where you can view the documents, how you can make representations and the type of comments which can be considered.

The period for making representations runs from **Friday 12 December 2014 to 5 p.m. on Friday 6 February 2015**, after which representations will not be accepted.

Introduction

Eastbourne Borough Council has published a Proposed Submission version of the Employment Land Local Plan under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012 for the community and stakeholders to make final representations in preparation for formal submission of the document to the Secretary of State in 2015.

Representations can be made through the on-line consultation portal, which can be accessed via the Council’s website (www.eastbourne.gov.uk/ellp). Alternatively, representations can be made through completing the representation form and returning by email or post.

Purpose of Examination

At public examination, the Planning Inspector is required to consider whether the Employment Land Local Plan complies with certain legal requirements and is ‘sound’. Those who wish to make a representation are asked to clarify whether the issue raised relates to either legal compliance or soundness.
If you are seeking to make representations on the way in which Eastbourne Borough Council has prepared the Employment Land Local Plan, it is likely that your comments or objections will relate to a matter of legal compliance.

If it is the actual content on which you wish to comment or object to, it is likely it will relate to the soundness of the Employment Land Local Plan in terms of it being positively prepared, justified, effective or consistent with national policy.

Legal Compliance

If you are making a representation about how the Employment Land Local Plan was prepared in relation to the 'Duty to Cooperate', or legal and procedural requirements, this would mean that your concern is whether the Local Plan is legally compliant. You should consider the following before making a representation on legal compliance:

- The Employment Land Local Plan should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by Eastbourne Borough Council setting out the planning policy documents that the Council proposes to produce. It sets out the key stages in the production of any Local Plan which the Council proposes to bring forward for independent examination. The LDS is available on the Council’s website.

- The process of community involvement carried out in preparation of the Employment Land Local Plan should be in general accordance with Eastbourne Borough Council's Statement of Community Involvement (SCI) which is available on the website. The SCI is a document which sets out how the Council will involve the community in the preparation and revision of Local Plans and in the consideration of planning applications.

- The Employment Land Local Plan should comply with the Regulations (i.e. the Town and Country Planning (Local Development) (England) Regulations 2012)

- On publication of the Regulation 19 Document (the Proposed Submission version of the Employment Land Local Plan), the Council must then publish the documents prescribed in the Regulations, and make them available at their principal offices and on their website. The Council must also notify all of the various Consultation bodies (these are set out in the regulations) and any persons who have requested to be notified.

- The Council is also required to provide a Sustainability Appraisal Report when it publishes the Employment Land Local Plan. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors and objectives. This should identify the process by which the Sustainability Appraisal of the Employment Land Local Plan has been carried out, the baseline information used to inform the process and the outcomes of that process.
The Duty to Cooperate is a requirement introduced by the Localism Act in November 2011. Its purpose is to ensure that Local Plans consider issues that cross the boundaries of an individual authority to affect others, and to consider issues that are of concern to agencies who have wider geographical responsibility.

If you consider that the Employment Land Local Plan is not legally compliant, your representation should make clear the precise reasons why in relation to the legal and procedural requirements set out above.

**Soundness**

The Council considers that the Local Plan it intends to submit for examination is sound. The Inspector has to be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy. If you do not think that the content of the Employment Land Local Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’, then the concern is with the ‘soundness’ of the Local Plan.

1) **Positively prepared**

This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

2) **Justified**

To be justified the Employment Land Local Plan should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area; and
- Research/fact finding: to show that the choices made in the plan are backed up by facts.

The Employment Land Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and the subject of sustainability appraisal. The Local Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved.

3) **Effective**

To be effective the Employment Land Local Plan should be deliverable, embracing:

- Sound infrastructure delivery planning;
• Having no regulatory or national planning barriers to delivery;
• Delivery partners who are signed up to it; and
• Coherence with the strategies of neighbouring authorities.

The Employment Land Local Plan should also be flexible and able to be monitored. The Local Plan should indicate who is to be responsible for making sure that the policies and proposals will happen and when they will happen.

The plan should be flexible enough to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Employment Land Local Plan should make clear that major changes may require a formal review of the Employment Land Local Plan or parts of it including through public consultation.

Any measures which the Council has included to make sure that targets are met should be clearly linked to the Local Monitoring Report. This report must be produced each year by all Local Authorities and will help to identify whether the Local Plan needs amendment.

4) Consistent with national policy

The Employment Land Local Plan should be consistent with the National Planning Policy Framework (NPPF). Where there is a departure, the Council must provide clear and convincing reasoning to justify the approach. Conversely, you may feel the Council should include a policy or policies, which would depart from the NPPF to some degree, in order to meet a clearly identified and fully justified local need, but where they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are, that justify a different policy approach to that set down in the NPPF and support your assertion with evidence.

Making your representation

If you think the content of the Employment Land Local Plan is not sound because it does not include a policy where it should do, you should consider the following questions before making representations:

• Is the issue with which you are concerned already covered specifically by any national planning policy? If so, it does not need to be included;

• Is what you are concerned with covered by any other policies in the Employment Land Local Plan or by the already adopted Eastbourne Core Strategy Local Plan (2013) or Eastbourne Town Centre Local Plan (2013), or will it be covered by any other Local Plan to be prepared later by the Council. There is no need for repetition between documents;
• If the policy is not covered elsewhere, in what way is the Local Plan unsound without the policy?

• If the Local Plan is unsound without the policy, what do you consider the policy should say?

If you wish to make a representation seeking a change to the Employment Land Local Plan or part of the Employment Land Local Plan you should make clear in what way the Employment Land Local Plan is not sound having regard to the legal compliance check and three tests set out and explained above. You should try to support your representation with evidence showing why the Employment Land Local Plan should be changed. It will be helpful if you also say precisely how you think the Employment Land Local Plan should be changed. Representations should succinctly cover all the information, evidence and supporting information necessary to support or justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based upon the original representation made at publication. After this stage, further submissions will only be sought at the request of the Inspector, based on the matters and issues that he/she identifies for examination.

Careful consideration should be given by those making a representation in deciding how the representation should be dealt with, i.e. by written representation or by exercising the right to be heard. Only where a change is sought to the Employment Land Local Plan is there a right for the representation to be heard at the hearing session. However, appearance at the hearing session will be at the discretion of the Planning Inspector. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination process. You can tell us if and why you consider it necessary to participate at the hearing session.


Representations cannot be treated in confidence. Regulations 22 and 35 of the Town and Country Planning (Local Development) (England) Regulations 2012 require copies of representations to be made publicly available. The Council will also provide names and associated representations on its website but will not publish personal information such as telephone numbers, e-mails or private addresses. By submitting a representation on the Proposed Submission Employment Land Local Plan or any associated documents you confirm that you agree to this and accept responsibility for your comments.

Guidance on making a representation

Representations can be made on-line on the Consultation Portal, which can be accessed via the Council’s website (www.eastbourne.gov.uk/ellp). This will enable
you to make comments on each paragraph, policy or figure contained within the document.

Alternatively, a representation form can be downloaded via the Council’s website (www.eastbourne.gov.uk/ellp), which can be completed electronically and returned by email, or printed off and returned by post.

Please return completed forms to:
Specialist Advisory Team, Eastbourne Borough Council, 1 Grove Road, Eastbourne, BN21 4TW
Email: planning.policy@eastbourne.gov.uk

Guidance on completing the written representation form

1. It is important that a separate form is used for each representation you wish to make.
2. Each form should be completed fully, with your name and address on each.
3. Please use BLOCK CAPITALS and BLACK INK when completing the form.
4. You may submit the form yourself or on behalf of an organisation or company. Alternatively you may ask someone to do it for you if you need help, or you can appoint an agent. If an agent is appointed their full details should also be given and all future correspondence will be sent to this agent.
5. It is important that you clearly state which section of the document you are referring to: for example, paragraph, section or policy number.
6. Your objection should be clearly based on the tests of soundness as explained in detail in this guide. Please clearly indicate which test of soundness you think is not being met.
7. If you are objecting, you should clearly state what changes you think should be made to make the Employment Land Local Plan sound and legally compliant.
8. Please remember to sign and date the form.

For further information or assistance, please contact the Council’s Specialist Advisory Team, on (01323) 410000 or email planning.policy@eastbourne.gov.uk.