Eastbourne Borough Council

Employment Land Local Plan Examination

Closing Statement by Richard Maile concerning land north of Hammonds Drive, Eastbourne

Following the conclusion of the EiP on Friday, 13 May two matters arose that I wish to correct.

Firstly, Eastbourne Borough Council has always suggested that the land north of Hammonds Drive is a greenfield site and that land at Sovereign Harbour qualifies as a brownfield site. This is referred to in the Inspector's comments dated 27 May under Item 11.

I have set out in the attached notes my understanding of the situation regarding any previous mineral workings. Also, the glossary to the Framework makes clear that previous mineral workings which, as in the case of Sovereign Harbour, have been reinstated (if they ever existed) do not qualify as PDL.

Secondly, I was asked about the information provided by my Highway Engineer, Philip Russell, concerning access to Lottbridge Drove from the site at Hammonds Drive. I attach a copy of a letter from Philip Russell dated 01 June 2016, in which Mr Russell confirms that when obtaining access for VW onto Lottbridge Drove recently he was not required to utilise the ESCC Saturn model to support that application.

Mr Russell informs me that in order to create an in/out junction to serve the land north of Hammonds Drive the same criteria would apply and that the Saturn model requirements would only be applicable if there was a traffic light or roundabout junction to include the St Anthony's Link. He suggests that an in/out junction for the land at Hammonds Drive similar to that at the Caffyns (VW) site to the south would not affect the major junction of Lottbridge Drove to the north, which is too far away, and would only benefit

the existing Hammonds Drive junction to the south by creating an improved access at either end of Hammonds Drive.

Closing Comments

The planning system is designed to facilitate sustainable development and is required to provide certainty. It is not the function of the Development Plan to take risks.

Under the heading 'Building a strong, competitive economy' the Framework requires the planning system to do everything it can to support sustainable economic growth and to meet the development needs of business and support an economy fit for the 21st century (see paragraphs 19-21).

The Revised Proposed Submission Employment Land Local Plan (ELLP) fails to meet the requirements set out in the Framework under the headings 'Plan- making' and 'Examining Local Plans' Specifically, the ELLP fails to meet the requirements of paragraph 161 to provide for the quantitative and qualitative needs for all foreseeable types of economic activity over the Plan period, including for retail and leisure development. Moreover, it is clear that the Local Authority has failed to understand the business needs within the Plan area (see paragraph 160).

Accordingly, by reference to paragraph 182 the Plan has not been positively prepared, is not justified and is not therefore consistent with national policy. For these reasons, the ELLP fails the tests of soundness.

All three allocations set out in the ELLP are high risk. I address each of these in turn:

a) Town Centre

The owners of these sites, i.e. Network Rail and the Post Office, have not made efforts to allow the redevelopment of their sites. The Network Rail site has, I believe, been earmarked for years as additional car parking whilst the

Post Office site includes a building of listable quality, which will provide only a relatively modest amount of B1 office use.

b) Sovereign Harbour

This is a poorly located site, which has been on the market for some 27 years without any serious interest. Pacific House has only been developed with public sector funds. It is quite clear from the evidence adduced at the EiP and from the details provided of existing tenancies that no private investor would take on Pacific House. Furthermore, having seen the plans provided by Mr Shaw I can only conclude that nine blocks of 3 storey offices will likewise only be developed using public funds.

I have some 50 years' experience of industrial/business investments. The proposals set out on the drawings tabled for Sites 6 and 7A at Sovereign Harbour will prove to be white elephants and a waste of public money. The lettings that have been obtained at Pacific House have been achieved in a very buoyant market and with terms that no private investor would be prepared to accept, i.e. with the tenants having the right to walk away after 3 months' notice.

Interestingly, Mr Shaw also confirmed that the development of sheds at Sovereign Harbour would not be viable.

c) Land north of Hammonds Drive

The Council has made no allocations to meet the needs of other business uses, as required by paragraph 161 of the Framework. The reliance upon densification does not provide the certainty the market requires, a matter that has become evident over the last few years given the number of enquiries I have received from potential occupiers of my land.

Whilst the Council has produced plans showing the existing industrial estates some of which, I agree, are dated – there is no certainty that these will be redeveloped or that they will meet the needs of potential occupiers as required by national policy.

The Council's own admission that there is currently a low vacancy rate of industrial premises shows that there remains a good demand for sheds and that there is a relatively low possibility of space becoming available for so-called densification. Furthermore, the redevelopment of sites is not always viable and may not produce greater levels of floor area for business given the needs of car parking and servicing and the fact that all of the industrial estates shown on the Council's plans are already developed to a high density (see paragraph 173 of the Framework).

Suitability of Hammonds Drive to accommodate additional development.

The Council has raised objections to the inclusion of this land for three principal reasons:

1. The Council argues that it is a greenfield site as opposed to Sovereign Harbour, which is a brownfield site. I have addressed this matter above.

2. That the site is part of Eastbourne Park.

   For over 40 years this land has, in its entirety, been designated as highway land for the projected Southbourne Link. Eastbourne Park was designated in 1969 and the boundary was shown as the ditch to the north of the Hammonds Drive Land.

   There are no specific requirements for this land to be included within Eastbourne Park to provide for recreation or as part of the drainage network. Eastbourne Park has a total area of 1,000 acres such that this 4.75 acre site would not be missed, representing just 0.475% of the total area of the Park.

   I have already referred to the fact that Eastbourne Park is larger than Hyde Park in London and possesses numerous facilities including lakes, golf courses, miniature railways, etc. Furthermore, Eastbourne as a town is well served by existing parks, e.g. Hampden Park, Devonshire Park, etc and by the adjacent South Downs National Park and the coastline.

At the hearing the Inspector referred to paragraph 38 of the 1990 Act. The site at Hammonds Drive has only recently been included within the Eastbourne Park following the deletion of the Southbourne Link.

There is no particular requirement for this land to be included as part of Eastbourne Park, but there is clearly a need for additional business allocations to meet the requirements of the Framework and to provide soundness to the ELLP. The site is available and deliverable. It can be developed without impact upon the highway system. Bunding and landscaping along the frontage and to the north of the site would enhance the appearance of the adjacent A22, which is the major entry point for Eastbourne. This factor provides a material consideration for setting aside the recent allocation of the land as part of Eastbourne Park.

3. Objections with regard to drainage.

I have addressed this issue by producing extracts from the Eastbourne Park Local Plan demonstrating that this site is not liable to fluvial flooding and that, in company with virtually the whole of Eastbourne and, in particular, Sovereign Harbour is only liable to a 1:200 year flooding event from the sea.

Conclusions

Over the last few years following deletion of the Southbourne Link I have received numerous enquiries from potential occupiers of the land, including Sussex Police next door, Harwoods, three other car franchisees, from the DVLA and from a number of local developers, one of whom is currently pursuing the possible purchase of the land.

All of these factors combine to indicate that the Council has failed in its duty to take account of the needs of business and that the Revised Proposed Submission Employment Land Local Plan fails the tests of soundness set out in the Framework.

I would ask, therefore, that the Council be given the opportunity to amend the ELLP by the inclusion of this site or that the ELLP is found to be unsound given its failure to address the qualitative needs of Eastbourne.

Richard Maile
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01 June 2016
Our Ref: RJMA/15/2765s/pmr

Dear Richard,

RE: LAND AT LOTTBRIDGE DROVE, EASTBOURNE

Thank you for your request for a summary of my advice in respect to East Sussex County Council's comments to the Inspector on highways matters pertaining to the potential development of your site at Lottbridge Drove, Eastbourne.

RGP has been advising you on this site for fourteen years. When the Highway Authority (ESCC) proposed the Southboune Link, which took a line through your land, our instruction was to persuade ESCC that it was not necessary. ESCC would not be drawn on the need for the new road until certain road improvements on the wider network were complete so that traffic patterns could be measured and understood; only then would the council potentially abandon the Southbourne Link.

This position left your land sterilised for any purpose but for the new road and so RGP sought to agree alternative alignments for the Southbourne Link so that your land would not need to be compulsorily purchased. ESCC maintained the position that it considered any abandonment or revision to the approved line of the Southbourne Link premature to road improvements in the area and the changes to traffic patterns that would occur.

The position today is that the Southbourne Link is abandoned, since it is unnecessary, but that St Anthony's Link remains an aspiration of the County Council.

More recently, I have communicated with Mr Mark Weston of ESCC and he has confirmed that his council omitted to retain part of your site in order to facilitate a satisfactory junction of the St Anthony's Link and Lottbridge Drove. Further, the County Council has indicated to me its willingness to find a solution to the development of your site that would not prejudice the St Anthony's Link by way of a roundabout junction with Lottbridge Drove.

Roundabout designs have not been considered in detail but I believe that it is possible to derive a design that would satisfy the Council and your aspirations to develop the remainder of your site. The County Council and LPA may benefit from this cooperation in many respects, for example the

general improvement of traffic on Lottbridge Drove.

Given the history I have outlined and RGP's successful input to the very recent Caffyns (VW) refurbishment/extension, I advise that an access that mirrors that at Caffyns (VW) would be deliverable to serve your site, less land needed for a roundabout to facilitate the St Anthony's Link. You will know that the access is for left in and left out movements only and that it works very well.

I consider that this is important background to the consideration of potential development on your land by the Inspector, including the fact that ESCC did not require any capacity modelling of the Caffyns (VW) proposal when deciding not to raise objections to it to the LPA. I cannot see any technical basis as to why ESCC should treat the potential development of your site any differently, but for the fact that it wishes for your cooperation in delivering the St Anthony's Link.

Yours sincerely,

Philip Russell
RGP
South Coast Office

Eastbourne Borough Council

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Notes attached to Closing Statement by Richard Maile concerning land north of Hammonds Drive, Eastbourne

I would refer to the Inspector's comments dated 27 May, together with his request for additional information from Eastbourne Borough Council.

Item 5 (Qn 1.17):

I would ask the Inspector to look again at the plan, which does not identify any specific sites for intensification and, as I have already pointed out, this does not provide any certainty or deliverability as required by paragraph 182 of the Framework. In particular, such a procedure does not meet any objectively assessed development requirements and is not effective, i.e. it is not deliverable. Furthermore, it does not provide opportunities for businesses wishing to relocate to the town with any certainty.

Item 11 (Greenfield v. Brownfield):

So far as I am aware the Sovereign Harbour sites are not part of former mineral workings. I have Ordnance Survey sheets indicating that no workings have previously been undertaken on the allocated sites. However, the Town Map shows that Sites 4, 6 and 7a were included within an area designated as areas intended for the working of minerals, i.e. sand and gravel. The only excavated areas shown on the Map are just beyond the County Borough of Eastbourne boundary and in the extreme northeast corner to the southeast of Bungalow Cottages. The later workings appear to be the site of the Marina at Sovereign Harbour.

The Eastbourne Urban Plan dated June 1967 for the period 1970-2010 does not show this area for mineral working but shows the whole of the Sovereign Harbour development as residential development, yacht harbour and recreational open space. There is no allocation for industrial use at Sovereign Harbour. The original of that document can be produced at the resumed EiP.

Bearing in mind this information, and having regard to the glossary of the Framework, the Council's allocation is not brownfield. It does not fall within the definition of Previously Developed Land, which specifically excludes "land that is or has been occupied by agricultural or forestry buildings; land

that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through Development Control procedures." Given that the sites in question at Sovereign Harbour have all been restored or were never mineral workings they should be classified as greenfield sites along with the land to the north of Hammonds Drive.

Item 12:

The land north of Hammonds Drive was shown in the Eastbourne Urban Plan 1970-2010 as a primary network route and was therefore excluded from the Eastbourne Park, which extends to some 1000 acres. The southern boundary of the Park coincided with the ditch along the north side of the land at Hammonds Drive.

The site was first included as part of Eastbourne Park in November 2011, when the Eastbourne Park Draft SPD was published following deletion of the Southbourne Link. Fig. 10 of that document does not indicate any specific use for the land north of Hammonds Drive. An area for the provision of sports pitches and facilities is shown to the north and northwest of the site in question (see Fig. 10 of the Eastbourne Park Key Diagram).