

To all Members of the Cabinet

A meeting of the Cabinet will be held in the Ditchling Room, Southover House, Southover Road, Lewes Southover House, Southover Road, Lewes on Monday, 23 April 2018 at 14:30 which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

12/04/2018 Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

1 Minutes

To confirm and sign the minutes of the meeting of the Council dated 19 March 2018 (copy previously circulated).

2 Apologies for absence

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

5 Public question time

To deal with any questions received from members of the public in accordance with Council Procedure Rule 11 (if any).

6 Written questions from councillors

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12 (if any).

7 Matters referred to the Cabinet

Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.

None.

8 Reports from officers

- Key decisions

8.1 Community Infrastructure Levy recommendations for spending (page 3)

Report of Director of Regeneration and Planning Lead Cabinet member: Councillor Jones

8.2 Housing development update (page 25)

Report of Director of Regeneration and Planning Lead Cabinet member: Councillor Maskell

For further information about items appearing on this Agenda, please contact Simon Russell at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01323 415021

Distribution:

Councillors: P Franklin, B Giles, T Jones, I Linington, R Maskell, E Merry, T Nicholson and A Smith

Agenda Item No: 8.1

Report Title: Community Infrastructure Levy Recommendations for

Spending

Report To: Cabinet Date: 23 April 2018

Cabinet Member: Cllr Tom Jones – Cabinet member for Planning

Ward(s) Affected: All wards that lie wholly or partially outside the South Downs

National Park

Report By: Director of Regeneration and Planning

Contact Officer(s)-

Name(s): Estelle Maisonnial

Post Title(s): Senior Planning Policy Officer (Infrastructure) **E-mail(s):** estelle.maisonnial@lewes-eastbourne.gov.uk

Tel No(s): 01273 085402

Purpose of Report:

To seek Cabinet approval to release CIL funds, as recommended by the CIL Executive Board, to assist in the delivery of certain infrastructure projects in the area of the district for which Lewes District Council is the local planning authority.

Officers Recommendation(s):

1 To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.

Reasons for Recommendations

1 To support the delivery of the right level and type of infrastructure to support the growth identified for the local planning authority in the adopted Joint Core Strategy.

Information

2

2.1 The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support development and growth in their

area. The Lewes District CIL Charging Schedule came into force on 1 December 2015 and applies to liable developments granted permission on or after this date in the area of the district for which Lewes District Council is the local planning authority. CIL is payable when works to implement a planning permission commence. As at 11 April 2018, the Council has collected £2,807,562.73 of CIL apportioned as follows between the difference pots in line with the CIL Regulations 2010 (as amended), the National Planning Practice Guidance (2014) and the Council's bespoke CIL governance (2014, 2016):

	Collected	Process
CIL Admin	£140,378.13	Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61
Neighbourhood Portion	£397,400.24	Passed to Town and Parish Councils twice yearly (April, October) who must spend it in line with Regulation 59C
County Pot	£1,361,870.62	Infrastructure providers will be invited to bid to help deliver strategic infrastructure identified as fundamental to support development. The CIL Executive Board will make spending recommendations to Cabinet
District Pot	£453,956.87	Infrastructure providers will be invited to bid to help deliver local and community infrastructure. The CIL Management Board will make spending
Community Pot	£453,956.87	recommendations to be reviewed by the CIL Executive Board and subject to Cabinet's approval

- 2.2 Cabinet agreed the creation of two CIL boards. Each board is made up of Members and officers to ensure consistent assessment of bids, aligning the district's infrastructure needs with the requirements of the CIL Regulations. The bespoke governance arrangements allow Members to participate in the process of assessing the infrastructure bids. Other stakeholders as necessary may be invited to provide comments to feed into the assessment process.
- 2.3 The CIL Regulations determine that CIL receipts received by the planning authority must be applied to the provision, improvement, replacement, operation or maintenance of infrastructure that is required to support development. It should be noted that Town and Parish Councils have more flexibility as to how they spend their neighbourhood portion, they can also spend it on anything else that is concerned with addressing the demands that development places on an area.
- 2.4 CIL is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. It can however be to increase the capacity of existing

- infrastructure or repair failing existing infrastructure, if it can be demonstrated that these works are necessary to support new development.
- 2.5 Bids were invited from infrastructure providers from 8 January until 19 February 2018. An initial SWOT (Strengths, Weaknesses, Opportunities, and Threats) assessment was carried by officers and presented to the relevant board for further discussion.
- 2.6 The CIL Management Board assessed the bids received in the District and Community pots and made recommendations for spending to the CIL Executive Board. The CIL Executive Board reviewed the recommendations of the CIL Management Board, assessed the bids received in the County Pot and made the final recommendations for spending the CIL revenue to Cabinet.
- 2.7 Infrastructure providers were encouraged to provide as much detail as possible to support their bids. The form appended to the CIL Governance report (2016) was made available through our consultation software. The following information was required to allow each bid to be assessed:
 - What is the infrastructure project;
 - What is the timetable for delivery;
 - What is the overall cost and outline breakdown of costs:
 - Is the project in the Council's IDP and/or Regulation 123 List;
 - What is the relationship to development recently permitted in the area;
 - What other source of funding are contributing to the project;
 - What consultation has been undertaken and what is the level of stakeholder support.
- **2.8** When reviewing the bids, the following criteria were considered:
 - Is the project 'infrastructure' as defined by the CIL Regulations;
 - Is the project deliverable, with or without CIL funding;
 - What are the public benefits of the project and what level of community support has the project received;
 - How does it fit within the Council's priorities (does it deliver what is absolutely critical to deliver the Core Strategy growth);
 - Does it make use of 'match funding' or dovetailing of funding from other sources
- 2.9 The recommendations from the CIL Executive Board for funding approval are presented by Governance pot from which the funds would be released. The more detailed SWOT analysis can be found in Appendix A.
- 2.10 Where bids have been unsuccessful at this round of assessment feedback will be provided to the bidder. Where insufficient evidence has been provided to support funding feedback will include how the bid could be strengthened for a future resubmission.

Recommendations for spending from the County Pot

Project (description)	Amount allocated
Improvements to the A259 junctions (Improvements	£300,000
to A259/Telscombe Cliffs Way and A259/Sutton Avenue	
junctions necessary to achieve acceptable operating	
conditions particularly for busses)	

Recommendations for spending from the District Pot

Project (description)	Amount allocated
Recreational facilities at Beechwood Hall	£36,897
(Improvements to facilities at Beechwood Park including	
new playground equipment, car parking and all weather	
multi use games court)	
Newhaven Skatepark and Pumptrack (To replace the	£50,000
existing dirt bike track and metal ramped skatepark with	
a tarmac pump track and concrete skatepark)	
Playground Improvements (Upgrading and	£28,212
improvements to existing playground facilities in	
Telscombe Cliffs and East Saltdean)	

Recommendations for spending from the Community Pot

Project (description)	Amount allocated
Automatic Number Plate Recognition cameras (To	£17,000
install ANPR cameras at ten locations across Lewes	(£7,000 in Chailey,
District and Wealden District to identify vehicles	£10,000 in Newick)
associated with criminality and enable officers to	
efficiently apprehend drivers and minimise response	
time)	

2.11 The table below provides a summary of the amount this report is recommending for spending for each CIL pot and the amount available as at 11 April 2018 if the recommendation of this report is approved. It is thought that sufficient fund will be available to invite for bids in autumn 2018.

	Total recommendation for spending	Total available as at 11 April 2018 if recommendation is approved
County Pot	£300,000	£1,061,870.62
District Pot	£115,109	£338,847.87
Community Pot	£17,000	£436,956.87

Financial Appraisal

The approval of the recommendation of this report will lead to the release of CIL revenue in line with the requirements of the CIL Regulations (i.e. for the provision, improvement, replacement, operation or maintenance of infrastructure that is required to support development).

The timeframe of the release of the funds will be agreed with the successful bidders to ensure the deliverability of the projects as well as minimising the risk for the Council. Monitoring the delivery of projects will rest with the Senior Planning Policy Officer (Infrastructure) and will be overseen by Finance.

Legal Implications

- 4 Section 216(2) of the Planning Act 2008 and regulation 59 of The Community Infrastructure Levy Regulations 2010 provide that a Council that charges CIL must apply it, or cause it to be applied, to supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure. In this context, "infrastructure" is defined as:-
 - (a) roads and other transport facilities,
 - (b) flood defences,
 - (c) schools and other educational facilities,
 - (d) medical facilities,
 - (e) sporting and recreational facilities, and
 - (f) open spaces

Planning Practice Guidance states that this definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant. Charging authorities may not use the levy to fund affordable housing.

Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.

The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

There are no detailed legal requirements as to how the funding decisions are to be made, although a CIL Governance Framework for Lewes District Council was approved by Cabinet in November 2016.

Page 7 of 36

Risk Management Implications

5

Risks	Mitigation
- Critical infrastructure will not be delivered in	That the recommendation of
time to support development identified in the	this report is approved
development plan;	
- Projects supporting the community may not	
get delivered;	
- Some projects have secured partial funding	
which may be subject to clawback if not spent	
within a certain timeline;	
- There could be adverse effects to the	
Council's image and bespoke CIL governance	
agreed by the Council if where and when	
possible the Council did not release CIL	
revenue	

Equality Screening

6 An equality screening assessment has been undertaken and no impacts were identified.

Background Papers

7 Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030, May 2016 http://www.lewes-eastbourne.gov.uk/ resources/assets/inline/full/0/257159.pdf

Infrastructure Delivery Plan, November 2017 http://www.lewes-eastbourne.gov.uk/ resources/assets/inline/full/0/262899.pdf

Regulation 123 List, November 2015

http://www.lewes-eastbourne.gov.uk/ resources/assets/inline/full/0/255393.pdf

Newick Neighbourhood Plan, July 2015

Ringmer Neighbourhood Plan, January 2016

Hamsey Neighbourhood Plan, July 2016

Wivelsfield Neighbourhood Plan, December 2016

Plumpton Neighbourhood Plan – Referendum version, March 2018

http://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/

Cabinet report – Community Infrastructure Levy Governance. November 2014 https://lewes.cmis.uk.com/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4z NRBcoShgo=%2b1KknllKm8nnObiQYSSm4byT9Tw3PU3AD8ETMScMo2%2fD CB0MS9CXFQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJF LDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCT lbCubSFfXsDGW9lXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40D Fage 8 of 36

XFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPlIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d

Cabinet report – Community Infrastructure Levy Governance Review, November 2016

https://lewes.cmis.uk.com/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4z NRBcoShgo=Jt6ocM0Ahw2ARi0bHWorFUuca5QKZK%2fLdIU8xpw65dZd2zFS k%2bMrtg%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNI h225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTlbCu bSFfXsDGW9lXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvd Ew%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJ Ff55vVA%3d&FgPIIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9 Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xq Bux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZ MwaG1PaO=ctNJFf55vVA%3d

Appendices

8 Appendix A, Bids assessments, March 2018

Appendix A

Community Infrastructure Levy Spending

Recommendations for spending County Pot

Improvements to the A259/Telscombe Cliffs Way and A259/Sutton Avenue junctions

	Leading Organisation	BDW Southern Counties
	Project Description	Location
	Improvements to A259/Telscombe	Junction of A259/Telscombe Cliffs
	Cliffs Way and A259/Sutton Avenue	Way, Peacehaven
	junctions necessary to achieve	Junction to A259/Sutton Avenue,
	acceptable operating conditions	Peacehaven
	particularly for buses	
	Type of Infrastructure	Wards
	Transport	Peacehaven West
		East Saltdean and Telscombe Cliffs
-	Overall cost of the project	% Cost Secured
Ce	£300,000	0%
Finance		
Ë	Amount Sought	% of Total Cost
	£300,000	100%
	Commitment	Project Partners
	Fully committed	,
	Constraints	
	Approval and licences – planning	
	Approvat and licences – planning	

Fully committed Constraints Approval and licences – planning permission Physical and environmental impacts – unknown at this stage Timescale Immediate – detailed design in progress, delivery subject to ESCC approval of the s278 agreement. Works can be completed within 12 months.

Project support

IDP (weighting) / 123 List

 $\ensuremath{\mathsf{IDP}}$ – the delivery of this project is considered critical to the delivery of the Local Plan

123 List

Community Support

The community strongly supports immediate improvements on the A259. A petition was submitted to the Council by residents in May 2017.

Governance

Overall governance for this project will fall to the Managing Director of BDW Southern Counties and its Management Team. Direct responsibility for design and implementation of the project will fall to the Technical Director of BDW Southern Counties and his department.

Officer's assessment:

Strengths	Weaknesses
On the IDP and the 123 List	Project to be fully funded through CIL
Score	Score
Opportunities	Threats
Strategic project essential to support the housing growth identified in the Local Plan	
Score	Score
Overall score	

The following comments were received from East Sussex County Council, the highway authority:

"The bid form is lacking in detail and generally provides the information we gave to the developer. We are aware of the ongoing issues on the A259 and agree that improvements are needed at these junctions. We therefore are supportive of the scheme receiving CIL funding in principle however we would like to see more information on the details and costs before agreeing with the final allocation of funds."

Significant gross has been identified in the Local Plan for the Coastal area of the district. This will be heavily impacting the A259. Works will be required to increase the capacity of the arterial road in order to accommodate new development.

The IDP identifies the priority areas for infrastructure provision and ensures that there is a reasonable prospect that planned infrastructure is delivered in a timely fashion. This project is identified as critical in the IDP to support the level of growth identified in the Local Plan.

The strategic allocation at Lower Hoddern Farm when granted planning permission will put additional pressure on the junctions identified in the project creating the need for these works to take place in a timely manner. The delivery of these works by the promoter of the site should contribute to speeding up the delivery of the project.

The Council will be working with the developer to secure the delivery of the scheme in association with East Sussex County Council.

For the above reason officers are in favour of funding being approved for this project.

CIL Executive Board's recommendation:

Funding for the project is approved

Recommendations for spending District Pot

Recreational facilities at Beechwood Hall

Leading Organisation Hamsey Parish Council **Project Description** Location Improvements to facilities at **Beechwood Park** Beechwood Park including new **Beechwood Lane** playground equipment, car parking Cooksbridge and all weather multi use games BN7 3QG court Type of Infrastructure Ward Green Infrastructure Barcombe and Hamsey

Overall cost of the project % Cost Secured £121,300 37%

Hamsey Parish Council has already ringed fenced £13,225.66 of the neighbourhood portion of CIL received and £31,500 has been raised by the community through fundraising.

The Parish Council is expected to receive an additional £39,676.96 through the CIL neighbourhood portion which will be allocated for the project.

Amount Sought	% of Total Cost
£36,897	30%

Commitment	Project Partners
Fully committed	Trustee of Beechwood Hall
New equipment have already been	Lewes District Council (Chris Bibb)
purchased and money has been ring	Hamsey Community School
fenced to implement this project	The People Postcode Community
Constraints	Trust
No constraints identified	The Rank Foundation
Timescale	Tesco Bags of help
Up to 5 years	Waitrose
New play equipment – April 2018	The Aviva Community Fund
Multi-use weather games area – late	Plumpton Junior Football Club
2018/early 2019	The Community of Hamsey Parish
20 10/04/19 20 10	Council

	IDP (weighting) / 123 List	Comments for District Councillors
	The 123 List identifies a need for	
	equipped children's play space for all	
	new development	
	Community Support	
	The Hamsey Neighbourhood Plan	
)	approved at referendum, with over	
	90% of the votes, promotes the	
	improvements of the Beechwood Park	

Governance

Project support

Hamsey Parish Council will use the governance structures in place within their organisation to manage and deliver the project

משטעפעו

Officer's assessment:

Strengths		Weaknesses	
The 123 List identifies a need for		Timing for receiving the money and pas	SS
equipped children's play space for all		the money needed however this is not	а
new development		concern at this stage	
Project part-funded		G	
Community support			
Project committed and ready to deliver			
No constraints			
Project ready to deliver			
Project partner commitment			
Strong governance as Hamsey Parish			
Council is a government organisation			
Score	5	Score	0
Opportunities		Threats	
This project could generate further		Potential ongoing maintenance costs	
community projects on the long term			
Partnership and collaboration			
Score	2	Score	0
Overall score			7

The planned housing growth identified in the Joint Core Strategy for the settlement of Cooksbridge has received planning permission and is under construction (Chatfields Yard). The CIL is currently being collected for the development and the last instalment is due in July 2018. Although the money has not yet been collected previous instalment were received before the due date and there is no reason to believe that the collection of the rest of the money will be contentious.

The Hamsey Neighbourhood Plan identified the need to improve the existing recreational and sporting facilities to support development in their area and policy RS1 of the Hamsey Neighbourhood Plan encourages improvement of the Beechwood Rural Park to be carried out. This project seems to reflect the aspirations of the local community and is thought in conformity with the Neighbourhood Plan.

Detailed information including on the funding of the project has been provided by Hamsey Parish Council to support the bid and provided certainty around the deliverability of the project.

For the above reason, officers are supporting the funding of the project.

CIL Management Board's recommendation:

Funding for the project is approved

CIL Executive Board's recommendations:

Funding for the project is approved

Newhaven Skatepark and Pumptrack

	Leading Organisation	Lewes District Council
	Project Description To replace the existing dirt bike track and metal ramped skatepark with a tarmac pump track and concrete skatepark	Location Fort Road Recreation Ground Newhaven
Project support Finance	Type of Infrastructure Green Infrastructure	Ward Newhaven, Denton and Meeching
	Overall cost of the project £260,000	% Cost Secured 65%
	S106 funding - £95,000 Newhaven Town Council - £30,000 Veolia Bid - £39,000 LDC Capital - £46,000	
	Amount Sought £50,000	% of Total Cost
	Commitment Fully committed Constraints No constraints identified Timescale Immediate	Project Partners Cycle Seahaven Newhaven Young People's Forum Newhaven Town Council
	IDP (weighting) / 123 List IDP – the delivery of additional outdoor sport facilities for youth and adult use is considered critical to the delivery of the Local Plan 123 List	Comments for District Councillors
	Community Support	
	Consultation events Only petition calling for the Council to take action to replace the skatepark Letters from Cycle Seahaven and Newhaven Young People's Forum	
	Governance	

Project to be led by Lewes District Council through CMT and Councillors.

Project to be managed by specialist

Officer's assessment:

Strengths	Weaknesses
On the Regulation 123 List and in the	
IDP	
Project part-funded	
Community support	
Project committed	
Project ready to deliver	
No constraints	
Strong governance arrangement	
Project partners committed	
Score 5	Score 0
Opportunities	Threats
Partnership and collaboration	
Contribute to the wider regeneration	
programme of Newhaven by creating a	
destination facility	
Likely to have wider economic and health	
benefits	
Score 3	Score
Overall score	8

Various pieces of evidence have been provided to support the project. It thought that this project will have a positive outcome for Newhaven and will contribute to supporting the regeneration of the Town.

Detailed information including on the funding of the project has been provided by Lewes District Council to support the bid and provided certainty around the deliverability of the project.

CIL Management Board's recommendation:

Funding for the scheme is approved subject to the Veolia bid being successful or similar level of funding being unlocked

CIL Executive Board's recommendations:

Funding for the scheme is approved

Playground improvements

Leading Organisation	Telscombe Town Council
Project Description Upgrading and improvements to existing playground facilities in Telscombe Cliffs and East Saltdean	Location Chatsworth North Playground, Kirby Drive, Telscombe Chatsworth South Playground, Ambleside Avenue, Telscombe Robert Kingan Playground, Banning Vale, East Saltdean
Type of Infrastructure Green Infrastructure	Ward East Saltdean and Telscombe Cliffs

Overall cost of the project	% Cost Secured	
£221,212	87%	
S106 funding - £63,000		
Donation from Telscombe Residents' Association - £2,000		
Donation from the House Project Charity - £1,842		
Telscombe Town Council Earmarked Reserved £126,158		
Amount Sought	% of Total Cost	
£28,212	13%	
	£221,212 S106 funding - £63,000 Donation from Telscombe Residents' As Donation from the House Project Charit Telscombe Town Council Earmarked Remount Sought	

Commitment	Project Partners
Fully committed	Telscombe Cliffs Primary School –
Constraints	consultation re-equipment & regular
No constraints identified	updates
Timescale	Telscombe Residents' Association –
Immediate	donated money for a seesaw in
Tendering – December 2017	Chatsworth South
Commencement – May 2018	House Project – grant for a new
Completion – July 2018	seesaw in Chatsworth North
	Lewes District Council – undertaken
	tender process
	Telscombe Town Council – match
	funding
	Lewes District Council (Christopher

Bibb)

משמעבע

	IDP (weighting) / 123 List	Comments for District Councillors
	IDP - the delivery of additional	
	outdoor sport facilities for youth and	
	adult use is considered critical to the	
Ţ	delivery of the Local Plan	
port	123 list	
dns	Community Support	
	Telscombe Residents' Association	
ec	identified the need and provided	
roject	funding for a piece of equipment	
Δ.	Telscombe Cliffs School involved in	
	consultation via governors on play	
	equipment	
	The House Project Charity gave a	
	grant for a piece of equipment	

Governance

Telscombe Town Council will lead on the project with help from Lewes District Council

Officer's Assessment:

Strengths	Weaknesses
On the 123 List and in the IDP	
Project part-funded	
Community support	
Project committed	
Project ready to be delivered	
No constraints	
Project partner commitment	
Maintenance costs to be met by existing	
budgets	
Strong governance as Telscombe Town	
Council is a government organisation	
Score 5	Score
Opportunities	Threats
Partnership and collaboration	
Likely to have wider health benefits	
Score 2	Score
Overall score	7

This project will help deliver needed improvements of the playground in Telscombe to support development in the area.

Detailed information including on the funding of the project has been provided by Telscombe Town Council to support the bid and provided certainty around the deliverability of the project.

CIL Management Board's recommendation:

Funding for the scheme is approved

CIL Executive Board's recommendation:

Funding for the scheme is approved

Recommendations for spending Community Pot

Automatic Number Plate Recognition cameras

	Leading Organisation	Sussex Police
	Project Description To install ANPR cameras at ten locations across Lewes District and Wealden District to identify vehicles associated with criminality and enable officers to efficiently apprehend drivers and minimise response time	Location Multiple sites across Lewes District and Wealden District
	Type of Infrastructure Emergency Services	Ward In LDC planning area: Chailey and Wivelsfield Newick
Finance	Overall cost of the project £76,000 A breakdown of the cost has been provi Amount Sought £76,000	% Cost Secured 0% ided for each location % of Total Cost 100%
	Commitment Uncommitted Constraints Physical and environmental impacts to be considered Timescale Immediate – to be installed within the next financial year following to securing capital funding	Project Partners Sussex Safer Road East Sussex County Council
ject support	IDP (weighting) / 123 List 123 List – Capital costs associated with policing facilities Community Support n/a	Comments for District Councillors

Governance

The installation of the cameras will be under the responsibility of the ANPR manager. Sussex Police will cover the initial cost and will be seeking for reimbursement for the cameras following approval by the Council.

Officer's Assessment:

Strengths	Weaknesses
Strong governance arrangements On the 123 List Few constraints	No other source of funding identified although the project is cross-boundary The project would require a large cash injection
Score 3	Score -2
Opportunities	Threats
Score	Score
Overall score	1

This project requires funding for the installation of ANPR cameras across Lewes District predominantly in the area outside the Lewes District Council CIL Charging area. One ANPR camera is to be located in Wealden District.

It is acknowledged that the housing growth identified in the Joint Core Strategy for the areas outside the South Downs National Park is likely to put pressure on the road network across and beyond Lewes District. However it is thought that such project should be subject to joint funding.

Without further evidence being provided, only the cameras within the Lewes District Council CIL Charging Area should be funded:

- A275 Chailey: 1 dual lane camera £7,000

- A272 Newick : lattix pole required 1 dual lane camera £10,000

CIL Management Board's recommendation:

Funding for the scheme is approved for the ANPR cameras within the Lewes District Council CIL Charging Area (£17,000)

CIL Executive Board's recommendation:

Fudning for the scheme is approved for the ANPR cameras within the Lewes District Council CIL Charging Area (£17,000)

Agenda Item No: 8.2

Report Title: Housing Development Update

Report To: Cabinet Date: 23 April 2018

Cabinet Member: Cllr. Ron Maskell, Cabinet Member for Housing

Ward(s) Affected: All

Report By: Ian Fitzpatrick, Director of Regeneration and Planning

Contact Officer(s)-

Name(s): Leighton Rowe

Post Title(s): Development Project Manager

E-mail(s): <u>leighton.rowe@lewes-eastbourne.gov.uk</u>

Tel No(s): 01323 415367

Purpose of Report:

To report on the progress made to develop phase 1 of an affordable housing delivery pipeline providing homes directly and through Aspiration Homes LLP ("Aspiration Homes") & Lewes Housing Investment Company ("LHICL")

Officers Recommendation(s):

- To note the Council's affordable housing development pipeline of homes to be delivered through the Housing Revenue Account ("HRA"), Aspiration Homes & LHICL by a mix of purchasing land for new development and acquisitions of existing properties.
- To approve the associated loan amounts required to develop or acquire the homes set out in appendix A which requires a lending facility of up to £35m to deliver homes that will be partly covered by £20m approved in the Council 2018/19 Council Budget. To authorise the Deputy Chief Executive, in consultation with the Lead Member for Finance, to determine the terms of any loan which is to be offered.
- To authorise the Assistant Director for Legal and Democratic Services to ensure that a "Funding Agreement" pursuant to the existing "Deed of Entrustment" is entered into by Aspiration Homes with the Council so that right to buy receipts are appropriated in accordance with legislative requirements and the retention agreement with Government in relation to "social housing". To give delegated authority to The Director of Regeneration and Planning to determine the terms of such agreements.
- To give delegated authority to The Director of Regeneration and Planning in consultation with the Lead Member of Housing, to dispose of land currently held in the HRA as listed in the table in Appendix A and identified as held within the HRA

to Aspiration Homes or LHICL pending due diligence. This delegation is to include authorisation not to dispose by auction or invitation of tenders following public advertisements (sought under Contract Procedure Rules 18.1). To further give delegated authority to the Director of Regeneration and Planning to determine the terms for the disposals, that may be below market value.

- To note the Council's future housing delivery approach for Aspiration Homes LLP & LHICL in order to provide more new homes for the District.
- To delegate authority to the Director of Regeneration and Planning and the Lead Member for Housing (and where appropriate the Deputy Chief Executive and Assistant Director Legal and Democratic Services) to progress the projects through the Clear Futures Energy & Sustainability Joint Venture if they consider it appropriate, and at an appropriate future stages to decide if the projects should be put forward to the Clear Futures Steering Board for inclusion as Part 1 and/or Part 2 projects.

Reasons for Recommendations

The overarching reason for the recommendations is to maximise the Council's ability to provide affordable housing within the District, partly through the full utilisation of receipts received from affordable homes sold under the Right to Buy.

- **1.** The pipeline shows the scale and detail of the Council's current housing development programme, providing background behind the required loan facility in recommendation 2.
- 2. In order for either entity to purchase land from the Council and develop them for housing they will require access to up front capital investment.
- **3.** For Aspiration Homes to use Right to Buy receipts to fund new affordable housing the necessary legal agreements need to be in place to allow this and these must be used in accordance with the terms of our right to buy receipt retention agreement.
- **4.** The locations listed in Appendix A have a variety of pre-construction issues to resolve, and may be brought forward in a number of different phases. By giving delegation to the Director of Regeneration and Planning, disposal and delivery of housing can take place as site issues are resolved.
- **5.** The future development strategy outlines the approach to how the programme will be shaped with regards to households and tenures.
- **6.** The involvement of Clear Futures can significantly improve a range of efficiencies in the delivery of the projects.

Information

1) Background

The registered need for both affordable rented and intermediate sale, such as shared ownership housing remains very high. The affordability and accessibility of housing remains a challenge for many local residents and this applies to single people, couples and families of all ages. As the local Housing Authority, Lewes District Council has a duty to meet the housing needs of it residents, which includes considering all opportunities for delivering additional affordable housing.

Aspiration Homes was incorporated on 30th June 2017 as a Limited Liability Partnership with Eastbourne Borough Council with the primary purpose of delivering new affordable housing. Lewes Housing Investment Company Limited (LHICL) was incorporated on the 4th July 2017 to deliver increased housing options through a range of tenures for Lewes District Council.

2) Development Pipeline Projects

As outlined in the January 2018 Cabinet Report "Garage Sites Redevelopment Phase 2", Lewes District Council has a number of locations within its Council Housing Estates that offer development potential for new housing. Beyond those locations highlighted in the above report, there are a further number of locations with potential to be included in the Council's wider development pipeline.

The current pipeline is shown in Appendix A, and is made up of several separate projects. Each of the projects is completely independent of each other with no project reliant on another for either planning permission or finance. Equally within the projects each and every development location is separate and not reliant on others, however the links have been made where possible for efficiency savings. It should be noted that each location will each be subject to full due diligence before development is finally approved.

With reference to Appendix A, a small number of locations schemes have already been given full Cabinet Approval and others are expected to come forward on private-schemes where the Council is acquiring the affordable housing to ensure on-site delivery. For the remaining projects the approval sequence for each individual location will be as follows:

- a) Approval of land acquisition (below market value) by either Aspiration Homes or LHICL Board.
- b) Legal acquisition of land from the Council's HRA
- c) Local Consultation –prior to a planning application
- d) Planning application submitted and considered at either Lewes or South Downs National Park Planning Committee

If planning approval granted:

- e) Reports submitted to Cabinet to approve development of each location
- f) Construction commences

The actual timeline for these approvals will vary across different projects, with some having planning submissions within 2018/19 and others in future financial years.

3) Tenure Strategy

The Council has the powers to develop new housing through a range of different tenures including affordable rented, intermediate sale such as shared ownership and shared equity. The Council also has the power build private rented homes and market sale homes where the financial viability of a scheme or the wider programme would necessitate their inclusion. In order to effectively match the local needs of each area of the District, the wider housing supply and market is being considered as the programme develops and an area theme summary has is included in Appendix B to outline the overarching strategy.

4) Short and Long Term Financing

To deliver the development programme Aspiration Homes and/ LHICL require a significant financial investment to both acquire the land and to finance the build costs. However the locations within the programme are all appraised and plans are established for financing any borrowing upon the completion of build, through a combination of sales receipts, rental yields, right to buy receipts and utilising any appropriate Government grant that is available.

The financial sums included in Appendix A are included to assist the Council's financial planning but are mainly based upon provisional or estimated sums, rather than fixed tendered prices.

5) Delivery through Clear Futures

The development of future new homes under this programme will primarily be through the Council's procurement and delivery framework, Clear Futures. It was developed by Lewes and Eastbourne Councils in a contractual joint arrangement with Robertson Capital Projects Limited and AECOM Limited, with a focus of innovative, sustainable development.

6) Affordable Housing Secured Through Planning Requirements

The Council has previously relied upon housing associations to acquire the 40% of affordable housing built by private developers as part of their planning requirements. Over the past 10 years the majority of housing associations have increased their lower threshold for acquiring the affordable housing from approximately 4 dwellings up to 15-20 dwellings. This could leave a large number of residential schemes without any affordable housing deliverable on site, so the Council have included capacity with its programme to acquire these dwellings through Aspiration Homes.

7) Legal Implications

Contract Procedure Rules (Section 2 – Disposal of interests in land)

The Council's CPRs say that no sale of land where the value exceeds £50,000 or £25,000 if amenity land shall be made except after auction or the invitation of tenders or

expressions of interest following appropriate public advertisement, unless authorised by Cabinet.

The disposals of the various sites listed in Appendix A have been authorised by Cabinet by the giving of delegated authority in accordance with Recommendation 4 of this report.

Disposal powers for land held in the HRA

Section 32 of the Housing Act 1985 requires that the Secretary of State's consent for the disposal of land held for the purposes of that Act (i.e. HRA land). The General Housing Act Consents 2013 apply to the disposal of land under Section 32.

Consent A3.2 of the General Consent enables the Council to dispose of vacant land at any price determined by it. "vacant", in this context means land on which (a) no dwelling-houses have been built or (b) where dwelling-houses have been built, such dwelling-houses have been demolished or are no longer capable of human habitation and are due be demolished.

If the Council are intending to dispose of the vacant land at less than market value then it will need to comply with the General consent for Financial Assistance (gratuitous benefit) and also the rules on State aid.

Financial Assistance Section 24/25 Local Government Act 1988

The Council, with the Secretary of State's consent, can provide any person with financial assistance for the purposes of, or in connection with, the acquisition, construction, conversion, rehabilitation, improvement, maintenance or management (whether by that person or by another) of any property which is or is intended to be privately let as housing accommodation. The Council also needs the Secretary of State's consent if it wishes to provide a "gratuitous benefit" such as the disposal of an interest in land or property at significantly less than its market value.

The General Consent C under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) 2010 enables the Council to provide a loan to AH or LHICL for this purpose. It does not allow the disposal of an interest in land or property as a gratuitous benefit.

The General Consent AA issued under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) 2014 does allow for the disposal of land at less than market value of vacant HRA land subject to a number of conditions which includes that the development is for "privately let housing" completed within 3 years of disposal (provision may be made for that date to be varied in the event of circumstances beyond the purchaser's control); completion of the disposal is by transfer of the freehold, assignment of a lease with an unexpired term of 99 years or more or grant of a lease for a term of 99 years or more; any housing accommodation on the land at disposal is vacant and is not to be used again for housing and is to be demolished; the Council is not, under any agreement or other arrangement made on or before the disposal, entitled to manage or maintain any of the housing accommodation to be developed on the land. No further consent of the Secretary of State to a disposal under this consent shall be required by virtue of section 32(2) Housing Act 1985.

State aid

In disposing of any land or interest in land the Council must ensure that it does so in accordance with State aid rules. The European Commission's Communication on the Sale of Land (the "Land Communication") sets out an automatic assumption that no State aid is present in a sale of land and buildings provided its terms are followed. The Land Communication requires the sale of land for "market value" through (i) an open and unconditional bidding process or (ii) an expert valuation.

If the vacant land is not to be disposed of at market value then the Council will be able to ensure state aid compliance by using the Services of General Economic Interest (SGEI) Decision of the European Commission Decision of 20 December 2011 if the properties are to be "social housing" as defined under that provision and the requirements of that Decision are put in place in advance and the on-going requirements of the Decision are then followed. For this purpose the Council has already entered into a Deed of Entrustment with Aspiration Homes and would require the entry into a further Funding Agreement in relation to any new development where a subsidy or funding is being provided.

It is also possible to provide a loan on non-commercial terms or grant funding under the SGEI Decision so that Aspiration Homes could purchase the land/properties at market value from the Council.

Right to Buy receipts will be passed to Aspiration Homes under the SGEI Decision.

Other issues

Further advice will be obtained in relation to the terms of any loan agreement from the Council to Aspiration Homes and LHICL, including any SDLT payable on the purchase and any other necessary issues.

[007217-LDC-CJEC - KS 10 April March 2018]

8) Financial Appraisal

8.1) As shown in Appendix A, the total indicative cost of the housing development pipeline projects is in the region of £35m. The recommendations in this report are that Aspiration Homes and LHICL acquire the sites from the Council and develop the new homes, which they will then either retain in their ownership or, in some cases, sell in the open market. It will be for Aspiration Homes/LHICL to determine how the acquisition and development costs are to be financed – the sale of some homes on the open market will generate income and grants may also be received, including from the Council. The majority of the cost would be funded through long term borrowing, with the rent generated from the new homes being used to repay the principal borrowed and associated interest charges.

8.2 Financial implications for the Council are:

Capital receipts from sale of land: as explained above, disposal of sites to Aspiration Homes/LHICL will generate capital receipts for the Council. These receipts can be used to finance future capital projects or for the repayment of borrowing

Retained right to buy receipts: under an agreement with the Government, the Council has retained a share of the receipts generated under Right to Buy on condition that the amounts retained are used within a rolling three year period to part-fund the development of new affordable housing. Retained receipts used in this way must not exceed 30% of the development costs. Any retained receipts not used within three years must be paid to the Government (with interest). While the Council has until now met the rolling three year targets (eg by part-financing the recent development of former garage sites) there is a risk that it will be unable to do so in the future. The agreement with the Government allows the Council to pass the retained receipts to another body for use in the development of affordable homes. Through this mechanism the Council could make a grant to Aspiration Homes (a condition within the Government agreement precludes a grant payment to LHICL).

Long-term loans: the Council can make long term loans to Aspiration Homes/LHICL enabling them to fund their development costs. The approved capital programme currently includes a provision of £20m in total for such loans. Due to the phasing of the pipeline of projects the capital programme approved in the 2018/19 Council Budget provides sufficient capacity for spending up to March 31st March 2019. An increase in the capital programme can be included in 2019/20 Council Budget. A loan facility agreement is in place with Aspiration Homes which sets out the core principles of any loan and specifies an interest rate of 4.5% unless otherwise agreed. As noted above, it is recommended that the terms of any loan offered would be determined by the Deputy Chief Executive in consultation with the Lead Member for Finance. A range of factors would be considered including the duration of the loan and market interest rates at the time of the loan advance. Any loan would be secured against the property assets of Aspiration Homes/LHICL. Interest paid to the Council by Aspiration Homes/LHICL would be credited to the General Fund. In order to have the cash available to lend to Aspiration Homes/LHICL, the General Fund would itself need to borrow and could do so from either the Government's Public Works Loans Board or other lenders (the Council's treasury advisors will support officers in deciding the most appropriate option before any new borrowing is undertaken). The cost of servicing this new General Fund borrowing would be less than the interest payments received from Aspiration Homes/LHICL, generating a net income stream for the Council.

9) Risk Management Implications

A risk assessment has been completed.

The following risks will arise if the recommendations are implemented, and proposals to mitigate these risks in the following ways:

- There is a risk that the Government may change legislation that covers local Council's powers to use housing companies to deliver their housing programmes, which could leave the programme incomplete and incur additional tax charges in selling back to the HRA.
 - The Council is reducing this risk by using the resources of Clear Futures to ensure rapid build at periods and so that our housing entities are not retaining undeveloped land for long periods.

The risk of not doing anything is that the Council will not have sufficient borrowing capacity within the Housing Revenue Account to finance the build costs of the Housing Development Programme, and many of the will remain undeveloped and not able to provide additional housing supply

10) Equality Screening

The Equality Screening has showed that no protected groups will be negatively impact by the recommendations of this report.

Although no protective groups are specifically being targeted through this report positive impact, there will be a number of new homes that will be designed to meet the needs of both older people and disabled people.

Appendices

Appendix A: Table of Housing Development

Appendix B: Housing Type Theme Summary

Background Papers

Equalities Impact Report

Appendix A - Pipeline of Housing Development Projects

Already Approved Housing Developments

The following sites have received approval by LDC Cabinet, although no approval had been included to develop these sites through Aspiration Homes previously.

	Location	Acquiring Organisation	Tenure
Ashington Gardens	Peacehaven	Aspiration Homes	Affordable Rent
Anchor Field	Ringmer	Aspiration Homes	Affordable Rent
Saxonbury#	Lewes	Freehold Retained by LDC	Market Sale / Shared Ownership
		Total Homes =	44
		Estimated Land / Development Costs =	£3,400,000

Phase 2 Garages and Amenity Schemes

The following sites were highlighted in an LDC Cabinet (January 2018) to be developed for affordable housing in a similar approach to Phase 1 Garage and Amenity Schemes were (completed 2017). The following sites will be developed subject to satisfactory local consultation and mitigating identified impacts on the surrounding community.

	Location	Acquiring Organisation	Tenure
Shelley Close	elley Close Lewes Aspiration Homes		Affordable Rent
Waldshut Road*	Lewes	Aspiration Homes	Affordable Rent
Prince Charles Road	Lewes	Aspiration Homes	Affordable Rent
Malling Close Lewes		Aspiration Homes	Affordable Rent
Mill Road	Aill Road Ringmer Aspiration Homes		Affordable Rent
Broyle Close	Ringmer	Aspiration Homes	Affordable Rent
		Total Potential Homes =	41
		Estimated Land / Development Costs to	
		Aspiration Homes =	£7,600,000

Housing Being Delivered With Partner Organisations

Lewes District Council has identified a number of opportunities where it can work in partnership with other organisations to build housing together. This is either because we have adjoining land that can both be developed or because there specific need housing that can be more effectively delivered together.

	Location	Acquiring Organisation	Tenure
The Lynchets*	Lewes	Lewes Community Land Trust	To be agreed
Queens Road	Lewes	Aspiration Homes	Affordable Rent / Market Sale
Long Park Corner	Ditchling	Charitable Organisation	Affordable Rent / Shared Ownership
Rural Exception Scheme National		Aspiration Homes / Charitable Organisation	Affordable Rent
		Total Potential Homes =	48
		Estimated Land / Development	
		Costs to Aspiration Homes =	£10,200,000

Affordable Housing Secured Through Planning Requirements

The Council has previously relied upon housing associations to acquire the 40% of affordable housing built by private developers as part of their planning requirements. Over the past 10 years the majority of housing associations have increased their lower threshold for acquiring the affordable housing from approximately 4 dwellings up to 15-20 dwellings. This could leave a large number of residential schemes without any affordable housing deliverable on site, so the Council have included capacity with its programme to acquire these dwellings through Aspiration Homes.

Identified, but			
unconfirmed Schemes:	Location	Acquiring Organisation	Tenure
Proposed Housing Scheme	Lewes	Aspiration Homes	Shared Ownership
Proposed Housing Scheme	Newhaven	Aspiration Homes	Affordable Rent / Shared
			Ownership
Proposed Housing Scheme	Peacehaven	Aspiration Homes	Affordable Rent / Shared
			Ownership
		Total Expected Homes Per	50
		Year=	
		Estimated Land / Development	£12,000,000
		Costs =	

Lewes Housing Investment Company

Alongside Aspiration Homes, LDC has created Lewes Housing Investment Company which can be used to deliver new housing projects that may have a mixture of affordable and market housing within it. These projects will usually not have any access to any Government grants or any Council subsidy and will have to be financially viability in the same way any scheme built by a private developer would be.

	Location	Acquiring Organisation	Tenure
Sutton Road	Seaford	Lewes Housing Investment Co.	To be agreed
Kiln Road	Ringmer	Lewes Housing Investment Co. Market Sale	
	·	Total Potential Homes =	15
		Estimated Land / Development Costs	
		to Aspiration Homes =	£3,500,000

Potential Homes through various	
projects:	198
Total Scheme Costs:	£35,000,000

[#] Saxonbury is being funded through the Council's HRA and so costs are not included in the final total.

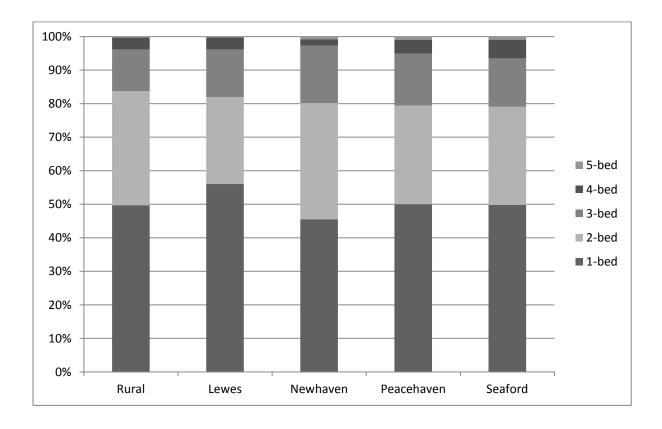
^{*}The Lynchets and Waldshut Road are both under consideration for development by Lewes Community Land Trust

Appendix B – Housing Type Theme Summary

The projects and locations included out in Appendix A have not yet had designs produced for any potential homes that may be built, however the recognised needs for each area of the District provide guidance to the type of homes that could be delivered.

The District Council has already written a document that lays out the requirements of new affordable housing in the District – regardless of who is delivering it. This "New Affordable Housing Supplementary Planning Document" has been through formal consultation and is due to be adopted by Lewes Cabinet later in the 2018.

The chart below shows the number of bedrooms that households on the Housing Register require, as a percentage of specific location. The evidence shows that over that in all areas approximately 80% of households require 1 or 2 bedroom accommodation.



The main themes of need from the housing register, current supply and housing officers' feedback are being used to inform potential designs of affordable housing on Council owned land:

Lewes Town

- Need for many more 1 and 2 bedroom homes
- Need for some homes for disabled households and also those looking to downsize
- Need for affordable rented homes at a level significantly below 80% of market rent.

Peacehaven (including Telscombe Cliffs/Saltdean), Newhaven and Seaford

- Need for many more 1 and 2 bedroom homes, and limited 3 bedroom homes
- Need for some homes for disabled households and also those looking to downsize
- Need for affordable rented homes, some of which below 80% of market rent levels
- Need for some shared home ownership homes.

Rural Areas

- Need for many more 1 and 2 bedroom homes,
- Significant need of housing for those looking to downsize
- Need for affordable rented homes, some of which below 80% of market rent levels
- Need for some shared home ownership homes