



Lewes District Council

Cabinet

Minutes of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 20 March 2014** at 2.30pm

Present:

Councillor R Blackman (Chair)

Councillors P L Franklin, I A Nicholson and A X Smith.

Apologies received:

Councillor A T Jones

Councillor I Eiloart (Chair of the Audit and Standards Committee)

Mr D Forsdike and Mr J Sinclair (Tenants' Representatives)

Minutes

Action

135 Minutes

The Minutes of the meeting held on 13 February 2014 were approved as a correct record and signed by the Chair.

136 Declarations of Interest

Councillor Franklin declared his personal, non-prejudicial interest in Agenda Item 9.2 (Newhaven Outdoor Classroom License Proposal).

137 Community Infrastructure Levy – Draft Charging Schedule Consultation

The Cabinet considered Report No 51/14 relating to the proposed publication of the Community Infrastructure Levy (CIL) Draft Charging Schedule for a formal period of consultation. Appendix 1 to the Report set out the Draft Regulation 123 List of types of infrastructure that were to be funded by the CIL whilst Appendix 2 detailed the Draft Charging Schedule.

The CIL was a tariff based approach to funding infrastructure. The Planning Act 2008 had introduced the CIL system and detailed regulations which governed how CIL Charging Schedules were produced and implemented.

CIL could be used towards a wide range of infrastructure to support new development. It was intended to be clearer, fairer and faster than reliance on developer contributions through Section 106 obligations which, from April 2015, were scheduled to be scaled back.

CIL could be charged only where there was a demonstrated funding gap for the infrastructure required to support new development in the area. It was necessary to show through viability assessments that the rate of CIL to be charged would not generally make development in the area unviable and would not deter the delivery of development set out in an up to date Local Plan for the area. CIL could not be levied until an up to date Local Plan was adopted which, in the case of the Council, would be the Joint Core Strategy which was currently at an advanced stage of preparation.

The Core Strategy would be jointly adopted for use in the District by both the Council and the South Downs National Park Authority (SDNPA) as they were the two local planning authorities. However, a joint CIL charging schedule was not being pursued as legal advice had been given that such joint schedule would not be possible between the two authorities. Consequently, the Council needed to progress a charging schedule for the area for which it was planning authority and CIL charging authority. The SDNPA was also commencing work on preparing a CIL charging schedule for the National Park area, including that which was within the District.

Whilst it was not possible to produce a joint CIL charging schedule, joint work had been undertaken on part of the evidence base.

The table in paragraph 1.1 of the Report provided an overview of the process for producing a CIL Charging Schedule and the indicative project timetable. The stages which were shown in italics indicated formal periods of public consultation that needed to be undertaken.

Paragraph 2 of the Report set out details relating to the key stages in developing a CIL charging schedule and paragraph 3 provided details relating to the available evidence and potential CIL charging rates.

When a charging authority felt that a draft charging schedule was ready for examination, it needed to be published together with the appropriate available evidence on infrastructure costs, other funding sources and economic viability. It was good practice to allow a period of at least six weeks of consultation and longer if the issues under consideration were

particularly complex. However, in light of the relatively uncomplicated nature of the schedule, the Report proposed that the public consultation operate for six weeks with all relevant parties being notified, as required by the Regulations.

The Interim Head of Planning drew Cabinet's attention to Table 1 in Appendix 1 to the Report (Draft Regulation 123 List) and stated that the text set out in the bullet point under the heading "Healthcare Facilities Projects" should have read "Capital improvements in healthcare facilities".

The Interim Head of Planning further drew Cabinet's attention to the second mathematical equation as set out in paragraph iii) of Appendix A to Appendix 2 to the Report (Community Infrastructure Levy - Draft Charging Schedule) and stated that, whilst the equation had not altered, the definitions of "E" and "K_R", as set out in that paragraph, needed to be amended to reflect the revised definitions which were described in the recently amended CIL regulations.

Resolved:

137.1 That, subject to:

- (a) The amendment of the text set out in the bullet point under the heading "Healthcare Facilities Projects" to read "Capital improvements in healthcare facilities" (Table 1 in Appendix 1 to Report No 51/14 refers); and
- (b) The amendment of the definitions of "E" and "K_R", as set out in paragraph iii) of Appendix A to Appendix 2 to the Report to reflect the revised definitions which were described in the recently amended Community Infrastructure Levy regulations,

the Community Infrastructure Levy Draft Charging Schedule and Regulation 123 List, as appended to Report No 51/14, be authorised for public consultation and subsequent submission for Examination; and

137.2 That the Director of Business Strategy and Development, in consultation with the Lead Member for Planning, be authorised to propose minor changes to the Draft Charging Schedule and Regulation 123 List prior to its submission for Examination and to undertake the formal submission.

Reason for the Decisions:

To ensure that the Community Infrastructure Levy (CIL) Charging Schedule, for the area of the District lying outside of the South Downs National Park, is progressed towards approval and implementation in a timely manner. This will provide the Council with the ability to charge CIL on relevant new development from April 2015, when the current scope of Section 106 obligations are scheduled to be scaled back, or as soon as practicable thereafter.

DBSD

DBSD

138 Newhaven Outdoor Classroom License Proposal

The Cabinet considered Report No 52/14 relating to the terms of a proposed license between the Council and Newhaven Community Development Association (NCDA) for a parcel of land at Lewes Road Recreation Ground, Newhaven, for the provision of an outdoor classroom to benefit the community and enhance the asset. Appended to the Report was a plan of the site which showed the land to be licensed edged in red.

The project had been grant funded in the sum of £30,000 by Veolia Environmental.

If implemented, the project would transform a currently under-used space into a vibrant community hub for informal recreation, learning and enjoyment and would deliver improvements to the environment. It aimed to create a more engaging use of the space by levelling the ground; laying a disabled access path; and building raised beds and a seating area which were wheelchair accessible.

The project would promote community use and would not exclude or prevent access by people who wished to use the recreation ground or to gain access to Lewes Road Hut which was owned by Newhaven Town Council.

Once complete, the space would be available for outdoor exercise, reading groups, nature projects, gardening projects, informal meeting space and would be fully wheelchair accessible.

Consultation had been undertaken by the NCDA with local people who were broadly supportive of the initiative.

Resolved:

- 138.1** That, in principle, a license be approved between Lewes District Council and Newhaven Community Development Association (NCDA) for a period of 25 years in respect of the Newhaven Outdoor Classroom, as detailed in Report No 52/14.

DCS

Reason for the Decision:

The proposal for the Outdoor Community Classroom, previously approved by Cabinet in November 2013, requires the Council to grant a license to the Newhaven Community Development Association for the use of a small area of land close to the existing Community Centre which is owned by Newhaven Town Council.

(Note: Councillor Franklin declared his personal, non-prejudicial interest in this item as, on occasions, he operated as a contractor to Newhaven Community Development Association and, therefore, was able to take part in the consideration, discussion and voting thereon).

139 Approval of Wave Leisure Annual Service Delivery Plan 2014/15

The Cabinet considered Report No 53/14 relating to the 2014/2015 Annual Service Delivery Plan which was proposed by Wave Leisure Trust (WLT). A copy of the Plan was set out at Appendix A1 thereto.

The priorities for 2014/2015 built upon those set out in previous years. WLT was encouraged to augment existing networks and partnerships and seek to establish new relationships to deliver services that would be of benefit to the local community. The Plan underpinned the Council's strategic aims and objectives.

Emphasis was placed upon the provision of diversionary activities for young people who were on the cusp of offending in order to help reduce youth anti-social behaviour. Furthermore, WLT was encouraged to provide activities aimed at opportunities for increasing physical activity for older people in order to reflect the District's ageing population which was above the national average in every band over 50.

The Plan took account of equality of opportunity to ensure that services were accessible as widely as possible and reflected the diversity of the local community.

In the event that Cabinet was minded to approve the proposed Plan, WLT would be notified accordingly and it would form part of WLT's contractual responsibility to deliver on behalf of the Council. The Council's Client Officer would monitor and evaluate WLT's performance against the Plan for which there would be a quarterly review of performance along with monitoring of the agreed performance indicators.

Resolved:

- 139.1** That the Wave Leisure Trust Annual Service Delivery Plan, as set out in Report No 53/14, be approved.

DSD

Reason for the Decision:

The management agreement between the Council and Wave Leisure Trust requires Cabinet to approve the Annual Service Delivery Plan.

(Note: The Chair of Cabinet reported that Peter Crowley, Managing Director, Wave Leisure Trust, was shortly to retire from his employment by the Trust for which there had been a farewell event on Wednesday, 19 March 2014 at which the Council had been duly represented).

The meeting ended at 3.09pm.