



Lewes District Council

To all Members of the Cabinet

A meeting of the **Cabinet** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 13 November 2017** 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.

14/11/2017

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 27 September 2017 (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.
- 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).

Questions have been received from Councillor Ient (page 5)

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 Reporting Back on Meetings of Outside Bodies

To receive feedback from the Council's representatives who serve on outside bodies in respect of meetings they have attended (if any).

9 Reports from Officers

- Key Decision

9.1 Finance Update – Performance Quarter 2 - 2017-2018

Cabinet Member: Councillor Giles

Report of the Deputy Chief Executive (Report No 146/17 - page 7)

- Non-Key Decision

9.2 Portfolio Progress and Performance Report 2017-18 - Quarter 2 (July - September 2017)

Cabinet Member: Councillor Merry

Report of the Director of Regeneration and Planning (Report No 147/17 - page 35)

- Key Decisions

9.3 Draft Lewes District Local Plan Part 2 - Site Allocations and Development Management Policies

Cabinet Member: Councillor Jones

Report of the Director of Regeneration and Planning (Report No 148/17 - page 60)

Draft Lewes District Local Plan Part 2 - Site Allocations and Development Management Policies - Revised Report

Revised report of the Director of Regeneration and Planning (Report No 148/17 - page 164)

9.4 Business Rate Revaluation Support Policy

Cabinet Member: Councillor Giles

Report of the Director of Service Delivery (Report No 149/17 - page 170)

9.5 Equality and Fairness Policy

Cabinet Member: Councillor Merry

Report of the Director of Regeneration and Planning (Report No 150/17 - page 194)

9.6 Asset Development - Newhaven Town Centre

Cabinet Member: Councillor Smith, Leader of the Council and Giles

Report of the Director of Regeneration and Planning (Report No 151/17 - page 223)

9.7 New Affordable Housing Technical Note - Supplementary Planning Document (SPD)

Cabinet Member: Councillor Maskell

Report of the Strategic Policy Officer (Report No 152/17 - page 237)

- Non-Key Decisions

9.8 Appointment of Members and Officers to Outside Bodies - Insurances and Indemnities

Cabinet Member: Councillor Giles

Report of the Assistant Director of Legal and Democratic Services (Report No 153/17 - page 310)

9.9 Lewes Local Lottery

Cabinet Member: Councillor Merry

Report of the Director of Service Delivery (Report No 154/17 - page 314)

9.10 Draft Lewes Tourism Strategy 2018-2021

Cabinet Member: Councillor Nicholson

Report of the Director of Tourism and Enterprise (Report No 155/17 - page 321)

9.11 Ward Issues Raised by Councillors at Council

Cabinet Member: Councillor Smith, Leader of the Council; Linington and Nicholson.

Report of the Assistant Director of Legal and Democratic Services (Report No 156/17 - page 328)

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

Cabinet

13 November 2017

Written Questions from Councillors

(Agenda Item No 6)

The following written questions have been submitted by Councillor Ient which he wishes to ask of the Lead Member for Planning, Councillor Jones

Question 1:

Agenda item 9.3 (Draft Lewes District Local Plan Part 2 – Site Allocations and Development Management Policies): page 147

Former Lewes to Uckfield railway line.

In 3.115 the description of the published Department for Transport (DfT) response in the rail corridor study ends by saying there was a poor transport case for such a scheme. However, the Department of Transport went on to say:

“....it recognised that it might be justified on the basis of economic growth. The study recommended that a new approach is required, starting with the LEP and local authorities commissioning a review of potential growth scenarios”.

My question is:

Would the Lead Member for Planning ask the planning officers to include this fuller description in with accordance with the full statement by the DfT in the Part II Local Plan before it goes out to consultation?

Question 2:

Agenda item 9.3 (Draft Lewes District Local Plan Part 2 – Site Allocations and Development Management Policies): pages 146 and 147

Tackling Climate Change

I believe this section is a critical section insofar as this policy will be in place until at least 2030. That's 13 years' time. It will probably be more like 20 years before a new local plan is developed. In these 20 years the situation for our grandchildren and descendants on this planet will become much more

serious. Unless we take every opportunity to implement strong policies to limit global warming, CO2 emissions and vehicle emissions there will be more deaths through vehicle pollution and human life on the planet will be foreshortened because of the heating up of the atmosphere and all of the ramifications which that brings.

In this section the issues addressed seem to be limited to footpaths, cycle and bridal networks and station parking. There is nothing in this section which updates the current climate change issues facing the district and indeed the whole world. Almost daily, we hear of major issues affecting the future of the planet including rising CO2 levels, rising temperatures and rising pollution levels. Also, this paragraph mentions nothing about the Government's environmental commitments:

- Legally binding commitments made at the Paris climate conference (COP21) in December 2015.
- The Environment Secretary's announcement to ban all petrol and diesel cars from the year 2040.
- The Clean Growth Strategy
- The Electric Vehicle Bill currently going through Parliament

I believe this planning policy section must be more robust and should make reference to the relevance of controlling developments which would worsen CO2 levels in the district as well as referencing the importance of considering vehicle emissions when granting planning permission. Each development should have a renewable energy scheme associated with it in order that emissions from houses and commercial premises are reduced to the absolute minimum. Likewise, the policy should also include for the provision of electric car charging points as defined by the motion passed by this council last month.

My question is:

Would the Lead Member for Planning ask the planning officers to include more robust policies to tackle climate change and to limit vehicle emissions in relation to new developments in the planned period in the Part II Local Plan before it goes out to consultation?

Agenda Item No: 9.1 **Report No:** 146/17
Report Title: Finance Update – Performance Quarter 2 - 2017/2018
Report To: Cabinet **Date:** 13 November 2017
Cabinet Member: Councillor Bill Giles
Ward(s) Affected: All
Report By: Alan Osborne, Deputy Chief Executive
Contact Officer(s)-
Name(s): Steve Jump
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Purpose of Report:

To provide an update on the Council's financial performance in Quarter 2 2017/2018 and explain the impact on the current financial position.

Officers Recommendation(s):

That Cabinet:

- 1 Agrees the General Fund, Housing Revenue Account, Collection Fund and Treasury Management financial performance for the quarter ended 30 September 2017.
- 2 Approves the updated 2017/2018 Capital Programme shown in Appendix 2.
- 3 Agrees the mid-year position for the Council's 2017/2018 Treasury Management and Investment Strategy.
- 4 Agrees the write-off of irrecoverable debts noted in paragraph 8.2.
- 5 Approves the write-off of a housing benefit overpayment noted in paragraph 8.3.

Recommends to Council

That Council approves the Mid-Year Treasury Management Report 2017/2018 at Appendix 3.

Reasons for Recommendations

- 1 A report on financial performance following the end of each quarter is made to Cabinet to ensure that the financial health of the General Fund, Housing Revenue Account, Council Tax and Business Rates Collection Funds and the Capital Programme are kept under continual review. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.
- 2 The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by CIPFA (the Chartered Institute of Public Finance and Accountancy) and adopted by the Council.

Information

3 Financial Performance – General Fund Revenue budgets

- 3.1 Financial Performance at the end of Quarter 2 (September) 2017/2018 is shown below. Service details are shown at Appendix 1.

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
General Fund Summary				
Director of Regeneration and Planning	361	508	328	(180)
Director of Service Delivery	8,189	4,091	3,751	(340)
Director of Tourism	663	441	396	(45)
Deputy Chief Executive	4,533	1,970	2,162	192
Corporate costs and income	705	271	501	230
Netting off of Central Support Services recharges included above	(3,303)	0	0	0
Net cost of Service provision	11,148	7,281	7,138	(143)
Contributions to/from Reserves	704	0	0	0
Total cost to be Financed	11,852	7,281	7,138	(143)

- 3.2 Items to note at this stage are:

- spending on staff (adjusted for payments in respect of agency staff providing cover for short-term absences) was £200,000 below budget in Quarter 2. This reflects increased sharing of staff resources with Eastbourne Borough council, new management structures following completion of Phase 1 of the Joint Transformation Programme and vacancy management ahead of Phase 2. Partially offsetting this, one-off severance costs of £91,000 have been incurred in the year to date.

- income generating activities are generally performing in line with or exceeding projections eg green waste annual collection charges £134,000 compared with an annual budget of £75,000, income from trade waste £16,000 above target.
- the net return from investment properties at Newhaven Square is £45,000 below budget at the end of Quarter 2, as a result of vacant units.
- trends in housing benefit awarded and associated government subsidy, which can have a net impact on the net budget will be more identifiable later in the year.
- the timing of Phase 2 of the Joint Transformation Programme will result in the delivery of some of the 2017/2018 savings target (£300,000) being deferred into 2018/2019.

3.3 The amount held in the General Fund Uncommitted Reserve, which acts as a buffer against negative movements in the budget, is projected to be £2.1m at 31 March 2018 before any adjustment needed in respect of the items listed in paragraph 3.2. The table below shows the projected movements in each Reserve in 2017/2018 and the balance at the end of the year. The projection is unchanged from Quarter 1.

	Reserve	Balance at 1 April '17 £'000	Contributions & transfers £'000	Commitment £'000	Balance at 31 March '18 £'000
1	Strategic Change	(3,668)	(1,473)	3,535	(1,606)
2	Asset Maintenance	(2,591)	(283)	1,092	(1,782)
3	Vehicle and Equipment Replacement	(2,591)	(320)	1,388	(1,523)
4	Economic Regeneration	(274)	0	66	(208)
5	Revenue Grants and Contributions	(401)	0	267	(134)
6	Unallocated	(2,288)	226	0	(2,062)
7	TOTAL	(11,813)	(1,850)	6,348	(7,315)

4 Financial performance – Housing Revenue Account budgets

4.1 Financial performance at the end of Quarter 2 is shown overleaf.

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
Housing Revenue Account Summary				
Income:				
Rents	(15,224)	(7,612)	(7,612)	0
Service charges	(1,209)	(603)	(603)	0
Other income	(200)	(100)	(81)	19
	(16,633)	(8,315)	(8,296)	19
Expenditure:				
Supervision and Management	622	226	162	(64)
Special Services eg sheltered	1,047	486	350	(136)
Repairs	3,880	2,051	1,606	(445)
Capital financing, etc	7,852	(15)	0	15
Central support charges, etc	3,232	0	0	0
Net cost of Service provision	16,633	2,748	2,118	(630)
Contributions to/from Reserves	0	0	0	0
	0	(5,567)	(6,178)	(611)

- 4.2** Spending and income is generally in line with service budgets. Spending on responsive and void repairs is demand led and can be expected to fluctuate during the course of the year.

5 Financial Performance – Business Rates and Council Tax

- 5.1** Business rates – the forecast for net collectable rates in 2017/2018 is £0.7m lower at the end of Quarter 2 compared with the projection made when setting the budget. However, the Council's share of retained business rates income (taking into account Government grants in respect of small business rates relief, growth within the Enterprise Zone, etc) is consistent with the budget of £2.96m. There are significant risks associated with retained business rates income, with more than 90 appeals against the 2012 rating list remaining to be settled by the Valuation Office Agency (VOA), and uncertainty over the number of appeals against the 2017 rating list received by the VOA.

- 5.2** Council tax – the forecast for net collectable council tax in 2017/2018 is consistent with the projection made when setting the budget.

6 Financial Performance – Capital Programme

- 6.1** Appendix 2 gives details of the capital programme spending in Quarter 2, which is in line with expectations at this stage of the year. Payments of £2.7m have been made by the end of Quarter 2.
- 6.2** A change to the General Fund Capital Programme, with a total value of £0.230m is required in respect of two park improvement schemes, at Denton and Fort Road, Newhaven. Both of these schemes are fully funded from developers' and other third party contributions.

7 Financial Performance - Treasury Management

- 7.1 Treasury Management investment performance at the end of Quarter 2 is shown in the table below, along with the average 7-day London Interbank Bid (LIBID) Rate. All activity was consistent with the Council's approved Treasury and Investment Strategy for 2017/2018.

Type of investment	Average return Q1 %	Average return Q2 %	Average return Q1-Q3 %
Fixed term deposits	0.34	0.22	0.28
Treasury Bills	n/a	0.19	0.19
Bonds, certificates of deposit, etc	0.55	0.69	0.61
Money Market Funds	0.32	0.29	0.31
Interest Bearing Accounts	0.15	0.15	0.15
Total investments	0.44	0.34	0.31
7-day LIBID benchmark	0.11	0.11	0.11

- 7.2 No new long term borrowing was undertaken in the period, and the total of the portfolio remains at £56.6m. No temporary borrowing arrangements were entered into in Quarter 2.
- 7.3 CIPFA's Code of Practice recommends that all councillors are informed of Treasury Management activities at least twice a year. A Mid-year Report for 2017/2018, which covers the period 1 April to 30 September 2017, is attached at Appendix 3. The Report confirms that the key elements of the approved Treasury and Investment Strategy have been complied with during the first half of the year. It also notes the potential need to borrow up to an additional £27.190m before the end of the financial year, dependent on the delivery of a number of projects within the capital programme, for example the £20.0m loan facilities to Lewes Housing investment Company (LHIC) and Aspiration Homes. The cost to the General Fund of any new borrowing would be offset by income generated from the project eg LHIC would pay interest to the Council on all loans advanced to it.
- 7.4 Cabinet is asked to recommend that Council approves the Mid-year Report at its meeting on 6 December 2017. The Audit and Standards Committee will be presented with the Report on 27 November 2017 - any comments that it may wish to pass on to Council will be reported verbally.

8 Debts written off

- 8.1 Financial Procedure Rules authorise the Deputy Chief Executive to write-off a debt which is below £10,000 or where the amount involved is claimable in bankruptcy or liquidation proceedings. Cabinet or Council approval is required to write off a single debt in excess of £10,000 or £50,000 respectively. It is important to ensure that only those debts for which a realistic prospect of recovery exists remain active, and the Council's external auditor can be expected to review this as part of the statutory audit of accounts. There is

nothing to prevent the Council from reinstating a debt, following its write-off, if new information comes to light about the debtor's circumstances.

- 8.2** In Quarter 2, the following amounts have been written off in total when action to recover individual debts has proved to be unsuccessful or uneconomic to pursue. No individual case was in excess of £10,000.

	Total value £
Sundry debtors	17,800
Housing Benefit overpayments	16,910
Housing Rents	7,690
Council Tax	16,850
Business Rates	34,980
Total	94,230

- 8.3** Cabinet is recommended to approve the following write-off where continuing recovery action is no longer considered to be appropriate:

- Housing Benefit overpayment, period July 1994 to February 2009. The claimant was found to have been overpaid in excess of £100,000 as a result of the under-declaration of capital and failure to declare the earnings of his wife who was employed by his business. The overpayment can only be recovered from the claimant himself. Significant repayments have been made, reducing the outstanding debt to £28,077. The claimant is now permanently housed in a nursing home and there is very little prospect of further recovery action being successful.

9 Financial Appraisal - referred to under individual items above.

10 Legal Implications - there are no legal implications arising from this report.

11 Risk Management Implications

11.1 The Council maintains an overview of its policy programme, its Medium Term Financial Strategy and the external factors that affect them. Without this constant analysis and review there is a risk that the underlying recurring revenue expenditure will grow at a faster rate than the resources available to fund them. This risk is mitigated through regular reports to Cabinet on the Council's overall revenue and capital position and Cabinet's correcting actions taken in accordance with the objectives and principles it set for management of the Council's finances.

11.2 An additional risk is that reserves and balances will be drawn upon sooner than is necessary unless an assessment is made of resource implications where activity levels have fallen or risen to any significant degree. This risk is mitigated by identifying such areas, making an assessment covering the short and medium term and taking corrective action.

12 Equality Screening

This Finance Update is a routine report for which detailed Equality Analysis is not required to be undertaken. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

Background Papers:

Treasury Strategy Statement <http://www.lewes.gov.uk/council/20987.asp>

Appendices:

Appendix 1 – Financial performance Quarter 2 by service

Appendix 2 – Capital Programme 2017/2018

Appendix 3 – Mid-year Treasury Management Report 2017/2018

Financial Performance Quarter 2 – Service details

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
Director of Regeneration and Planning				
Assets and Property				
: Investment Properties	(518)	(252)	(215)	37
: Industrial Estates	(669)	(335)	(239)	96
: Public Conveniences	222	108	107	(1)
: Car Parking	(409)	(265)	(292)	(27)
: Office Accommodation	448	282	195	(87)
: Solar Panel installations	(154)	(21)	(48)	(27)
: Depots	116	72	71	(1)
Sub-total	(964)	(411)	(421)	(10)
Planning				
: Development Control	(847)	(191)	(201)	(10)
: Planning Policy	105	53	(14)	(67)
: Planning Policy - Conservation	0	0	0	0
Sub-total	(742)	(138)	(215)	(77)
Regeneration				
: Economic Development	323	176	131	(45)
: Newhaven Enterprise Centre	(160)	(66)	(44)	22
: Property Portfolio/Regeneration	0	0	69	69
: Street Naming	7	4	(4)	(8)
Sub-total	170	114	152	38
Salaries and Administration				
: Corporate Property	431	213	275	62
: Strategic Policy	457	226	125	(101)
: Planning	776	388	311	(77)
: Regeneration	233	116	101	(15)
Sub-total	1,897	943	812	(131)
Director total	361	508	328	(180)
Director of Service Delivery				
Community				
: Building Control	(317)	(159)	(146)	13
: Regulatory Services - Travellers sites	17	18	17	(1)
: Community Safety	20	10	(10)	(20)
: Voluntary Sector Support	219	160	143	(17)
: Town and Parish Council grant	171	171	171	0
Sub-total	110	200	175	(25)

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
Environmental Health and Licensing				
: Regulatory Services - Licensing	(186)	(93)	(95)	(2)
: Regulatory Services - Public Health	36	20	13	(7)
: Regulatory Services - Food Safety	3	2	1	(1)
: Regulatory Services - Environmental Protection	21	14	11	(3)
: Regulatory Services - Health and Safety	11	(2)	0	2
: Regulatory Services - Port Health	2	1	1	0
: Regulatory Services - Animal and Pest Control	30	15	9	(6)
: Coast Protection	15	11	9	(2)
: Flood Defence	145	141	34	(107)
: Cemeteries	(31)	(19)	1	20
Sub-total	46	90	(16)	(106)
Housing (General Fund)				
: Homelessness	99	126	59	(67)
: Housing Strategy, Enabling and Advice	60	30	2	(28)
: Private Sector Housing Renewal	1	0	(2)	(2)
: Contributions to the HRA re shared items	159	0	0	0
: Housing Benefit Administration	81	40	(41)	(81)
: Housing Benefit	(462)	(361)	(361)	0
Sub-total	(62)	(165)	(343)	(178)
Local Taxation				
: Council Tax Support Scheme Mgt	15	32	25	(7)
: Local Tax Collection - Council Tax	(52)	62	48	(14)
: Local Tax Collection - Business Rates	(133)	(1)	16	17
Sub-total	(170)	93	89	(4)
Parks and Playing Fields				
: Open Spaces	365	177	139	(38)
: Sports and Playing Fields	247	100	102	2
Sub-total	612	277	241	(36)
Waste and Recycling				
: Recycling	835	395	424	29
: Waste Collection	907	257	204	(53)
: Street Cleansing	628	337	310	(27)
: Vehicle Workshop	(195)	(100)	9	109
Sub-total	2,175	889	947	58
Salaries and Administration				
: Customer Services - Revenues and Benefits	1,256	620	599	(21)
: Housing and Environmental Health	2,621	1,298	1,327	29
: Hub, Mobile Team and Parks	1,240	610	554	(56)
: Waste and Recycling	360	179	178	(1)
Sub-total	5,478	2,707	2,658	(49)
Director total	8,189	4,091	3,751	(340)

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
Director of Tourism				
Tourism				
: Tourism	147	83	100	17
: Culture and Heritage: Arts Development	7	3	8	5
Sub-total	154	86	108	22
Wave Leisure				
: Culture and Heritage - Newhaven Fort	103	76	67	(9)
: Indoor Leisure - Wave	406	279	221	(58)
Sub-total	509	355	288	(67)
Director total	663	441	396	(45)
Deputy Chief Executive				
Corporate Services				
: Emergency Planning	24	12	0	(12)
: Organisational Development	120	60	286	226
: Treasury Management	55	40	41	1
: Local Land Charges	(86)	(58)	(61)	(3)
Sub-total	113	54	266	212
Democratic Services				
: Democratic Representation	270	135	130	(5)
: Electoral Registration	77	38	28	(10)
: Elections - LDC	8	4	6	2
: Elections - other	0	0	0	0
Sub-total	355	177	164	(13)
Central and Support Services				
: Business Strategy and Performance	554	275	115	(160)
: Legal Services	423	208	308	100
: Finance	650	325	319	(6)
: Audit and Counter Fraud	266	132	104	(28)
: Democratic Services	368	183	181	(2)
: Information Technology	1,420	424	559	135
: HR service	254	127	107	(20)
: Recruitment and Training	130	65	39	(26)
Sub-total	4,065	1,739	1,732	(7)
Director Total	4,533	1,970	2,162	192
Corporate costs				
: Corporate Management	180	90	78	(12)
: Corporate Management Team	501	249	175	(74)
: Interest payments and receipts	(180)	(29)	31	60
: Revenue financing of capital expenditure	210	52	0	(52)
: Pensions accounting	229	115	217	102
: Provision for Debt Repayment	177	0	0	0

	Full year budget £'000	End Quarter 2 profiled budget £'000	End Quarter 2 actual £'000	End Quarter 2 variance £'000
: Service Priority budget and savings target	(412)	(206)	0	206
	705	271	501	230
Netting off of Central Support Services recharges included above	(3,303)	0	0	0
Net cost of Service provision	11,148	7,281	7,138	(143)
Contributions to/from Reserves	704	0	0	0
Total cost to be Financed	11,852	7,281	7,138	(143)
Financing				
: Council Tax	(7,356)	0	0	0
: Retained Business Rates	(2,367)	0	0	0
: Government Grants	(2,129)	(1,065)	(1,065)	0
Total Financing	(11,852)	(1,065)	(1,065)	0

THE CAPITAL PROGRAMME 2017/2018

Line	SUMMARY	Approved Programme 2017/18	Variations to approve	Proposed Programme 2017/18	Quarter 2 2017/18 spend	Remaining allocation
	HRA HOUSING INVESTMENT CAPITAL PROGRAMME	£	£	£	£	£
1	New Homes	1,860,000	0	1,860,000	187,798	1,672,202
2	Improvements to Stock	9,502,580	0	9,502,580	1,197,200	8,305,380
3	Recreation & Playareas	62,960	0	62,960	2,098	60,862
4	Room in Roof Conversions	366,940	0	366,940	0	366,940
5	Common Room Conversions	50,000	0	50,000	374	49,626
6	TOTAL HRA HOUSING INVESTMENT CAPITAL PROGRAMME	11,842,480	0	11,842,480	1,387,470	10,455,010
	GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME					
7	Private Sector Housing Support	158,120	0	158,120	30,088	128,032
8	Mandatory Disabled Facilities Grants	1,235,250	0	1,235,250	251,214	984,036
9	TOTAL GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME	1,393,370	0	1,393,370	281,302	1,112,068
	GENERAL FUND CAPITAL PROGRAMME					
10	Commercial Property Acquisition and Development	4,922,000	0	4,922,000	360,966	4,561,034
11	North Street Quarter	3,500,000	0	3,500,000	22,000	3,478,000
12	Joint Transformation Programme	1,541,770	0	1,541,770	342,900	1,198,870
13	Waste & Recycling Review	1,800,000	0	1,800,000	11,042	1,788,958
14	Vehicle, Plant & Equipment Replacement Programme	183,000	0	183,000	100,000	83,000
15	IT Equipment Replacement Programme	300,000	0	300,000	0	300,000
16	Coastal Defence Works	118,860	0	118,860	3,990	114,870
17	Flood Alleviation Project	136,000	0	136,000	34,000	102,000
18	Newhaven Fort (Major Repairs & Improvements)	50,000	0	50,000	7,467	42,533
19	Indoor Leisure Facilities - Major repairs and improvements	256,160	0	256,160	1,721	254,439
20	Parks, Recreation, Play Areas	528,910	230,400	759,310	109,146	650,164
21	Property Assets Major Works	761,170	0	761,170	21,472	739,698
22	Community Infrastructure	22,440	0	22,440	22,448	(8)
23	LHIC/Aspiration Homes - loans to facilitate delivery of new homes	20,000,000	0	20,000,000	0	20,000,000
24	TOTAL GENERAL FUND CAPITAL PROGRAMME	34,120,310	230,400	34,350,710	1,037,152	33,313,558
25	TOTAL OVERALL CAPITAL PROGRAMME	47,356,160	230,400	47,586,560	2,705,924	44,880,636
	CAPITAL PROGRAMME FUNDING					
26	Borrowing			31,142,000		
27	Capital Receipts			953,940		
28	Reserves			13,248,430		
29	Capital Grants			1,279,110		
30	Section 106 Contributions			424,280		
31	Other Capital Contributions			180,360		
32	Capital Expenditure Financed from Revenue (General Fund)			136,000		
33	Capital Expenditure Financed from Revenue (Housing Fund)			200,000		
34	CIL Contributions			22,440		
35	TOTAL CAPITAL PROGRAMME			47,586,560		

Lewes District Council

Mid-year Treasury Management Report 2017/2018

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1. Background

1.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) recommends that full Council should receive every year reports on Treasury Management policies and activity before the start of the year, mid-year and after the end of the year. The intention is that those with ultimate responsibility for the Treasury Management function appreciate fully the implications of Treasury Management policies and activities, and that those implementing policies and executing transactions have properly fulfilled their responsibilities with regard to delegation and reporting.

1.2 The Council defines its Treasury Management activities as:

“the management of the Council’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

1.3 This mid-year report covers the period 1 April to 30 September 2017.

2. Overall Summary of Activity

2.1 At its meeting in February 2017, the Council agreed its Treasury Management Strategy Statement and Investment Strategy 2017/18 to 2019/20. The table below lists the key elements of that Strategy and records actual performance in the first six months of the year against each one of them.

Key Element	Target in Strategy	Actual Performance	
Borrowing			
Underlying need to borrow (CFR) at year end, 31 March 2018	£84.016 million	£107.069 million (projection 31 March)	-
Internal borrowing at year end	£27.343 million	£23.206 million with potential need to borrow additional £27.190m (projection 31 March)	-
New external long-term borrowing in year	None anticipated	None undertaken Apr to Sept '17.	✓
Debt rescheduling in year	Review options but not anticipated	Options kept under review, none undertaken Apr to Sept' 17.	✓
Interest payments on external borrowing	£1.730 million	£0.861m (to date)	✓
Investments			
Minimum counterparty credit rating for unsecured investments	Long-term BBB+ (does not apply to Government and other local authorities which have the highest ratings)	Long-term A	✓
Income returns from external investments	£0.104m	£0.043m (to date)	✓

Key Element	Target in Strategy	Actual Performance	
Appointment of Investment Consultants			
Independent Treasury Adviser to be retained	Decide on options - Arlingclose contract ends June 2017	Exercised option to extend Arlingclose contract by 12 months to June 2018	✓
Reporting and Training			
Reports to be made to Audit and Standards Committee and Cabinet	Every meeting	Every meeting	✓
Briefing sessions for Councillors and Staff	Treasury Adviser to provide	Staff training took place September 2017. Councillor briefing session anticipated December 2017/January 2018	✓

- 2.2 For those who are looking for more than this overall confirmation that all treasury management and investment activity in 2017/18 has been carried out in accordance with the Council's agreed Strategy, the remainder of this report analyses each of the key elements in more depth. Appendix A, supplied by Arlingclose explores the economic background to the year's activity and Appendix B lists all term deposits made in the first half of the year. A Glossary appears at the end of the document to explain the technical terms which could not be avoided when writing this report.

3. Detailed Analysis - Borrowing

- 3.1 Other than for temporary cash flow purposes, local authorities are only allowed to borrow to finance capital expenditure (eg the purchase of property, vehicles or equipment which will last for more than one year, or the improvement of such assets). The Government limits the amount borrowed by local authorities for housing purposes only by specifying 'debt caps'. This Council's underlying debt cap has been fixed at £72.931m. In 2014/15 local authorities were able to bid for an increase in the housing debt cap in order to enable specific projects. A bid from this Council was successful and the debt cap has been increased to £75.248m to match expenditure incurred in building new houses on 7 specified former garage sites
- 3.2 In accounting terms, the underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR) while usable reserves and working capital are the underlying resources available for investment. In recent years, the Council's strategy has been to maintain borrowing and investments below their underlying levels, known as internal borrowing, and this remains the Strategy for 2017/18.
- 3.3 The CFR is, in simple terms, the amount of capital expenditure which has been incurred by the Council but which has not yet been paid for (by using, for example, grants, capital receipts, reserves or revenue income) and in the meantime is covered by internal or external borrowing. 'External borrowing' is where loans are raised from the Public Works Loans Board (PWLb) or banks. Alternatively it is possible to 'internally borrow' the significant levels of cash which has been set aside in Balances and Reserves and which would otherwise need to be invested with banks or other counterparties.

- 3.4 As noted above, the level of CFR increases each year by the amount of unfinanced capital expenditure and is reduced by the amount that the Council sets aside for the repayment of borrowing. The original CFR projection for 2017/18, along with an updated analysis, is shown in the table below. The increases in capital expenditure and financing shown reflect the approved capital programme as at September 2017, and assume that all projects are completed in the year. That outcome is unlikely however - the capital programme represents an allocation of funds to specific long-term projects some of which span financial years, for example the development of a new fire station on the Springman House site in the North Street quarter Lewes for which £3.5m is allocated. This project had not been included in the original capital programme for 2017/18, which has also been amended to include £20m as a loan allocation to Lewes Housing investment Company and Aspiration Homes (a Limited Liability Partnership co-owned by the Council and Eastbourne Borough Council) to facilitate the development of new mixed tenure housing.

	2017/18 Original £m	2017/18 Projected £m
Opening CFR	79.580	77.042
Capital expenditure in year (projected)	14.556	47.587
Less financed	(8.893)	(16.450)
Less amount set aside for debt repayment	(1.137)	(1.114)
Closing CFR	84.016	107.069

- 3.5 As at 30 September 2017, capital expenditure with a total value of £2.706m had been incurred (excluding commitments) compared with the approved capital programme of £47.6m (including £6.3m brought forward from 2016/17). £16.5m of total capital expenditure will be funded from existing capital resources, with £31.1m to be funded from borrowing, including £20.0m for the loan facility to Lewes Housing Investment Company and Aspiration Homes, £4.9m to continue a programme of commercial development, £3.5m for the Springman House site and £2.7m for new Council-owned homes.

- 3.6 The overall CFR can be split between the General Fund and Housing Revenue Account as follows:

	2017/18 Original £m	2017/18 Projected £m
General Fund CFR	18.848	39.823
Housing Revenue Account CFR	65.168	67.246
Total CFR	84.016	107.069

- 3.7 The following table compares the CFR with the amount that the Council holds in balances and reserves as well as working capital (day to day cash movements as well as grants, developer contributions and capital receipts held pending use). It indicates a potential need to borrow an additional £27.190m dependent on the delivery of the capital programme projects noted in para 3.5 and the level of working capital held. Any need to borrow can be met either by long-term fixed rates loans (the Council qualifies for new borrowing at the 'Certainty Rate', 0.20% below the PWLB standard rate) or short-term borrowing (which is likely to be available at lower rates of

interest than long-term loans), or a combination. Officers will liaise closely with Arlingclose when deciding the duration or terms of any new borrowing. The cost to the General Fund of any new borrowing would be offset by income generated from the project (eg Lewes Housing Investment Company would pay interest to the Council on all loans advanced to it).

	31/3/18 Original £m	31/3/18 Projected £m
(a) Capital Financing Requirement	84.016	107.069
(b) Actual external borrowing	(56.673)	(56.673)
(c) Use of Balances and Reserves and working capital as alternative to borrowing (a)–(b)	(27.343)	(23.206)
(d) Potential additional borrowing requirement	0.000	27.190

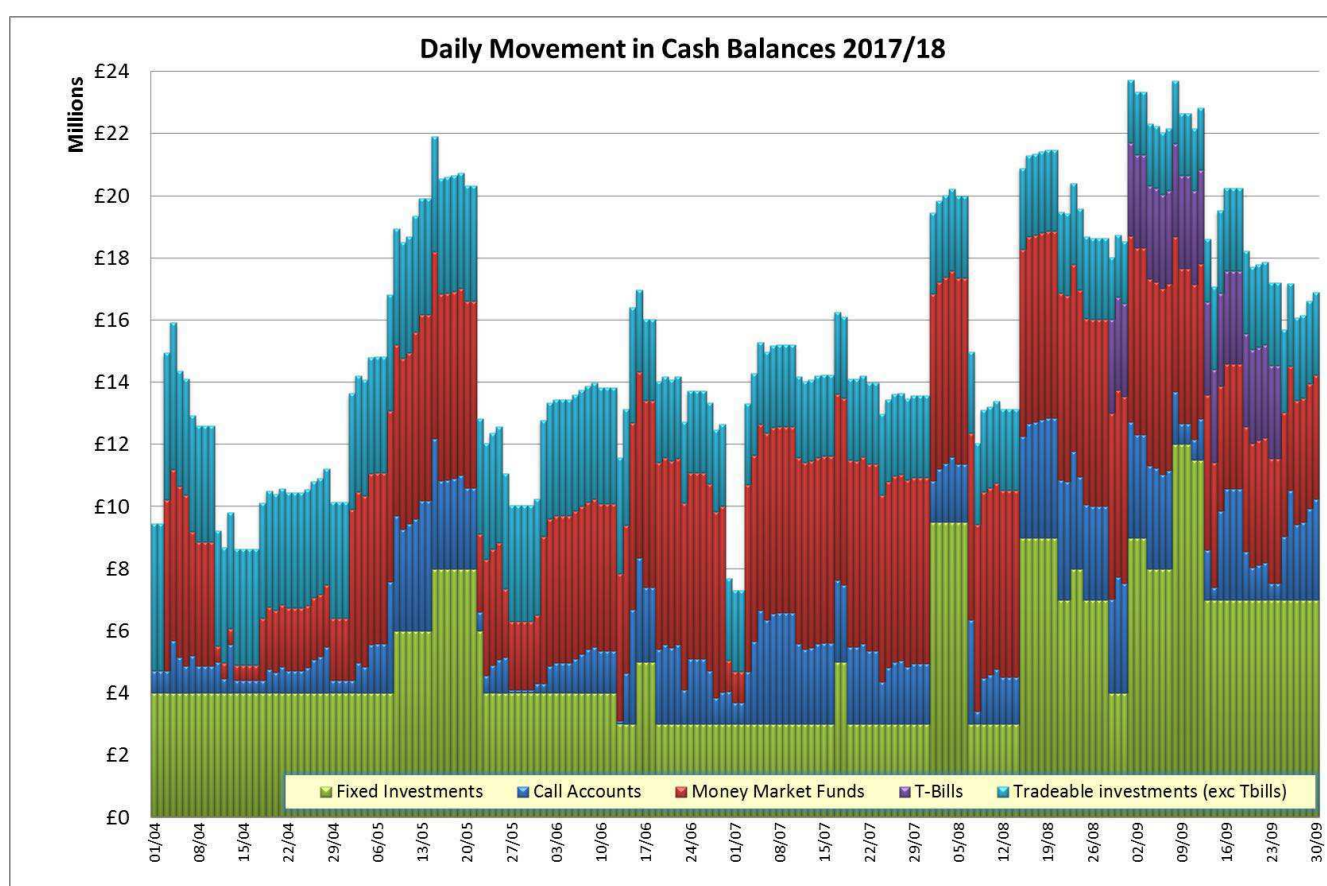
- 3.8 Total interest payable on long-term borrowing in the period to 30 September 2017 was £0.861m, representing the first of two instalments of interest due on a £5m market loan from Barclays Bank at the rate of 4.5% with a term of 50 years maturing in April 2054 and a £51.67m portfolio of loans from the PWLB. The PWLB loan portfolio comprises £46.67m spread across 11 separate loans with a range of fixed interest rates and maturity dates and a £5m variable rate loan currently charged at 0.45%.
- 3.9 Through the year, officers, supported by Arlingclose, monitor opportunities for the rescheduling of external loans and the possibility of repayment utilising cash balances that would otherwise be invested. No rescheduling opportunities arose during the first half of 2017/18 which would be cost-effective for the General Fund and Housing Revenue Account in the light of current and expected market conditions.
- 3.10 In the period to September 2017, four temporary loans had been taken for cash flow purposes. The highest level of temporary borrowing was £7.0m (27 April 2017) and all loans had been repaid by 1 June 2017.

4. Detailed Analysis - Investments

- 4.1 The Council held on average £16.11m available for investment in the period to 30 September 2017. This comprised working cash balances, capital receipts, earmarked reserves and developer contributions held pending use.
- 4.2 The Council's general policy objective is to invest its surplus funds prudently. The Council's investment priorities have continued to be:
- highest priority** - security of the invested capital;
followed by - liquidity of the invested capital;
finally - an optimum yield commensurate with security and liquidity.
- 4.3 All of the Council's investments have been managed in-house. Security of capital has been maintained by following the counterparty policy set out in the Investment Strategy for 2017/2018. Investments during the period included:
- Fixed Term Deposits with the Debt Management Office (total £36.50m)

- Fixed Term Deposits with other Local Authorities (total £15.20m)
- Fixed Term Deposits with UK Banks/Building Societies (total £5.00m)
- Investments in Money Market Funds (MMFs) (average balance held in period £4.85m)
- United Kingdom Treasury Bills (average balance £0.38m)
- Tradable Investments -Floating Rate Notes, Certificates of Deposit, Bonds (average balance £3.13m)
- Deposit accounts with UK Banks (average balance held in year £1.13m)
- Overnight deposits with the Council's banker, Lloyds Bank (average balance held in year £0.89m)

The chart below shows the profile of total investments from 1 April to 30 September. The total invested ranged from £7.3m (end of June) to £23.3m (beginning of September).

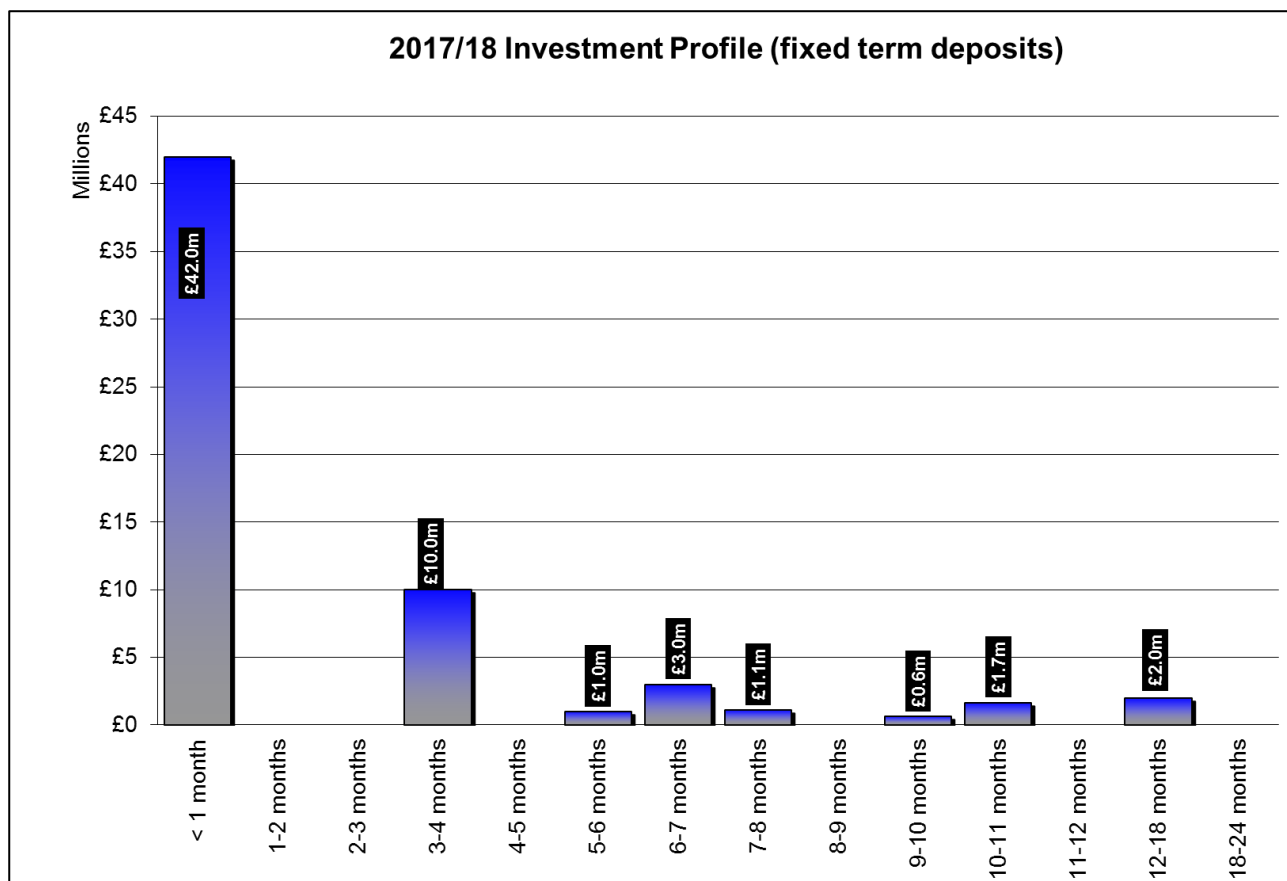


- 4.4 The Council has approved the use of two MMFs, Deutsche Bank – Deutsche Global Liquidity Series and Goldman Sachs Asset Management International.
- 4.5 Counterparty credit quality was assessed and monitored with reference to credit ratings (a minimum long-term counterparty rating of BBB+ across all three rating agencies Fitch, Standard and Poors, and Moody's applied); credit default swaps; GDP of the country in which the institution operates; the country's net debt as a percentage of GDP; any potential support mechanisms and share price.

- 4.6 In keeping with Government guidance on investments, the Council maintained a sufficient level of liquidity through the use of MMFs, overnight deposits and deposit accounts.
- 4.7 The Council sought to optimise returns commensurate with its objectives of security and liquidity. The Treasury Management Strategy anticipated no change to the UK Bank Rate of 0.25% through the whole of 2017/18. Although the Bank of England has made no change during the first half of the year, minutes of the September 2017 meeting of its Monetary Policy Committee implied an increase in Bank Rate in coming months with the aim of returning inflation to target. While Arlingclose's central view remains that the Bank Rate will remain unchanged through to December 2020, they have noted a risk of an increase to 0.50% in September 2018.
- 4.8 Interest generated from investments in the year to date was £0.043m) and is projected to attain the full year budget, £0.104m.
- 4.9 The average rate of return from investments at the end of Quarter 1 and Quarter 2 is shown in the table below, along with comparative benchmark information.

	Lewes District Council	7 Day Libid
Average rate of investments in Q1 end 30 June 2017	0.44%	0.11%
Average rate of investments in Q2 end 30 Sept 2017	0.41%	0.11%
Average rate of return Q1 to Q2	0.43%	0.11%

- 4.10 A full list of temporary deposits and fixed maturity date investments made in the year is given at Appendix B. All investments were made with UK institutions, and no new deposits were made for periods in excess of one year. The chart below gives an analysis of fixed term deposits by duration.



5. Counterparty Update

- 5.1 There were a few credit rating changes during the quarter. The significant change was the downgrade by Moody's to the UK sovereign rating in September from Aa1 to Aa2 which resulted in subsequent downgrades to sub-sovereign entities including local authorities. Moody's downgraded Standard Chartered Bank's long-term rating to A1 from Aa3 on the expectation that the bank's profitability will be lower following management's efforts to de-risk their balance sheet. The agency also affirmed Royal Bank of Scotland's and NatWest's long-term ratings at Baa1, placed Lloyds Bank's A1 rating on review for upgrade, revised the outlook of Santander UK plc, and Nationwide and Coventry building societies from negative to stable but downgraded the long-term rating of Leeds BS from A2 to A3. The agency downgraded long-term ratings of the major Canadian banks on the expectation of a more challenging operating environment and the ratings of the large Australian banks on its view of the rising risks from their exposure to the Australian housing market and the elevated proportion of lending to residential property investors.
- 5.2 S&P also revised Nordea Bank's outlook to stable from negative, whilst affirming their long-term rating at AA-. The agency also upgraded the long-term rating of ING Bank from A to A+.
- 5.3 Ring-fencing, which requires the larger UK banks to separate their core retail banking activity from the rest of their business, is expected to be implemented within the next year. In May, following Arlingclose's advice, the Council reduced the maximum duration of potential unsecured investments with Bank of Scotland, HSBC Bank and

Lloyds Bank from 13 months to 6 months as until banks' new structures are finally determined and published, the different credit risks of the 'retail' and 'investment' banks cannot be known for certain.

- 5.4 New EU regulations for Money Market Funds were finally approved and published in July and existing funds will have to be compliant by no later than 21st January 2019. The key features include Low Volatility NAV (LVNAV) Money Market Funds which will be permitted to maintain a constant dealing NAV, providing they meet strict new criteria and minimum liquidity requirements. MMFs will not be prohibited from having an external fund rating (as had been suggested in draft regulations). Arlingclose expects most of the short-term MMFs it recommends to convert to the LVNAV structure and awaits confirmation from each fund.
- 5.5 At 30 September 2017, the following UK institutions met the Council's investment criteria and were potential counterparties:

Bank of Scotland plc	Barclays Bank plc
Close Brothers Ltd	Goldman Sachs International Bank
HSBC Bank plc	Lloyds Bank plc
Santander UK plc	Standard Chartered Bank
Coventry Building Society	Leeds Building Society
Nationwide Building Society	

A number of other institutions also met the criteria, although there is very limited opportunity to place deposits with them.

6. Internal Borrowing

- 6.1 Since 1 April 2012 the Council has adopted a 'two pool' approach to the accounting treatment of loans. Under this approach, interest on any external borrowing in respect of expenditure on General Fund services is to be charged to the General Fund, and interest on any external borrowing in respect of the Council's housing stock (Housing Revenue Account (HRA)) is to be charged to the HRA. At the start of 2017/2018, all external borrowing was attributed to the HRA.
- 6.2 Where the HRA or General Fund has surplus cash balances which allow either account to have external borrowing below its level of CFR (internal borrowing), the approved Treasury Strategy explains that the rate charged on this internal borrowing will be based on the rate of interest applicable to a one-year maturity loan from the PWLB at the start of the financial year.
- 6.3 It is expected that an interest payment will be made from the HRA to the General Fund in 2017/18, but the final amount will not be determined until the close of the year, dependent on the capital programme outturn. The HRA capital programme at 30 September 2017 includes £2.72m in respect of the construction or acquisition of new properties, to be part-funded by borrowing but it is not expected to take new loans from the PWLB or other source. This constitutes internal borrowing by the HRA from the General Fund and an interest charge will be made as outlined above.

7. Compliance with Prudential Indicators

The Council can confirm that it is on track to comply with its Prudential Indicators for 2017/18, which were set in February 2017 as part of the Council's Treasury Management Strategy Statement. Actual borrowing has remained within the Authorised Limit for External Debt (£85.5m) and the Operational Boundary for External Debt (£80.0m).

8. Regulatory Updates

- 8.1 **MiFID II.** Local authorities are currently treated by regulated financial services firms as professional clients who can “opt down” to be treated as retail clients instead. However, from 3 January 2018, as a result of the EU's second Markets in Financial Instruments Directive (MiFID II), local authorities will be treated as retail clients who can “opt up” to be professional clients, providing that they meet certain criteria. Regulated financial services firms include banks, brokers, advisers, fund managers and custodians, but only where they are selling, arranging, advising or managing designated investments. In order to opt up to professional, the local authority must have an investment balance of at least £10m and the person authorised to make investment decisions on behalf of the authority must have at least one year's relevant professional experience. In addition, the regulated firm must assess that that person has the expertise, experience and knowledge to make investment decisions and understand the risks involved.
- 8.2 The main additional protection for retail clients is a duty on the regulated firm to ensure that the investment is “suitable” for the client. However, local authorities are not protected by the Financial Services Compensation Scheme nor are they eligible to complain to the Financial Ombudsman Service whether they are retail or professional clients. It is also likely that retail clients will face an increased cost and potentially restricted access to certain products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.
- 8.3 The Council meets the conditions to opt up to professional status and intends to do so in order to maintain its current MiFID status, retaining access to a wider range of investment categories, brokers and treasury advisors than would be available to it as a retail client.
- 8.4 **CIPFA Consultation on Prudential and Treasury Management Codes:** In February 2017 CIPFA canvassed views on the relevance, adoption and practical application of the Treasury Management and Prudential Codes and after reviewing responses launched a further consultation on changes to the codes in August with a deadline for responses of 30th September 2017.
- 8.5 The proposed changes to the Prudential Code include the production of a new high-level Capital Strategy report to full Council which will cover the basics of the capital programme and treasury management. The prudential indicators for capital expenditure and the authorised borrowing limit would be included in this report but other indicators may be delegated to another committee. There are plans to drop certain prudential indicators, however local indicators are recommended for ring fenced funds (including the HRA) and for group accounts (incorporating Lewes

Housing Investment Company). Other proposed changes include applying the principles of the Code to subsidiaries.

- 8.6 Proposed changes to the Treasury Management Code include the potential for non-treasury investments such as commercial investments in properties in the definition of “investments” as well as loans made or shares brought for service purposes. Another proposed change is the inclusion of financial guarantees as instruments requiring risk management and addressed within the Treasury Management Strategy. Approval of the technical detail of the Treasury Management Strategy may be delegated to a committee rather than needing approval of full Council. There are also plans to drop or alter some of the current treasury management indicators.
- 8.7 CIPFA intends to publish the two revised Codes towards the end of 2017 for implementation in 2018/19, although CIPFA plans to put transitional arrangements in place for reports that are required to be approved before the start of the 2018/19 financial year. The Department of Communities and Local Government (DCLG) and CIPFA wish to have a more rigorous framework in place for the treatment of commercial investments as soon as is practical. It is understood that DCLG will be revising its Investment Guidance (and its MRP guidance) for local authorities in England; however there have been no discussions with the devolved administrations yet.

9. Reporting and Training

- 9.1 The Deputy Chief Executive has reported the details of treasury management activity to each meeting of the Audit and Standards Committee and Cabinet held to date in 2017/18.
- 9.2 All councillors tasked with treasury management responsibilities, including scrutiny of the treasury management function, are expected to be offered the opportunity to attend a local briefing session led by Arlingclose in December 2017 or January 2018.
- 9.3 The training needs of the Council’s treasury management staff continue to be reviewed as part of the annual corporate staff appraisal/training needs assessment process for all Council employees. Staff continue to attend Arlingclose workshops, when appropriate to their needs, alongside colleagues from other local authorities during 2017/18.

10. Investment Consultants

- 10.1 The Council appointed Arlingclose as its Treasury Adviser in 2012 following an open procurement. The agreement with Arlingclose was for an initial four-year term expiring on 30 June 2016, with the Council having the option to extend for a further year.
- 10.2 The Council exercised the option to extend this agreement to the end of June 2017 and following discussion with Arlingclose has now opted to maintain the appointment for a further year. The appointment of an investment consultant from July 2018 onwards is expected to be made in conjunction with Eastbourne Borough Council given that a shared finance team (with treasury management responsibility) is being established.

Appendix A – Economic Background explained by Arlingclose

The UK Consumer Price Inflation (CPI) index rose with the data print for August showing CPI at 2.9%, its highest since June 2013 as the fall in the value of sterling following the June 2016 referendum result continued to feed through into higher import prices. The new inflation measure CPIH, which includes owner occupiers' housing costs, was at 2.7%.

The unemployment rate fell to 4.3%, its lowest since May 1975, but the squeeze on consumers intensified as average earnings grew at 2.5%, below the rate of inflation. Economic activity expanded at a much slower pace as evidenced by Q1 and Q2 GDP growth of 0.2% and 0.3% respectively. With the dominant services sector accounting for 79% of GDP, the strength of consumer spending remains vital to growth, but with household savings falling and real wage growth negative, there are concerns that these will be a constraint on economic activity in the second half of calendar 2017.

The Bank of England made no change to monetary policy at its meetings in the first half of the financial year. The vote to keep Bank Rate at 0.25% narrowed to 5-3 in June highlighting that some MPC members were more concerned about rising inflation than the risks to growth. Although at September's meeting the Committee voted 7-2 in favour of keeping Bank Rate unchanged, the MPC changed their rhetoric, implying a rise in Bank Rate in "the coming months". Arlingclose is not convinced the UK's economic outlook justifies such a move at this stage, but the Bank's interpretation of the data seems to have shifted.

Geopolitical tensions escalated in August as the US and North Korea exchanged escalating verbal threats over reports about enhancements in North Korea's missile programme. The provocation from both sides helped wipe off nearly \$1 trillion from global equity markets but benefited safe-haven assets such as gold, the US dollar and the Japanese yen. Tensions remained high, with North Korea's threat to fire missiles towards the US naval base in Guam, its recent missile tests over Japan and a further testing of its latent nuclear capabilities.

Prime Minister Theresa May called an unscheduled General Election in June, to resolve uncertainty but the surprise result has led to a minority Conservative government in coalition with the Democratic Unionist Party. This clearly results in an enhanced level of political uncertainty. Although the potential for a so-called hard Brexit is diminished, lack of clarity over future trading partnerships, in particular future customs agreements with the rest of the EU block, is denting business sentiment and investment. The reaction from the markets on the UK election's outcome was fairly muted, business confidence now hinges on the progress (or not) on Brexit negotiations, the ultimate 'divorce bill' for the exit and whether new trade treaties and customs arrangements are successfully concluded to the UK's benefit.

In the face of a struggling economy and Brexit-related uncertainty, Arlingclose expects the Bank of England to take only a very measured approach to any monetary policy tightening, any increase will be gradual and limited as the interest rate backdrop will have to provide substantial support to the UK economy through the Brexit transition.

Outlook for the remainder of 2017/18

The UK economy faces a challenging outlook as the minority government continues to negotiate the country's exit from the European Union. Both consumer and business confidence remain subdued. Household consumption growth, the driver of UK GDP growth, has softened following a contraction in real wages. Savings rates are at an all-time low and real earnings growth (i.e after inflation) struggles in the face of higher inflation.

The Bank of England's Monetary Policy Committee has changed its rhetoric, implying a rise in Bank Rate in "the coming months". Arlingclose is not convinced the UK's economic outlook justifies such a move at this stage, but the Bank's interpretation of the data seems to have shifted.

This decision is still very data dependant and Arlingclose is, for now, maintaining its central case for Bank Rate at 0.25% whilst introducing near-term upside risks to the forecast as shown below. Arlingclose's central case is for gilt yields to remain broadly stable in the across the medium term, but there may be near term volatility due to shifts in interest rate expectations.

	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20
Official Bank Rate													
Upside risk	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Arlingclose Central Case	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Downside risk	0.00	0.00	0.00	0.00	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25

Appendix B – Term deposits made and/or maturing April to September 2017

Ref	Counterparty	From	To	Da	Principal	Int	Rating
232016	Thurrock Borough Council	28 Nov 16	30 May 17	183	3,000,000	0.35%	*
233516	Nationwide Building Society	13 Dec 16	13 Jun 17	182	1,000,000	0.42%	A+
234917	Coventry Building Society	9 May 17	23 May 17	14	2,000,000	0.13%	A
235017	Eastbourne Borough Council	30 May 17	30 Aug 17	92	3,000,000	0.32%	*
235117	Debt Management Office	15 May 17	22 May 17	7	2,000,000	0.10%	*
235217	Coventry Building Society	16 Jun 17	19 Jun 17	3	2,000,000	0.11%	A
235317	Debt Management Office	17 Jul 17	19 Jul 17	2	2,000,000	0.10%	*
235417	Debt Management Office	1 Aug 17	7 Aug 17	6	6,500,000	0.10%	*
235517	Debt Management Office	15 Aug 17	21 Aug 17	6	2,000,000	0.10%	*
235617	Debt Management Office	15 Aug 17	25 Aug 17	10	4,000,000	0.10%	*
235717	Debt Management Office	23 Aug 17	4 Sep 17	12	1,000,000	0.10%	*
235817	Debt Management Office	25 Aug 17	29 Aug 17	4	3,000,000	0.10%	*
235917	Eastbourne Borough Council	29 Aug 17	30 Nov 17	93	3,000,000	0.26%	*
236017	Debt Management Office	1 Sep 17	4 Sep 17	3	5,000,000	0.10%	*
236117	Debt Management Office	4 Sep 17	11 Sep 17	7	5,000,000	0.10%	*
236217	Eastbourne Borough Council	8 Sep 17	8 Dec 17	91	4,000,000	0.25%	*
236317	Debt Management Office	11 Sep 17	13 Sep 17	2	4,500,000	0.10%	*

Glossary of Terms

Affordable Borrowing Limit	Each local authority is required by statute to determine and keep under review how much money it can afford to borrow. The Prudential Code (see below) sets out how affordability is to be measured.
Bank Rate	The main interest rate in the economy, set by the Bank Of England, upon which other rates are based.
Basis Point	A convenient way of measuring an interest rate (or its movement). It represents 1/100 th of a percentage point, ie 100 basis points make up 1%, and 250 basis points are 2.5%. It is easier to talk about 30 basis points than “point three of one per cent”.
Bonds	Debt instruments issued by government, multinational companies, banks, multilateral development banks and corporates. Interest is paid by the issuer to the bond holder at regular pre-agreed periods. The repayment date of the principal is set at the outset.
Capital Expenditure	Spending on the purchase, major repair, or improvement of assets eg buildings and vehicles
Capital Financing Requirement (CFR)	Calculated in accordance with government regulations, the CFR represents the amount of Capital Expenditure that it has incurred over the years and which has not yet been financed from capital receipts, grants or other forms of income. It represents the Council's underlying need to borrow.
Certificate of Deposit	A short-term marketable financial instrument typically issued for periods of less than six months by banks and building societies. Interest can be at a fixed or variable rate.
Chartered Institute of Public Finance and Accountancy (CIPFA)	CIPFA is one of the leading professional accountancy bodies in the UK and the only one that specialises in the public services. It is responsible for the education and training of professional accountants and for their regulation through the setting and monitoring of professional standards. CIPFA has responsibility for setting accounting standards for local government.
Counterparty	Institution with which the Council may make an investment
Credit Default Swaps	CDS are a financial instrument for swapping the risk of debt default and are effectively an insurance premium. Local authorities do not trade in CDS but trends in CDS prices are monitored as an indicator of relative confidence about the credit risk of counterparties.
Credit Rating	A credit rating is an independent assessment of the credit quality of an institution made by an organisation known as a rating agency. The rating agencies take many factors into consideration when forming their view of the likelihood that an institution will default on their obligations, including the institution's willingness and ability to repay. The ratings awarded typically cover the short term outlook, the long term outlook, as well as an assessment of the extent to which the parent company or the state will honour any obligations. The three main agencies providing credit rating services are Fitch Ratings, Moody's and Standard and Poor's.

Fixed Deposits	Loans to institutions which are for a fixed period at a fixed rate of interest
Gilts	These are issued by the UK government in order to finance public expenditure. Gilts are generally issued for set periods and pay a fixed rate of interest. During the life of a gilt it will be traded at price decided in the market.
Housing Revenue Account (HRA)	There is a statutory requirement for local authorities to account separately for expenditure incurred and income received in respect of the dwellings that they own and manage.
Internal Borrowing	The temporary use of surplus cash which would otherwise be invested, as an alternative to borrowing from the PWLB or a bank in order to meet the cost of capital expenditure.
LIBID	The rate of interest at which first-class banks in London will bid for deposit funds
Minimum Revenue Provision (MRP)	The minimum amount which must be charged to an authority's revenue account each year and set aside as provision for the repayment of debt.
Operational boundary	This is the most likely, prudent view of the level of gross external indebtedness. A temporary breach of the operational boundary is not significant.
Prudential Code/Prudential Indicators	The level of capital expenditure by local authorities is not rationed by central government. Instead the level is set by local authorities, providing it is within the limits of affordability and prudence they set themselves. The Prudential Code sets out the indicators to be used and the factors to be taken into account when setting these limits
Public Works Loan Board (PWLB)	A central government agency which provides long- and medium-term loans to local authorities at interest rates only slightly higher than those at which the Government itself can borrow.
Treasury Management Strategy Statement (TMSS)	Approved each year, this document sets out the strategy that the Council will follow in respect of investments and financing both in the forthcoming financial year and the following two years.

Agenda Item No: 9.2 **Report No:** 147/17

Report Title: Portfolio Progress and Performance Report 2017/18 - Quarter 2 (July - September 2017)

Report To: Scrutiny **Date:** 9th November 2017
Cabinet **Date:** 13th November 2017

Cabinet Member: Councillor Elayne Merry, Portfolio Holder

Ward(s) Affected: All

Report By: Nazeya Hussain, Director of Regeneration and Planning

Contact Officer
Name: Millie McDevitt
Post Title: Performance and Programmes Lead
E-mail: Millie.McDevitt@lewes-eastbourne.gov.uk
Tel No: 01273 085637 / 01323 415637

Purpose of Report:

1. To consider the Council's progress and performance in respect of key projects and targets for the second quarter of the year (July to September 2017 (Quarter 2)) as shown in Appendix 1.

The Scrutiny Committee is recommended to;

2. Consider progress and performance for Quarter 2 and make any relevant recommendations to Cabinet.

The Cabinet is recommended to;

3. Consider progress and performance for Quarter 2 and consider any relevant recommendations made by the Scrutiny Committee.
-

Reasons for Recommendations

4. To enable Scrutiny and Cabinet to consider specific aspects of the Council's progress and performance.

Background

5. The Council has an annual cycle for the preparation, implementation and monitoring of its business plans and budgets. This cycle enables us to review regularly the Council's work and the targets it sets for performance, to ensure these continue to reflect customer needs and Council aspirations.
6. It is important to monitor and assess progress and performance on a regular basis, to ensure the Council continues to deliver priority outcomes and excellent services to its

customers and communities. These priorities are set out in the Council Plan that was adopted by the Council in February 2016 and refreshed by the Cabinet in July 2017.

7. The Scrutiny Committee has a key role in terms of oversight of the Council's progress and performance and challenging areas of under-performance. This report sets out the Council's performance against its targets and projects for the second quarter of 2017/18 (the period running from 1st July to 30th September 2017).

Performance in the Second Quarter of 2017/18

8. Appendix 1 provides a high level summary of progress and performance arranged by Cabinet portfolio. The summary shows where performance and projects are 'on track/on target' and where there are areas of risk, concern or under-performance. Where performance or projects are 'off track/below target', an explanation of the management action being taken to address this is also provided.
9. Detailed project/performance tracking information is recorded in the Council's performance management information system (Pentana- formerly known as Covalent). The system uses the following symbols to indicate the current status of projects and performance targets:



= Performance that is at or above target;



= Project is on track;



= Performance that is slightly below target but is within an acceptable tolerance/projects where there are issues causing significant delay or change to planned activities;



= Performance that is below target/projects that are not expected to be completed in time or within requirements;




= Project has changed or been discontinued;



= Data with no performance target.

Portfolio Progress and Performance – Quarter 2

10. An overview of the Council's performance as at the end of the 2nd quarter is set out below:
 - 90% of the Council's key projects were either completed or on track at the end of the 2nd quarter. There are no project delays which constitute any serious risk to the Council.
 - 65% of the Council's performance targets were either met, exceeded or within acceptable levels during the 2nd quarter. This is a reduction from quarter 1.
 - Seven indicators did not meet their planned targets during the 2nd quarter (see paragraph 25 below).

The Good News for Quarter 2 –  Notable project milestones or service performance achieved.

11. This section of the report provides specific highlights by portfolio in terms of notable project progress or performance achievements.

Regeneration and Business

12. The **Newhaven Enterprise Zone** project has made good progress in quarter two, including on the Town Centre redevelopment plans and potential investment for Eastside North. The new EZ Programme Manager starts on 30th October.
13. East Sussex County Council is close to submitting a business case for the **Newhaven Port Access Road** with a decision expected from the Department for Transport by the end of the year.

People and Performance

14. An implementation report for the **Lewes Lottery** project is elsewhere on the agenda for the Cabinet meeting. The **Number of new self-serve accounts on our website** continues to increase.

Environmental Impact

15. Work on the delivery of the priority projects for Lewes through the **Joint Venture for Energy & Sustainability** has commenced.

Finance

16. All finance targets were met in quarter two: **Percentage of Invoices paid on time**, **Percentage of Council Tax collected during the year** and **Percentage of Business Rates collected during the year**.

Housing

17. The indicator for **Total number of days that families need to stay in emergency/B&B accommodation** has achieved zero for the sixth continuous quarter.

Planning

18. The **Local Plan (Part 2)** project is now ready to proceed with a period of consultation between late November and late January.

Waste and Recycling Transformation

19. The roll-out of the **Green Waste** service project has completed ahead of schedule.

Customer and Partners

20. The performance for **Number of people registering for our email service** continues to out-perform expectations, delivering five times the target for the quarter (2,723 against a target of 501).

Areas for Improvement – 🟡 Project/performance is slightly off track (but within acceptable/5% tolerance). The 'amber' warning flags up performance that has fallen very slightly below target or projects that are slipping behind schedule or going slightly off-track.

20. There were two performance indicators which fell into this category during the second quarter:

- **Percentage of rent collected during the year (cumulative):** Quarter two achieved 94% against a 95% target. This data is subject to final verification.
- **Overall tenants' satisfaction:** Quarter two achieved 86% against a 90% target. The survey is carried out quarterly with a random sample of tenants, so there is a small margin of accuracy. All specific comments returned are acted upon. Officers will continue to monitor this PI closely.

21. Two projects are being reported as amber at the end of the second quarter.

22. **Joint Transformation Project:** Progress has been made on the challenges around network migration that led to the higher risk rating recorded last month. Migration to the CX system is on track, with network migration back on schedule for Q3. The Assistant Director for Transformation left at the end of September. A new Programme Manager has been secured and is due to start in November.

23. **Devolution of Open Spaces:** The devolution process is taking longer than anticipated which is why the status has changed to amber.

- Lewes Town Council Devolution: Documentation in relation to Landport Bottom agreed and expected to be completed shortly.
- Newhaven Town Council Devolution: It is proposed that the first "wave" of sites to be devolved consists of Valley Road, Eastside Rec, Drove Park, Avis Road Rec and Lewes Road Rec.

Areas for Improvement – 🔴 Performance well below target and/or project significantly off-schedule or revised. Where service performance falls well below target levels, or a project is significantly off track or has been significantly revised or cancelled, priority is given to addressing these issues.

24. There were seven areas where this was the case in the second quarter.

25. **Average working days lost due to sickness per FTE equivalent staff:** The annual target for this indicator is 9 days. The first two quarters of this year have totalled 5.6 days which is above the target of 4.5 days at this point of the year. Sickness absence continues to be a priority within the organisation with line managers and HR closely monitoring sickness absences.

26. **Total number of households living in emergency accommodation:** Pressures on housing reflect the national and regional situation. In the second quarter there were 19 households living in emergency accommodation. This was higher than the target of 15 households. This number has increased because one of our temporary accommodation blocks was temporarily closed for health and safety works. This has

meant moving the residents into emergency accommodation until the works are complete.

27. **Total number of households living in other temporary accommodation:** At the end of Quarter 2 the number of people in emergency accommodation was 62. This is higher than the last quarter and higher than the target of 50. Work is continuing to revise the staffing structure through the JTP programme. This will focus on finding housing solutions to move people on from emergency accommodation and reduce reliance on Council accommodation to discharge a housing duty.
28. **Percentage of major planning applications determined within 13 weeks (LDC only):** The performance in quarter two is at 67% against a target of 80%. It is currently on target for the year as a whole. The low number of applications is skewing the figures – in real terms there were only three major applications and two of them did meet the deadlines. There are no immediate issues and the team is constantly monitoring applications and securing time extensions.
29. **Percentage of minor planning applications determined within 8 weeks (LDC/SDNP combined):** The performance in quarter two is at 70% compared to a target of 75%. The team is monitoring applications and securing time extensions as appropriate.
30. **Percentage of all planning appeals allowed (officer/committee decisions):** The performance in quarter two is at 66% against a target of 33%. Appeal decisions are being reviewed to assess any implications for policy or how it is applied, and how the Committee is advised of sound reasons for refusal.
31. **Wave Leisure: Visitors to leisure centres:** 208,757 people participated in wet and dry side activities across the four Wave Leisure sites. In Lewes, Pells Pool is open during the summer months and along the coast, the Saltdean Lido has opened for their first summer after the restoration work. Although the Quarter Two performance falls below target, the visitor numbers are still higher than for the same quarter in 2016/2017. The current target has been carried over from 2016/17. A meeting to discuss and finalise the 2017/18 KPI's with Wave Leisure was held on the 26th October and will be reflected in the next Portfolio Performance Report.

Financial Appraisal

32. Project and performance monitoring and reporting arrangements are contained within existing estimates. Corporate performance information should also be considered alongside the Council's financial update reports (also reported to Cabinet each quarter) as there is a clear link between performance and budgets/resources.

Legal Implications

33. Comment from the Legal Services Team is not necessary for this routine monitoring report.

Risk Management Implications

34. It is important that corporate performance is monitored regularly otherwise there is a risk that reductions in service levels, or projects falling behind schedule, are not addressed in a timely way.

Equality Analysis

35. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports or as part of programmed equality analysis. The equality implications of projects that form part of the Joint Transformation Programme are addressed through separate Equality and Fairness assessments.

Background Papers

[Council Plan 2016 to 2020](#)

Appendices

Appendix 1 – Portfolio Progress and Performance Report (Quarter Two 2017/18)

APPENDIX 1

PORTFOLIO PROGRESS AND PERFORMANCE QUARTER 2 (July to September 2017)

Key to Symbols



- Project is complete; Performance is at or above target (please note, in some instances performance data has been rounded to the nearest whole number/percentage);



- Project is on track or yet to commence;



- Project has issues causing significant delay or change to planned activities; Performance is below target but within 5% tolerance;



- Project is not expected to be completed in time or within requirements; Performance is below target;



- Project scope has changed/project has been discontinued;








- No performance target set.

Regeneration and Business

Portfolio: Councillor Andy Smith

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
North Street Quarter	2021		<p>The NSQ landowners (Lewes District Council and North Street Quarter Ltd.) are currently negotiating the Land Collaboration Agreement (NCA). The Council has proposed a deadline of 31st December 2017 for agreeing these matters. At its meeting on 27th September 2017, Cabinet granted delegated authority for Artisan to be appointed (by NSQ Ltd.) as Phase 1 Development Partner, having regard to due diligence undertaken by the Council and Scrutiny Committee's feedback on this due diligence. The Council has proposed that the LCA identifies a date of 31st December 2017 for agreeing Artisan as Phase 1 Development Partner. If Artisan is not agreed, then the Council has proposed that the landowners will go to the market to seek a third party Development Partner.</p> <p>The landowners continue to progress the acquisition of the outstanding land interests in the area. Work is also ongoing to discharge the conditions that form part of the planning permission for the scheme.</p>
Newhaven Port Access Road (ESCC Project)	April 2019		<p>ESCC is currently finalising the business case prior to submission to the Department for Transport (DfT). It is expected that a decision will be made by DfT by the end of 2017.</p>

Newhaven Enterprise Zone	March 2042		<p>Good progress with this project in Quarter Two, highlights include:</p> <ul style="list-style-type: none"> • £50k secured from Commercial Support Fund for drainage investigation works at Avis Way • Work ongoing at Eastside South (new business units) • Work progressing well at East Quay (Rampion O&M Base). • Pre-application advice starting on Town Centre redevelopment plans • Eastside North landowner in legal discussions with potential investor • New EZ Programme Manager due to start in post on 30 October
Newhaven Growth Quarter	Complete		All rectification periods now complete. Project for ongoing annual monitoring only.
Newhaven Town Masterplan	tbc		A report went to CMT on 17 th October and is elsewhere on the agenda for the Cabinet meeting. The report will make recommendations for potential development of Newhaven Town Centre.


Key Performance Indicators

There are no Performance Indicators attached to this Portfolio.


People and Performance


Portfolio: Councillor Elayne Merry

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Joint Transformation Project	May 2020		Progress has been made on the challenges around network migration that led to the higher risk rating recorded last month. Migration to the CX system is on track, with network migration back on schedule for Q3. The Assistant Director for Transformation left at the end of September. A new Programme Manager has been secured and is due to start in November.
Lewes Lottery	tbc		Elsewhere on the November Cabinet meeting agenda is a report on the Lewes Lottery with a recommendation that authority is given to the Director of Service Delivery to put in place the steps needed to implement a local lottery. If agreed, the first step will be to appoint an External Lottery Manager.

Key Performance Indicators




KPI Description	2016-17 Q2 Outturn	2017-18 Target	2017-18 Q2	Status	Explanatory Note
Average working days lost due to sickness per FTE equivalent staff	2.00	2.25	2.8		The annual target for this indicator is 9 days. The first two quarters of this year have totalled 5.6 so although we are currently above our target the management of sickness absence

					continues to be a priority within the organisation with close scrutiny and management by line managers and HR.
Performance Improvement Plan	There continues to be close monitoring of attendance management within the councils with support available to staff and managers from HR. HR are working with key managers and colleagues in Finance to ensure robust follow up of information from managers regarding return to work dates and interviews. HR continue to analyse the levels of absence monthly and quarterly to assess whether they are trends or concerns in any particular service area or any specific reasons for absence. To date the reasons for absence have been varied and aside from muscoskeletal injuries in Waste, no themes by service area have been identified.				
Number of new self-serve accounts on our website	642	Data Only	2,277		

Environmental Impact

Portfolio: Councillor Isabelle Linington

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Upper Ouse Flood Protection and Water	March 2019		Major modifications to the canalised stretches of the River Ouse at Sheffield Park, where monies from Lewes DC (£34K), the National Trust and Heritage Lottery Funding is enabling the widening of the river, and reconnection of the river to the former flood plain and meanders, providing 10 Ha of extra water storage. This work stretches 2km along the Ouse valley and slows down the river's storm flow by approximately an hour, assisting in reducing the interaction of the river with tidal peaks and so reducing the risk of flooding. A report was presented to Cabinet on 27th September setting out recommendations for taking this project forward.
Newhaven Flood Alleviation Scheme (Environment Agency)	December 2018		Discussions continue with some stakeholders, with possible need to alter route of flood defences on North Quay. The EA are actively managing the situation, with support as necessary.
Joint Venture	April 2037		Setting up an Energy & Sustainability Joint Venture is a low cost, low risk option for the councils to deliver a range of capital projects with embedded environmental and sustainability objectives. The partnership will accelerate

			<p>the delivery of large capital schemes as contractors, including local businesses, will be engaged without the need for lengthy and costly procurement exercises. While a key focus of the partnership is to deliver innovative energy and sustainability projects, it is also possible that many projects related to the Councils' existing service provision that have an element of energy and sustainability could be delivered through the Joint Venture.</p> <p>Priority projects to be progressed for LDC are; North Street Quarter: Springman House, New Community Fire Station North Street Quarter; Energy Services Company Newhaven Enterprise Centre: Railway Quay Newhaven Enterprise Centre: Town Centre</p>
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Key Performance Indicators

There are no Performance Indicators attached to this Portfolio.




Finance

Portfolio: Councillor Bill Giles

Portfolio Projects and Initiatives

There are no Corporate Projects attached to this Portfolio.

Key Performance Indicators

KPI Description	2016-17 Q2 Outturn	2017-18 Q2 Target	2017-18 Q2	Status	Explanatory Note
Percentage of invoices paid on time (within 30 days)	94%	95%	97%		
Percentage of Council Tax collected during the year	58%	58%	58%		
Percentage of Business Rates collected during the year	57%	56%	56%		





Housing




Portfolio: Councillor Ron Maskell

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Local Growth Fund	July 2018		Development to build 22 new affordable homes completed on 14th July 2017. Split over 5 sites in Seaford, Newhaven, Peacehaven and Telscombe - Includes 8 x 1-bed flats, 6 x 2-bed flats, 8 x 2-bed houses - all 100% affordable rent.
Housing Investment Company	October 2017		LHICL Incorporated on the 4th July 2017. JHIP Incorporated on 30th June 2017.
Rural Housing	June 2020		This project was put forward through the refreshed Council Plan. Recruitment for this project has begun, and an SLA has been prepared and cleared by Legal Services, and agreed by partners/agencies involved.
Modular Housing	2020		The Council are currently scoping suppliers/providers with a shortlist looking to be assigned to one of the Councils garage courts redevelopment sites within the next Quarter.

Key Performance Indicators



KPI Description	2016-17 Q2 Outturn	2017-18 Target	2017-18 Q2	Status	Explanatory Note
Percentage of rent collected during the year (cumulative)	94%	95%	94%		This figure is subject to final verification.
Total number of days that families need to stay in emergency/B&B accommodation	0	15	0		
Total number of households living in emergency accommodation	13	15	19		Pressures on housing reflect the national and regional situation. In the second quarter there were 19 households living in emergency accommodation. This was higher than the target of 15 households. This number has increased because one of our temporary accommodation blocks was temporarily closed for health and safety works. This has meant moving the residents into emergency accommodation until the works are complete.
Performance Improvement Plan	Once works to one of our temporary housing blocks are complete performance for this indicator should return to previous levels.				
Total number of households living in other temporary accommodation	49	50	62		At the end of Quarter 2 the number of people in emergency accommodation was 62. This is higher than the last quarter and higher than the target of 50. Work is continuing to revise the structure through the JTP programme. This will focus on finding housing solutions to move people on from emergency accommodation and reduce reliance on Council accommodation to discharge a

					housing duty.
Performance Improvement Plan	The Homelessness Reduction Act will come into force in April 2018. The new staffing structure will take account of this additional demand for service and enable officers to fulfil all statutory duties in a timely manner. In turn this should minimise the numbers in emergency accommodation and reduce associated.				
Average number of days to re-let Council homes (excluding temporary let)	21	25	25		
The number of days taken to process new housing/council tax benefit claim	13	20	17		
Overall tenants' satisfaction	90%	90%	86%		The survey is carried out quarterly with a random sample of Tenants, so there is a small margin of accuracy. All specific comments returned are acted upon. Officers will continue to monitor this PI closely.

Planning



Portfolio: Councillor Tom Jones






Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Neighbourhood Planning	February 2020		<p>Plumpton Parish Council submitted their plan proposal to us and the SDNPA (Reg 15) on 25th September. The consultation for the proposed plan is due to start on 5th October.</p> <p>Newhaven Town Council is currently reviewing comments received during their pre-submission consultation and is meeting with us to discuss them and prepare their submission version.</p> <p>Seaford Town Council is aiming to start their pre-submission Consultation in October/November.</p>
The Local Plan (Part 2)	March 2018		<p>Local Plan Part 2 Cabinet Report and supporting documents are being finalised for November Cabinet. Results of the Habitat Regulations Assessment (HRA) work on air quality impacts on Ashdown Forest are now available and a briefing note has been prepared for CMT. As anticipated the conclusion of this HRA is that there are no likely significant effects from the Joint Core Strategy</p>

			on Ashdown Forest. Therefore we can proceed with a period of consultation between late November and late January and this will be accompanied by a 'call for sites' for Gypsy and Traveller pitches; anticipated publication of the Plan in Spring 2018 with submission to the Secretary of State for Examination late Spring 2018. Adoption of the Plan in January 2019.
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Key Performance Indicators


KPI Description	2016-17 Q2 Outturn	2017-18 Target	2017-18 Q2	Status	Explanatory Note
Percentage of major planning applications determined within 13 weeks (LDC only)	100%	80%	67%		The performance in quarter two is at 67% against a target of 80%. It is currently on target for the year as a whole. The low number of applications is skewing the figures – in real terms there were only three major applications and two of them did meet the deadlines. There are no immediate issues and the team is constantly monitoring applications and securing time extensions.
Performance Improvement Plan	Constant monitoring of applications and securing of extension of time.				
Percentage of minor planning applications determined within 8 weeks (LDC/SDNP combined)	88%	75%	70%		The performance in quarter two is at 70% compared to a target of 75%. The team is monitoring applications and securing time extensions as appropriate.
Performance Improvement Plan	Constant monitoring of applications and securing of extension of time. Focus on validation targets. Seeking to recruit agency staff to cover the admin staff shortfall.				


Percentage of all planning appeals allowed (officer/committee decisions)	0%	33%	66%		Appeal decisions are being reviewed to assess any implications for policy or how it is applied, and how the Committee is advised of sound reasons for refusal. On target for rolling 2 year figures.
Performance Improvement Plan	Review of appeal decisions to assess any implications for policy or how it is applied, and advising the Committee of sound reasons for refusal.				
Percentage of major planning applications allowed on appeal (as a percentage of all major application made to LDC)	0%	Less than 10%	0%		
Outcome of planning appeals (Costs awarded (£))	£0	Data only	£0		
Number of appeals where the Inspector has considered that there has been unreasonable behaviour by the Local Planning Authority	1	0	0		
Number of major applications for new housing granted planning permission following appeal (LDC only)	0	0	0		

Waste and Recycling Transformation



Portfolio: Councillor Paul Franklin

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Waste Improvement Project	May 2019		<p>September 2017, the first batch of wheelie bins has been delivered to Avis Way ready for the roll out. 240 litre wheelie bins will be provided as standard but if not suitable, residents can request either a slim 140 litre bin or continue to use their current boxes and bags. Householders are urged to complete the online form if they would prefer an alternative to the 240 litre bin. The council will take away unwanted boxes and bins when we deliver the new bin to each property.</p> <p>The service will be introduced in stages, starting in East Saltdean, Telscombe and Peacehaven from November.</p> <p>The refurbishment of the fleet is underway.</p> <p>The communications strategy is working well and LDC residents have responded very positively to the article in District News and activity on social media. Lots of good, clear information is on the website and Customer Services are managing comments and queries. A</p>

			presentation on the new service to the TOLD AGM 28 September was warmly received.
Waste Strategy: Green Waste Services	May 2019		Project completed ahead of schedule in August 2017. Project closure procedures to be followed and then removed from Projects portfolio.



Key Performance Indicators

KPI Description	2016-17 Q2 Outturn	2017-18 Q2 Target	2017-18 Q2	Status	Explanatory Note
Percentage of household waste sent for reuse, recycling and composting	28%	Data only	27%		
KG waste collected per household	150	Data only	153		






Customers and Partners

Portfolio: Councillor Tony Nicholson

Portfolio Projects and Initiatives

Project/Initiative	Target Project Completion	Current Status	Update
Devolution of Open Spaces	March 2018		<p>The devolution process is taking longer than anticipated which is why the status has changed to amber.</p> <p>LTC Devolution: Documentation in relation to Landport Bottom agreed and expected to be completed shortly.</p> <p>NTC Devolution: It is proposed that the first "wave" of sites to be devolved are; Valley Road, Eastside Rec, Drove Park, Avis Road Rec and Lewes Road Rec.</p>
New Arts and Culture Brand and Tourism Offer	tbc		<p>This project is being presented as a summary report to Cabinet in November.</p>

Key Performance Indicators

KPI Description	2016-17 Q2 Outturn	2017-18 Q2 Target	2017-18 Q2	Status	Explanatory Note
Number of new sign-ups to the Council's social media channels	246	n/a	291		
Number of people registering for our email service	2,271	501	2,723		
Wave Leisure: Visitors to leisure centres	204,418	236,250	208,757		208,757 people participated in wet and dry side activities across the four Wave Leisure sites. In Lewes, Pells Pool is open during the summer months and along the coast, the Saltdean Lido has opened for their first summer after the restoration work. Although the Quarter Two performance falls below target the visitor numbers are still higher than in the same quarter for 2016/2017. The current target has been carried over from 2016/17. A meeting to discuss and finalise the 2017/18 KPI's with Wave Leisure was held on the 26th October and will be reflected in the next Portfolio Performance Report.
Performance Improvement Plan	The current target has been carried over from 2016/17. A meeting to discuss and finalise the 2017/18 KPI's with Wave Leisure was held on the 26th October and will be reflected in the next Portfolio Performance Report.				
Average time taken to answer telephone calls	13 secs	30 secs	26 secs		
Proportion of complaints (received by Customer Hub) responded to within target (currently 2 working days)	96%	93%	96%		

Agenda Item No: 9.3 **Report No:** 148/17

Report Title: Draft Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

Report To: Cabinet **Date:** 13 November 2017

Cabinet Member: Cllr Tom Jones – Cabinet Member for Planning

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

Report By: Nazeya Hussain, Director of Regeneration & Planning

Contact Officer(s)-

Name(s): Natalie Carpenter/Robert King
Post Title(s): Senior Planning Officer
E-mail(s): natalie.carpenter@lewes-eastbourne.gov.uk
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Tel No(s): 01273 085454 or 01273 085455

Purpose of Report: To seek Cabinet approval to progress the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies through to its formal submission to the Secretary of State and to seek approval for the arrangements for the Examination in Public process.

Officers Recommendation(s):

- 1** To approve the Draft Local Plan Part 2 for public consultation under Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations;
- 2** To authorise the Director of Strategy, Regeneration & Planning, in consultation with the Cabinet Member for Planning, to make any minor changes arising from the consultation and publish the Local Plan Part 2 under Regulation 19 for submission to the Secretary of State for examination under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations;
- 3** To authorise the Director of Strategy, Regeneration & Planning, in consultation with the Cabinet Member for Planning, to agree minor modifications to the Local Plan Part 2 during the Examination in Public, as deemed necessary to make the document sound.

Reasons for Recommendations

- 1** To ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the Local Plan

Part 1: Joint Core Strategy through the allocation of additional development sites and up-to-date development management policies to assist in the determination of planning applications.

Information

2 Background

- 2.1** The Lewes District Local Plan Part 1: Joint Core Strategy (JCS) was adopted in 2016 and provides the planning policy framework to guide strategic growth across the district to 2030.
- 2.2** The Draft Lewes District Local Plan Part 2 follows the strategic objectives set out in the JCS, through the allocation of smaller scale sites for development and provides the detailed development management policies to inform the planning application process. As per the JCS it will cover the period to 2030 and replace the majority of the 'saved' policies from the 2003 Local Plan.
- 2.3** The Local Plan Part 2 will only apply to the area covered by the Lewes District Planning Authority (i.e. Lewes District *excluding* the area within South Downs National Park). The South Downs National Park Authority is preparing its own Local Plan, which once adopted, will supersede all existing planning policies for that area.
- 2.4** The Local Plan Part 2 will not include site allocations or locally specific development management policies within Newhaven, Peacehaven, Telscombe, Plumpton, Seaford or Ditchling, Streat, and Westmeston. These are designated neighbourhood plan areas and will therefore plan for their own levels of growth.
- 2.5** Local Plan Part 2 began in 2013, through a number of workshops involving Members and Town and Parish Councils. A 'call for sites' was also undertaken to ensure public participation in the sites to be considered for development.
- 2.6** Formal consultation took place in 2013/14 through the publication of 'Topic Papers' to obtain views on options for consideration in the development of Local Plan Part 2. The High Court Challenge on the JCS put a necessary pause on the progress of Local Plan Part 2, which now this has been addressed has begun in earnest. The table below sets out the revised timeframe to adoption:

Stage of Local Plan preparation	Date
Draft Plan Consultation (Reg.18)	Nov 2017- Jan 2018
Pre-Submission Consultation (Reg.19)	Spring 2018
Formal Submission to Secretary of State	Summer 2018
Examination in Public	Autumn 2018
Adoption	Early 2019

3 Form and content of the Draft Local Plan Part 2

- 3.1** The full copy of the Draft Local Plan Part 2 is included at Appendix 1. The document provides the detail and follows the strategic vision of the JCS. It is fully compliant with the National Planning Policy Framework (NPPF) and the policies are formed on a strong, recent evidence base, taking account of the responses to the previous consultations and those obtained from external stakeholders.
- 3.2** A Sustainability Appraisal (SA) has been prepared which incorporates the requirement for the plan to be subject to a Strategic Environmental Assessment (SEA). This considers the proposals set out in the plan against key sustainability issues and ensures compliance with national level planning policy.
- 3.3** A Habitat Regulations Assessment (HRA) has also been prepared to consider the likely significant effects of the plan on internationally designated nature conservation sites (Ashdown Forest, Lewes Downs and Castle Hill). This follows and responds to the HRA that accompanied the JCS, and also the updated HRA following the High Court Challenge, which confirmed the levels of growth set out were acceptable, without causing any undue impact.
- 3.4** The Plan has also been prepared in strict accordance with our “Duty to Co-operate” with our neighbouring authorities in preparing this plan which has informed the policy making process.

4 Proposed housing and employment allocations

- 4.1** The JCS set the level of housing (min 6,900 units) and employment growth across the district (min 74,000 sqm) across the district.
- 4.2** Part of this has already been delivered, some form part of the strategic allocations set out in the JCS (including a windfall allowance). The remainder falls to be identified through neighbourhood plans, and through smaller scale residential allocations in the Local Plan Part 2 outside of neighbourhood plan areas, namely the edge of Burgess Hill; North Chailey; South Chailey; and Barcombe Cross. In addition to the above, Local Plan Part 2 will also carry forward residential allocations from the 2003 Lewes District Local Plan.
- 4.3** No employment allocations are proposed in the Local Plan Part 2. This is because the evidence base confirms there is no quantitative need for additional sites and the modest qualitative can be met through the redevelopment of existing sites.
- 4.4** Core Policy 3 of the JCS sets out a requirement of 13 permanent pitches for Gypsy and Travellers to be delivered within the district up to 2030. This is apportioned to eight pitches within the SDNP and five to be found through Local Plan Part 2. No sites have come forward through the previous consultation exercises, and as such an additional call for sites

will take place alongside the consultation period to inform future allocations within Local Plan Part 2.

5 Proposed development management policies

- 5.1** National planning policy has changed and been updated since the adoption of the 2003 Local Plan, through the publication of the NPPF. This sets out the Government's national planning policies, how they should be applied locally, and all planning policy documents must be in accordance with it.
- 5.2** The NPPF includes a 'presumption in favour of sustainable development', requiring local plans to take a positive approach to new development, directing and managing new development in order to support economic, environmental and social progress.
- 5.3** Local Plan Part 2 includes the new suite of development management policies, against which all new development proposals will be considered. The draft policies have been prepared to be consistent with the requirements of the NPPF, and the strategic policies of the JCS. The proposed policies are additional and more detailed; therefore they do not repeat those set out in the NPPF or the JCS.
- 5.4** The proposed policies have to be framed more positively and be less restrictive than those within the 2003 Local Plan, to ensure compliance with the NPPF, whilst allowing for the protection of the environment as necessary to ensure successful place making. The main change in direction within the development management policies from the 2003 Local Plan are set out below.
- 5.5** Proposed Policy DM28 considers residential extensions inside and outside of settlement boundaries and ensures that such proposals do not cause harm to the wider area. The size restriction of the previous policy has been removed as it was too restrictive and was not compliant with the NPPF.
- 5.6** A new policy (Policy DM8) has been prepared to control the conversion of single residential units to houses of multiple occupation; picking up from comments expressed through the previous consultations.
- 5.7** In order to support the rural economy, new policies (DM9, DM10 and DM11) are proposed relating to farm diversification, small-scale employment development, and the redevelopment or intensification of existing employment sites within the countryside to ensure NPPF compliance.

6 Consultation proposals and next steps

- 6.1** The Draft Local Plan Part 2 will be published for consultation following agreement from Cabinet. The consultation period is legally required to be for a period of 6 weeks, however this will be extended by 2 weeks as it

will run over Christmas/New Year. Any comments received will inform the next stages in preparation of the Draft Plan (set out at 2.8).

- 6.2** We will hold a briefing for all Members on the draft document prior to it being released for public consultation.
- 6.3** All statutory bodies and individuals or organisations that previously commented on the JCS, or have since commented on or asked to be informed of the progress of the Local Plan Part 2, will be directly notified. The consultation will also be publicised on the Council's web site and through District News, press releases, and working in partnership with town and parish councils. Paper copies of the document will be made available in local libraries and at Southover House.

7 Financial Appraisal

- 7.1** The financial implications of publishing the Draft Local Plan Part 2 will be minimal, primarily consisting of the costs associated with printing and postage. These costs will be met by the 'Planning Policy – Structure and Local Plans' budget and are anticipated to be approximately £1,000.
- 7.2** The costs associated with submitting the document to the Secretary of State and the subsequent Examination in Public will be much more substantial. The cost of the Planning Inspector alone will be around £1,000 per day and further costs will be incurred through the hire of a venue for the Examination, the appointment of a Programme Officer, specialist, administration expenses, etc. The JCS costs were around £100,000.
- 7.3** The exact costs cannot be predicted until it is clear which issues the Inspector will wish to examine in more detail and the consequent length of the Examination in Public. The Council has included £40,000 in its 2017/18 General Fund Budget to cover these costs.

8 Legal Implications

- 8.1** To avoid the risk of the plan being found to be unsound, or a potential legal challenge, it is important to show that we have observed the procedural steps and requirements set out in the relevant regulations. These include the Town and Country Planning (Local Planning) (England) Regulations 2012, the Environmental Assessment of Plans and Programme Regulations 2004, the Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.2** The Reports and Assessments prepared in accordance with these Regulations will be published for consultation alongside the Draft Local Plan as background papers and with the Equalities Impact Assessment should be taken into consideration when making decisions with regard to the Draft Local Plan Part 2. The Council must also demonstrate how they have complied with the duty to co-operate created by the Localism Act 2011 and that the Draft Local Plan Part 2 Plan accords with the

current National Planning Policy Framework and National Planning Policy Guidance.

9. Risk Management Implications

I have completed a risk assessment. The following risk will arise if the recommendations are not implemented and I propose to mitigate the risk as detailed below:

Risk	Mitigation
That there will be a delay in progressing the Local Plan Part 2 towards adoption meaning that planning applications will continue to be determined in relation to national policies and the strategic policies of the JCS, rather than more detailed, up-to-date and locally derived policies.	That the recommendations of this report are approved, ensuring that the Local Plan Part 2 is progressed to adoption in the shortest possible time period. Once adopted, planning applications can be determined using more detailed, locally derived policies.

No new risks will arise if the recommendation is implemented.

10. Equality Screening

An Equality Impact Assessment has been carried out to determine how the implementation of the JCS spatial strategy and strategic policies would impact on different groups. This is included as a background paper to this report.

Background Papers

All Background Papers will be available from 7th November on the following webpage:

<http://www.lewes-eastbourne.gov.uk/planning-policy/local-plan-part-2-site-allocations-and-development-management-policies/>

- Local Plan Part 1: Joint Core Strategy
- Sustainability Appraisal of the Draft Local Plan Part 2
- Habitat Regulations Assessment – Draft Local Plan Part 2
- Summary of Consultation on the Local Plan Part 2 Topic Papers
- Local Plan Part 2 Topic Paper 1: Introduction
- Local Plan Part 2 Topic Paper 2: Housing
- Local Plan Part 2 Topic Paper 3: Employment

- Local Plan Part 2 Topic Paper 4: Infrastructure
- Local Plan Part 2 Topic Paper 5: Development Management Policies
- Equality Impact Assessment: Update Addendum 2016
- Equality and Fairness Establishing Relevance Report

Appendices

Appendix 1: Local Plan Part 2: Site Allocations and Development Management Policies – draft for approval

APPENDIX 1

LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES

Consultation Draft Document

DRAFT

November 2017

Local Plan Part 2 – Consultation Draft Document

This document is available for public consultation for an 8 week period between XX November 2017 and XX January 2018. The quickest and easiest way to submit comments is via the online consultation website at XXXXXXXXXX. Alternatively, comments can be sent to the District Council by:

Post: Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB

email: ldf@lewes.gov.uk

Fax: 01273 484452

This document can be made available in large print, audiotape, disc, or in another language upon specific request.

Telephone 01273 484141

email ldf@lewes.gov.uk

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Figure 2: South of Valley Road housing site

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Figure 6: Barcombe Cross housing sites

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Figure 8: Layden Hall, East Grinstead Road, housing site

Figure 9: Land at Mill Lane housing site

Figure 10: Caburn Field housing site

Housing Allocations

NH01: Land south of Valley Road, Newhaven
NH02: Land at The Marina, Newhaven
BH01: Land at the Nuggets, Valebridge Road, Wivelsfield
BH02: Land at Oakfields, Theobalds Road, Wivelsfield
BA01: Land at Hillside Nurseries, High Street, Barcombe Cross
BA02: Land adjacent to the High Street, Barcombe Cross
BA03: Land at Bridgelands, Barcombe Cross
CH01: Glendene, Station Road, North Chailey
CH02: Layden Hall, East Grinstead Road, North Chailey
CH03: Land at Mill Lane, South Chailey
RG01: Caburn Field, Ringmer

Spatial Strategy

Policy DM1: Planning Boundary
Policy DM2: Affordable Homes Exception Sites
Policy DM3: Accommodation for Agricultural and Other Rural Workers
Policy DM4: Residential Conversions in the Countryside
Policy DM5: Replacement Dwellings in the Countryside
Policy DM6: Equestrian Development
Policy DM7: Institutional Sites

Improving Access to Housing

Policy DM8: Residential Sub-Divisions and Shared Housing

Promoting Sustainable Economic Growth and Regeneration

Policy DM9: Farm Diversification
Policy DM10: Employment Development in the Countryside
Policy DM11: Existing Employment Sites in the Countryside
Policy DM12: Caravan and Camping Sites
Policy DM13: Existing Visitor Accommodation

Creating Healthy, Sustainable Communities

Policy DM14: Multi-functional Green Infrastructure
Policy DM15: Provision for Outdoor Playing Space
Policy DM16: Children's Play Space in New Housing Development
Policy DM17: Former Lewes/Sheffield Park Railway Line
Policy DM18: Recreation and Rivers

Protecting and Enhancing the Distinctive Quality of the Environment

Policy DM19: Protection of Agricultural Land
Policy DM20: Pollution Management
Policy DM21: Land Contamination
Policy DM22: Water Resources and Water Quality
Policy DM23: Noise
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Policy DM27: Landscape Design
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Policy DM30: Backland Development
Policy DM31: Advertisements
Policy DM32: Telecommunications Infrastructure
Policy DM33: Heritage Assets
Policy DM34: Areas of Established Character

Tackling Climate Change

Policy DM35: Footpath, Cycle and Bridleway Network
Policy DM36: Station Parking
Policy DM37: Former Lewes to Uckfield Railway Line

DRAFT

1. INTRODUCTION

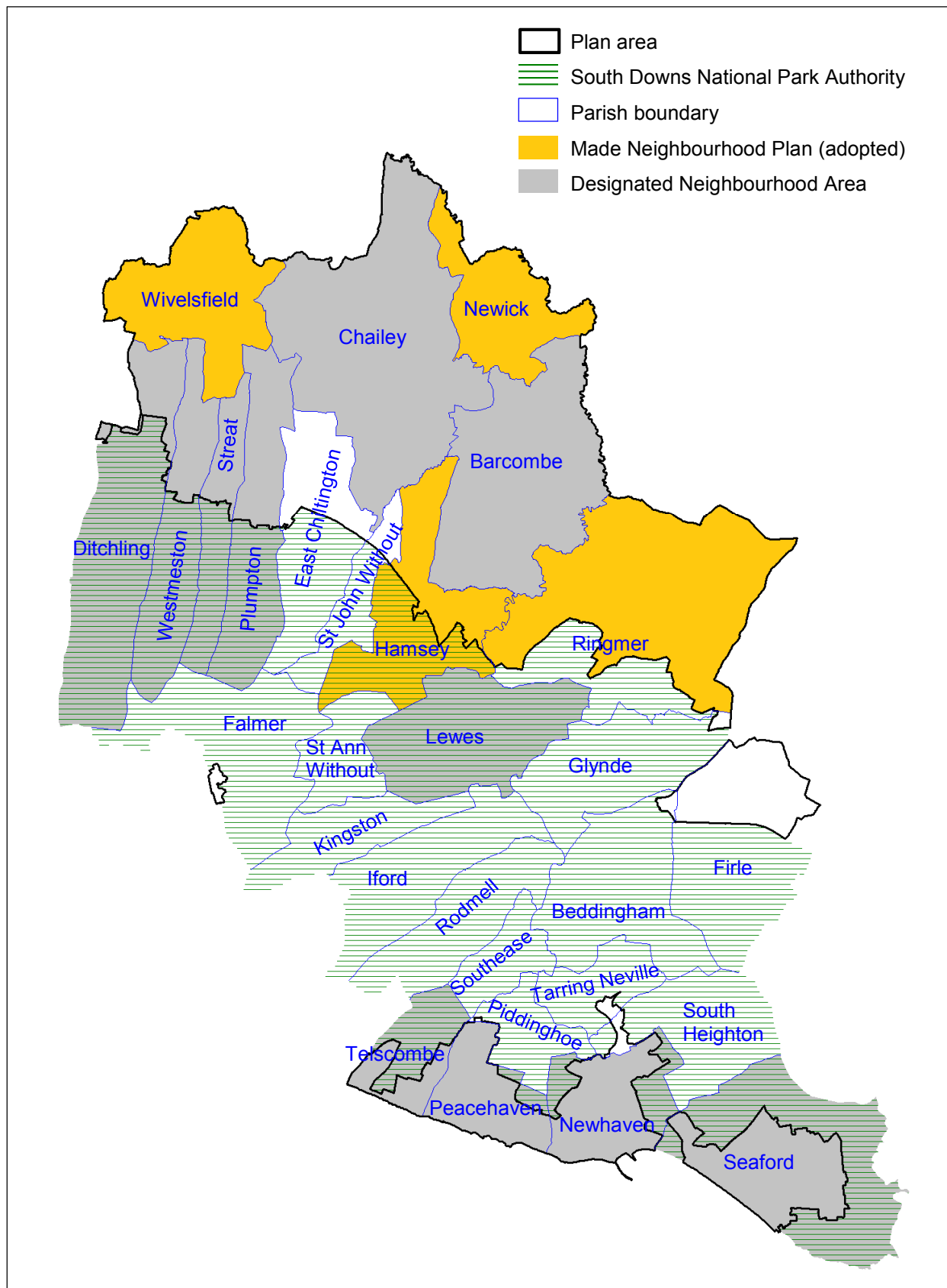
What is the Lewes District Local Plan?

- 1.1 The Lewes District Local Plan will eventually form part of the approved development plan for the area and will comprise of two documents:
 - *Local Plan Part 1: Joint Core Strategy 2010-2030*
 - *Local Plan Part 2: Site Allocations and Development Management Policies*
- 1.2 The primary document is the Local Plan Part 1: Joint Core Strategy, which is a strategic level plan for the whole district. This sets out the long term vision and objectives of the Council and provides a strategic policy framework to guide development and change in the period to 2030. It was adopted by Lewes District Council on 11 May 2016 and by the South Downs National Park Authority on 23 June 2016 and now forms part of the statutory development plan for the area.

What is the Local Plan Part 2?

- 1.3 The Local Plan Part 2: Site Allocations and Development Management Policies comprises the second of the Local Plan documents. It supports and seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1: Joint Core Strategy by:
 - identifying and allocating additional sites for particular land-uses
 - setting out detailed (non-strategic) development management policies to guide development and change
- 1.4 Importantly, the Local Plan Part 2 will only apply to the area covered by the Lewes District Planning Authority (i.e. Lewes District *excluding* the area within South Downs National Park). This is shown in Figure 1. The South Downs National Park Authority is preparing its own Local Plan, which will eventually supersede all other planning policies for the area of Lewes District within the National Park. For further information, visit www.southdowns.gov.uk.

Figure 1 Local Plan Part 2 Plan Area



What is the role of Neighbourhood Plans?

- 1.5 Neighbourhood plans were introduced in 2012 by the Localism Act. A fundamental principle of neighbourhood planning is that it is community-led, with the community establishing local planning policies for development and use of land within its neighbourhood. Neighbourhood plans enable local people to play a leading role in responding to the needs and priorities of the local community. A neighbourhood plan must generally be in conformity with the relevant local plan and can promote more but not less development than the local plan.
- 1.6 In Lewes District, the appropriate bodies for producing neighbourhood plans are the Town and Parish Councils. They can set out specific planning policies for their areas and allocate sites for development, thereby supporting the strategic development needs identified in the Local Plan Part 1: Joint Core Strategy. A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan and will be used to assess and determine planning applications within the designated neighbourhood area.
- 1.7 Within the area covered by the Local Plan Part 2: Site Allocations and Development Management Policies, there are a number of towns and parishes formally designated as neighbourhood areas for the purpose of preparing neighbourhood plans. Where a community is developing a neighbourhood plan that will include site allocations for specific uses, the District Council is not proposing to allocate sites in the Local Plan Part 2. Consequently, this document does not allocate sites, or identify settlement specific policies, within the following neighbourhood areas:
- Ditchling, Streat and Westmeston
 - Newhaven
 - Peacehaven and Telscombe
 - Plumpton
 - Seaford
- 1.8 Until neighbourhood plans for the town and parish areas listed above have been approved at referendum, the 'saved' policies in the Lewes District Local Plan 2003 that are specifically applicable to these designated areas will continue to form part of the development plan for the area.

How is the Local Plan Part 2 prepared?

Consultation

- 1.9 The process of preparing the Local Plan Part 2 is divided into a number of specific stages, which are identified in the timetable below:

Stages of the Local Plan Part 2 preparation

Issues & Options Topic Papers	Winter 2013/14
Draft Local Plan Part 2	Nov 2017- Jan 2018
Pre-Submission Consultation	Spring 2018
Formal Submission to Secretary of State	Summer 2018
Examination in Public	Autumn 2018
Adoption	Early 2019

- 1.10 In November 2013, the District Council published five Topic Papers for public consultation under regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012 . These Topic Papers sought views on a range of issues and policy options, including housing, employment, infrastructure, and development management policies. Views expressed during this consultation, together with engagement with key external stakeholders, have been important influences on the Local Plan Part 2.
- 1.11 In parallel with the consultation on the Topic Papers, the District Council held internal workshops and discussions with officers and members, and also had meetings with town and parish councils within the plan area. A 'call for sites' exercise was undertaken to provide the public with an opportunity to put forward sites that they would like to be considered for development. A background paper has been published that identifies the main issues raised during this consultation process and how the views expressed influenced the Draft Plan.
- 1.12 Following this consultation, a legal challenge was made to the decision of the District Council and the National Park Authority to adopt the Lewes District Local Plan Part 1: Joint Core Strategy. This prevented further progress on producing the Local Plan Part 2 until a High Court ruling was issued and the period to challenge that ruling had expired. Consequently, there has been an unavoidably lengthy period between the consultation on the Topic Papers and the publication of the Draft Plan for consultation.

Duty to Co-operate

- 1.13 The NPPF requires local planning authorities to work collaboratively to address strategic priorities and development requirements across local boundaries. The District Council and the National Park Authority were able to demonstrate how the 'Duty to Co-operate' requirements were met during the preparation of the Local Plan Part 1: Joint Core Strategy, adopted in 2016. The only significant cross-boundary issue that has been identified during the preparation of the Local Plan Part 2 is planning to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople (see paras.2.97- 2.101). The District Council continues to participate in the East Sussex Strategic Planning Members Group and the West Sussex and Greater Brighton Strategic Planning Board.

Evidence Base

- 1.14 The preparation of the Local Plan Part 2 has drawn on earlier evidence gathered during the Local Plan Part 1: Joint Core Strategy (JCS) process, as well as some further evidence-based assessments. As the policies and allocations contained in this document flow from the overarching development strategy and strategic policies of the JCS, they will have the same time horizon and largely the same evidence base. There are two notable updates to the JCS evidence base: the 2017 Strategic Housing Land Availability Assessment, published in August and the 2017 Habitat Regulations Assessment Addendum, published in October 2017, relating specifically to the Plan's effects on air quality in relation to the Ashdown Forest.

Sustainability Appraisal

- 1.15 Sustainability Appraisal is a tool which is used to inform decision making by identifying from an early stage the potential social, economic and environmental impacts of plans and strategies. The process incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive. This document has been developed and refined using sustainability appraisal to test ideas and options against a set of sustainability objectives to see how well they might achieve sustainable development. In order to ensure consistency, the same sustainability objectives have been used to inform both preparation of this document and the Local Plan Part 1. Information on other reasonable alternative options which have been considered and discounted in favour of the Local Plan Part 2 policies is set out in the Sustainability Appraisal Report, which is published alongside this document.

Habitats Regulations Assessment

- 1.16 In addition to its plan making role, the Council is required to ensure that the policies and proposals contained in its local plan will not have a significant effect on the Sites of European and International Importance (European Sites) such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Significant effect is assessed both in terms of individual and cumulative impact of policies and proposals. This "Appropriate Assessment" work is carried out under The Conservation of Habitats and Species Regulations 2010, commonly abbreviated to the Habitats Regulations (HRA). The HRA reports published alongside this document demonstrate that there will be no likely significant adverse effect on any of the protected areas as a result of implementing the Local Plan Part 2.

2. SITE ALLOCATIONS

Housing Policy Context

- 2.1 Spatial Policies 1 and 2 of the Lewes Local Plan Part 1 set out the quantum and distribution of housing to be delivered over the Plan period.
- 2.2 Spatial Policy 1 identifies a housing requirement figure of a minimum 6,900 (345dpa) net additional dwellings. As set out in Spatial Policy 2, a proportion of this housing figure has already been met by completions, extant commitments and strategic housing site allocations. Part (2) of Spatial Policy 2 sets out the distribution of housing growth to be planned for across a number of settlements within the district.
- 2.3 Table 1 below identifies the housing growth for settlements outside the National Park. The figures are taken from Spatial Policy 2 of the Core Strategy. These housing figures will be met through site allocations within Local Plan Part 2 or neighbourhood plans and contribute to the overall 6,900 housing requirement figure.

Table 1 – Planned level of housing, outside the National Park

Settlement	Planned level of housing
Edge of Haywards Heath (within Wivelsfield Parish)	0
Seaford	185
Newhaven	425
Peacehaven & Telscombe	255
Edge of Burgess Hill (within Wivelsfield Parish)	100
Ringmer & Broyle Side	217
Newick	100
Barcombe Cross	30
Plumpton Green	50
Wivelsfield Green	30
Cooksbridge	30
North Chailey	30
South Chailey	10
Total	1145

- 2.4 Where neighbourhood plans have not, or do not intend to, identify sites for housing, allocations are set out in Section 2 below. Currently, there are five emerging neighbourhood plans within the plan area (Peacehaven & Telscombe, Newhaven, Seaford, Ditchling, Streat & Westmeston, and Plumpton) which are looking to allocate housing sites in line with Spatial Policy 2 of the Local Plan Part 1.

- 2.5 Ensuring that the emerging neighbourhood plans progress in a timely manner will be crucial to achieving the objectives and requirements of the Local Plan Part 1. As such, a timetable of the key milestones of preparation for each of the above emerging neighbourhood plan's form part of the Monitoring Framework for Local Plan Part 2. With this the Neighbourhood Planning Officer will be able to closely monitor the progress of the neighbourhood plans. Should any concerns arise regarding timings then the Council will, with the relevant neighbourhood plan lead, consider what, if any, measures are needed to resolve the issue(s). These measures might include provision of additional support or the Council recovering the role of identifying allocations through a subsequent development plan document or a future review of the Local Plan.
- 2.6 The table below sets out the planned levels of housing figures updated to reflect the position as at 1 April 2017 for the settlements outside the South Downs National Park. As identified strategic site allocations in the Local Plan Part 1 and made neighbourhood plan housing sites now sit under the Commitments column.

Table 2 – Summary of updated planned levels of housing growth, outside the National Park

Settlement	Completions (April 2010 – April 2017)	Commitments (as at 1 April 2017)	Housing to be delivered through subsequent allocations	Total
Edge of Haywards Heath (within Wivelsfield Parish)	0	175	0	175
Seaford	265	211	248	724
Newhaven	195	990	324	1509
Peacehaven & Telscombe	486	587	194	1267
Edge of Burgess Hill (within Wivelsfield Parish)	89	63	24	176
Ringmer and Broyleside	6	366	13	385
Newick	27	149	0	176
Barcombe Cross	2	0	30	32
Plumpton Green	21	1	50	72
Wivelsfield Green	38	85	0	123
Cooksbridge	5	27	3	35
North Chailey	5	15	15	35
South Chailey	3	1	10	14
All other settlements and areas (outside NP)	138	82	0	220
Totals	1280	2752	911	4943

- 2.7 Part (3) of Spatial Policy 2 identifies a residual 200 net additional units to be met in locations to be determined. The Local Plan Part 1 notes that the residual 200 dwellings are to be considered and allocated through Local Plan Part 2, the SDNPA Local, neighbourhood plans or a combination of these. However, following the adoption of Spatial Policy 2, a large site in Seaford town has been granted outline planning permission, subject to section 106 agreement, for up to 183 dwellings and a sports pitch at the former Newlands School.
- 2.8 This site was first identified as a potential deliverable site within the 2015 Strategic Housing and Economic Land Assessment (SHELAA), subsequent to the identification of strategic site allocations and levels of planned housing growth for settlements. The former Newlands School site contributes to the 200 units as it does not form part of an allocated strategic site, or included within the settlement's planned housing growth figure, but considered a sustainable option for contributing to this unmet figure. The remaining 17 dwellings are met by the delivery of approximately 20 housing numbers identified, in table 5, above in the total housing requirement figure.

Housing Site Allocations

- 2.9 The following section sets out housing site allocations considered suitable for development to deliver the minimum level of housing identified in the Local Plan Part 1. Only allocations for settlements where housing sites are not being identified through neighbourhood plans are made below.
- 2.10 Where housing allocations from the 2003 Lewes District Local Plan have been retained these are also identified below under the relevant settlement, with relevant amendments to the policy wording made to reflect any changes in circumstance and/ or policy.
- 2.11 Allocations contained within Local Plan Part 2 establish the principle of development. However, planning permission must still be obtained through the planning application process. Planning applications will be determined against the development plan, including Core Policies of the Local Plan Part 1, Development Management (DM) policies of Local Plan Part 2, once adopted, and policies contained within neighbourhood plan where sufficient weight can be given. Other relevant development plans, such as the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, will also need to be given appropriate consideration at the time.

Towns

Newhaven

- 2.12 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 425 net additional dwellings to be planned for within the settlement of Newhaven.
- 2.13 The Council is aware that Newhaven Town Council is preparing a neighbourhood plan which will include housing site allocations to meet their identified planned level of growth over the Plan period. At the time of writing Newhaven has consulted on their Draft Newhaven Neighbourhood Plan (Regulation 14) which identifies housing sites with the potential to deliver 446 net dwellings. The Council will therefore maintain a supporting role to the Town Council as they progress their neighbourhood plan to submission.
- 2.14 Whilst the Newhaven Neighbourhood Plan is looking to allocate housing sites to meet the requirements of Spatial Policy 2, two previous 2003 LDLP housing allocations have been reviewed and retained. These sites continue to contribute to the Council's housing supply.

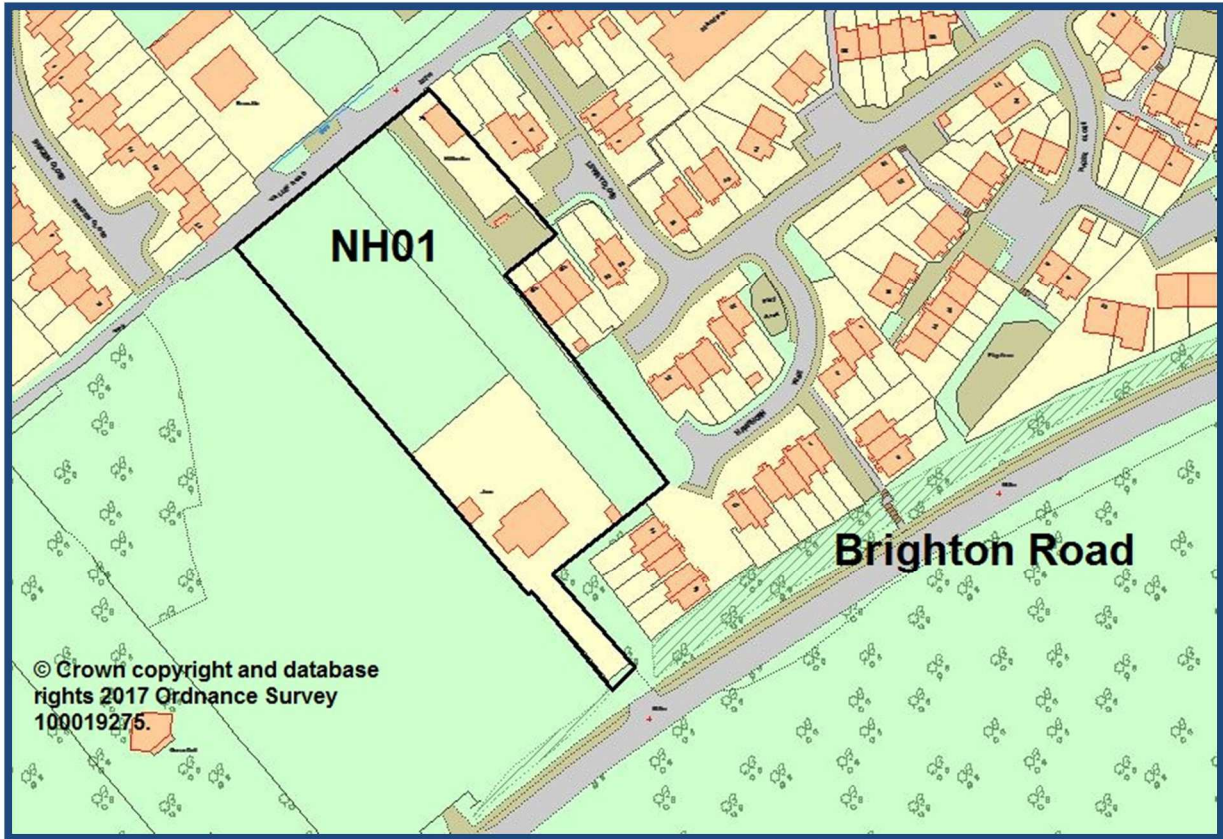
Policy NH01 - South of Valley Road

Land south of Valley Road (0.76ha), as shown on the below map (figure 2), is allocated for residential development at a target minimum of 24 dwellings subject to compliance with all appropriate development plan policies

The land south of Valley Road is a long-standing commitment and has been allocated for residential development since the 1970s. It was also allocated in the Newhaven District Plan (adopted 1982) for residential development. Part of this allocation has now been constructed, however, there is still an area within the allocation which remains to be developed.

Any development should respect the visibility of the site from long and short views, from the A259 in particular. In order to provide a development which blends into the existing form of development and landscape, it may be appropriate for some limited excavation to be carried out in the land form.

Figure 2: South of Valley Road housing site allocation



Policy NH02 - Land at The Marina

Land at The Marina (4.5ha), as shown on below map (figure 3), is allocated for residential development at a target minimum of 100 units subject to:-

- a) no loss in the number of existing berths;**
- b) the provision of adequate parking to serve the berths;**
- c) new development must include an appropriate standard of flood protection (including safe access to the site) and provision for future maintenance;**
- d) compliance with appropriate development plan policies.**

In association with the residential development small-scale specialised retail/food and drink premises and leisure uses associated with The Marina activities would also be acceptable.

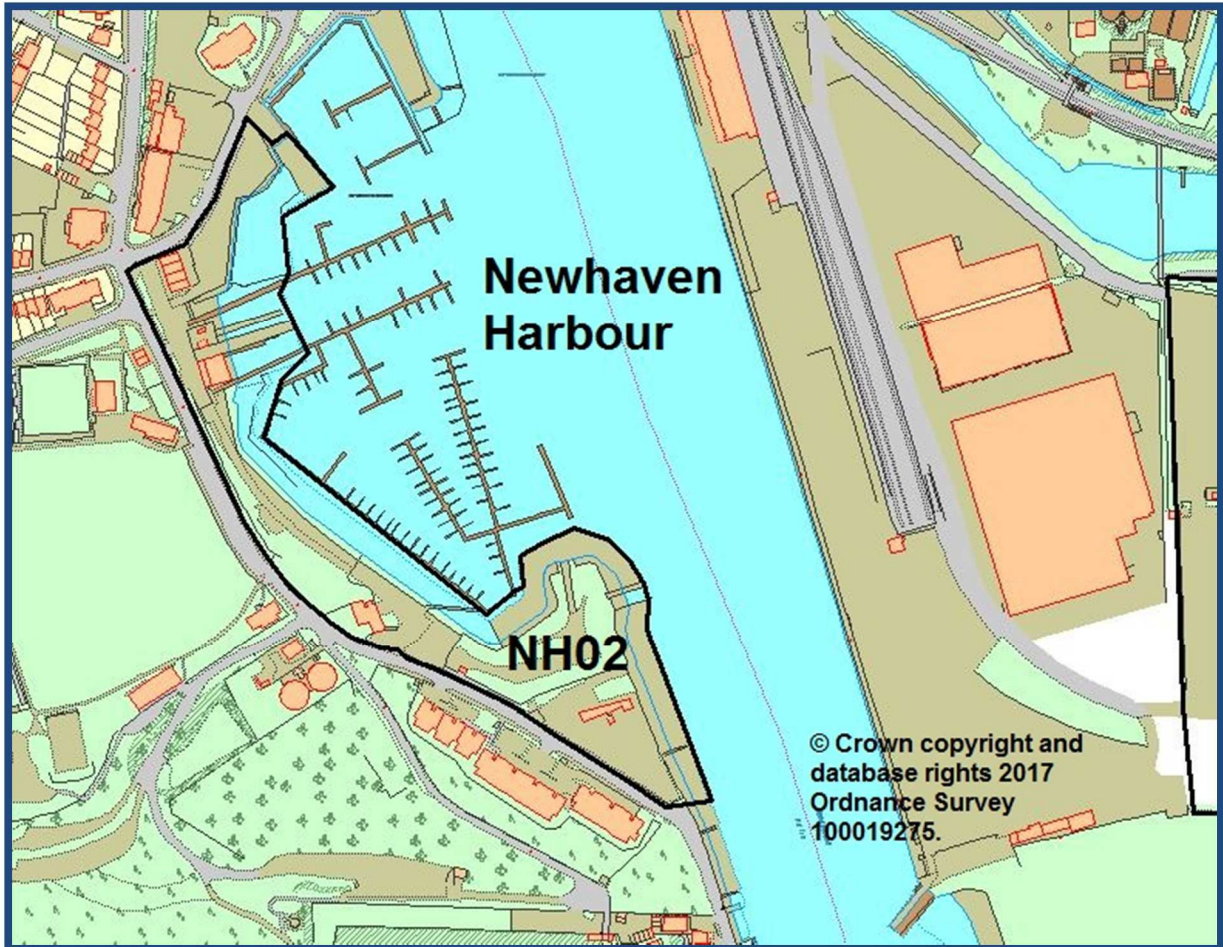
The Marina lies in a very prominent position along the Quayside. It is appreciated that there is scope for the rationalisation of the existing uses within the site, whilst still maintaining the maritime character.

The site is at risk to flooding and, therefore, any development should provide adequate flood defence measures, and associated maintenance, in accordance with current planning guidance.

The Marina fulfils an important role in Newhaven and it is important that such a use is maintained within the site. However, it is considered that a target minimum of 100 units could also be accommodated within the site with around 40 affordable homes for local needs. Whilst it is recognised that the site, until 2015, had planning permission for a higher capacity this scheme was responding to a then increasing demand for flatted development. It is considered reasonable to retain the minimum target of 100 units to enable any future proposal to appropriately reflect the demand at the time.

In addition, small scale specialised retail/food and drink premises and other leisure uses associated with the Marina could contribute to the ambience of the area. The provision of adequate car and trailer parking to serve the users of the Marina is considered as an important operational requirement for the Marina. Therefore, any scheme should ensure that adequate facilities are provided.

Figure 3: Land at The Marina housing site allocation



Peacehaven & Telscombe

2.15 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 255 net additional dwellings to be planned for within the settlements of Peacehaven and Telscombe.

2.16 The Council is aware that Peacehaven and Telscombe Town Councils are designated as a neighbourhood plan area and are looking to progress a neighbourhood plan which will identify housing site allocations to meet their identified planned level of growth over the Plan period. At the time of writing the Town Councils are at a very early stage of preparation. The Council will maintain a supporting role as they progress their neighbourhood plan to submission.

Seaford

2.17 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 185 net additional dwellings to be planned for within the settlement of Seaford.

- 2.18 The Council is aware that Seaford Town Council is designated as a neighbourhood plan area and is looking to progress a neighbourhood plan which will identify housing site allocations to meet their identified planned level of growth over the Plan period. At the time of writing the Town Council is at a very early stage of preparation. The Council will maintain a supporting role as they progress their neighbourhood plan to submission.

Edge of Burgess Hill (within Wivelsfield Parish)

- 2.19 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 100 net additional dwellings to be planned for within the area of Edge of Burgess Hill. Housing site allocations to deliver the minimum 100 net additional dwellings are identified below.
- 2.20 The area identified as Edge of Burgess Hill within Spatial Policy 2 is within Wivelsfield Parish. Wivelsfield Parish has a made neighbourhood plan. Whilst the Wivelsfield Neighbourhood Plan covers the whole of Wivelsfield Parish it only allocates housing sites to meet the 30 net additional dwellings identified for the settlement of Wivelsfield Green. Therefore the Council has identified housing site allocations to meet the housing numbers required. However, policies within the Wivelsfield Neighbourhood Plan will need to be considered in determining future planning applications.
- 2.21 The town of Burgess Hill is predominately located within West Sussex County and Mid Sussex district, although a number of properties along Valebridge Road and the area south of Theobalds Road, between Charlwood Gardens and Orchard Close, are within East Sussex County and Lewes district. Burgess Hill is one of two large settlements bordering the north west boundary of Lewes District, influencing this part of the district in areas such as housing and commuting. The town is approximately 1 mile south of Haywards Heath, at their nearest borders, and 12 miles north west of Lewes town.
- 2.22 At the 2011 Census Wivelsfield Parish had a population of 1,980. The Parish includes the settlements of Wivelsfield Green and Wivelsfield. Existing and planned residential development adjacent to the larger settlements of Burgess Hill and Haywards Heath also fall within Wivelsfield Parish. Burgess Hill has a range of facilities and services with good public transport links. The town is classified as a District Centre within the District Council's Settlement Hierarchy, recognising the town's accessibility to shops, key services, employment opportunities, education and leisure facilities.
- 2.23 The town of Burgess Hill is located within the landscape character of the Low Weald. The area north east of Burgess Hill, which is identified for growth within the Core Strategy, is principally formed of medium, irregular shaped fields bordered by tree shaws connecting larger parcels of woodland, characteristic of the Low Wealden landscape. The immediate area is well contained by existing development along Valebridge Road and woodland connected by tree shaws. These offer potential valuable habitats and help mitigate potential impacts of future development on the wider landscape.

- 2.24 The 2017 Strategic Housing and Economic Land Availability Assessment (SHELAA), as well as previous Assessments, identified a limited number of suitable sites to meet the planned level of housing for the Edge of Burgess Hill area. Two of the potential housing site options, land at Medway Gardens for 27 net dwellings and land rear of The Rosery for 54 net dwellings, have now been approved for residential development. Given the limited number of suitable housing site options to meet the minimum 100 net additional dwellings at the Edge of Burgess Hill the above two developments will contribute towards the identified minimum 100 dwellings. Therefore, there remains a need for 19 dwellings to be allocated on a further site(s).

Policy BH01 - Land at The Nuggets, Valebridge Road

This site (1.1ha), as shown on the below map (figure 4), is allocated for residential development providing approximately 14 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from Valebridge Road;**
- b) Buildings reflect the local character in terms of mass, height and form;**
- c) Retention of boundary trees, where possible, to provide appropriate landscape buffer;**
- d) Tree surveys undertaken and appropriate measures are identified and implemented accordingly to mitigate potential adverse impacts on the Tree Protection Order group and Ancient Woodland on and/ or adjacent to site.**
- e) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement where possible; and**
- f) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

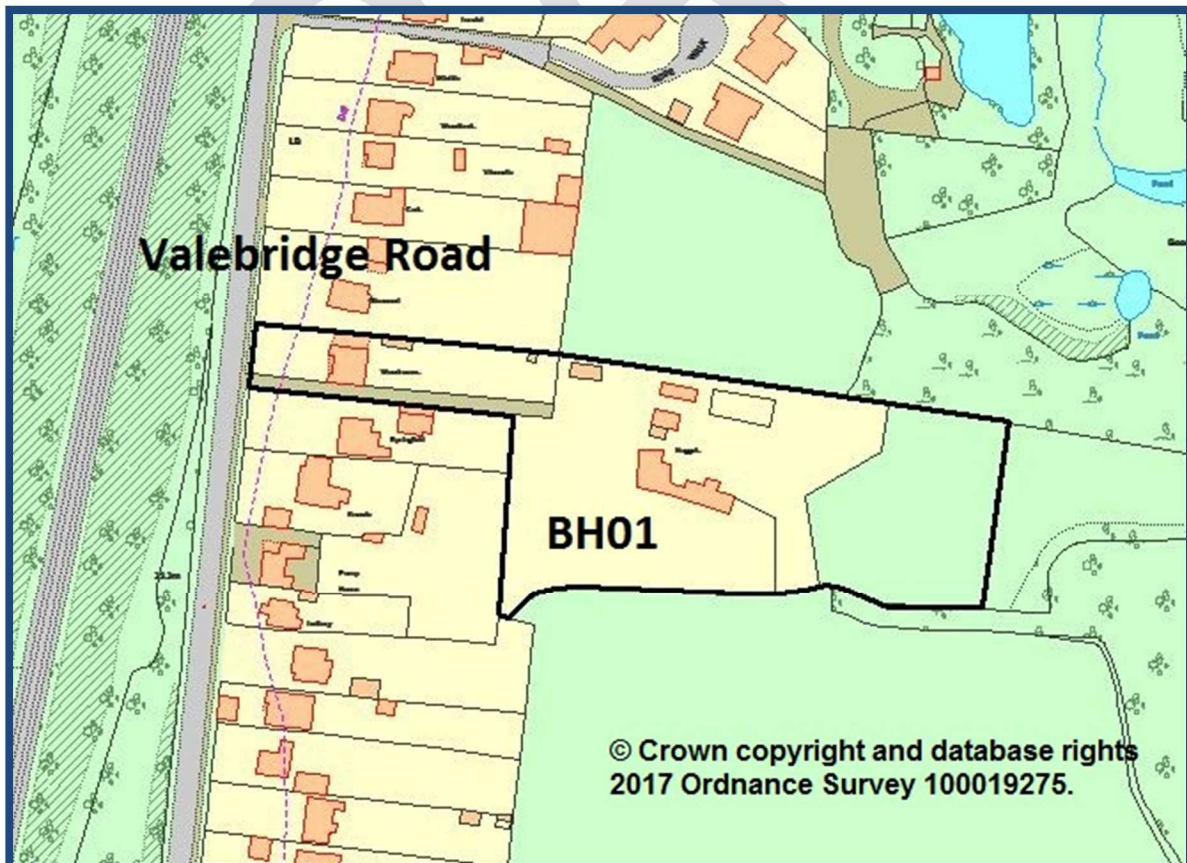
- 2.25 This policy allocates land for residential development. The site lies north east of Burgess Hill, east of Valebridge Road, off an existing private track leading to the property of the 'Nuggets'. The site is a relatively large, single plot of land accommodating one property, a small pond and several outbuildings with extensive residential curtilage to the rear. Whilst key services and facilities are not within walking distance, bus services to access the town centre are available within approximately 400m of the site.

- 2.26 Access to the site is currently gained from the private track which serves the 'Nuggets' property. Demolition of the property 'Woodreeves' will be needed to enable the required road widths and junction improvements to be achieved, unless other suitable access is established. Whilst the site is predominately in East Sussex County the junction with Valebridge Road will be in West Sussex

County. Therefore, issues of access and potential impacts of additional traffic on the local transport network will need to be considered by both highway authorities.

- 2.27 Existing development along the nearest section of Valebridge Road is largely linear with private tracks providing access to a small number of properties to the rear. However, recent and currently approved developments south of the site will effectively 'fill out' the areas to the east of Valebridge Road, between the 'Nuggets' and Theobalds Road. Landscape analysis shows that this area has medium/ high capacity for change in landscape sensitivity and value terms. The site itself is well contained by tree shaws leading to more substantial parcels of woodland, providing natural existing mitigation to the surrounding landscape from development. Much of the site's north and south boundaries are bordered by a recently designated Tree Protection Order (TPO) group or sections of Ancient Woodland. These designations are not seen as a significant constraint on development of this site. However, informed by ecological and tree surveys, appropriate mitigation, possibly including buffer zones, will need to be implemented to help protect these features against the potential impacts of development.
- 2.28 The site itself does not form part of a formal biodiversity designation. However, local records indicate presence of bats, dormouse, barn owls and reptiles. As such, an ecological impact assessment will be required, together with appropriate mitigation, informed by the EclA, to be implemented accordingly.

Figure 4: Land at the Nuggets, Valebridge Road housing site allocation



Policy BH02 - Land at Oakfields, Theobalds Road

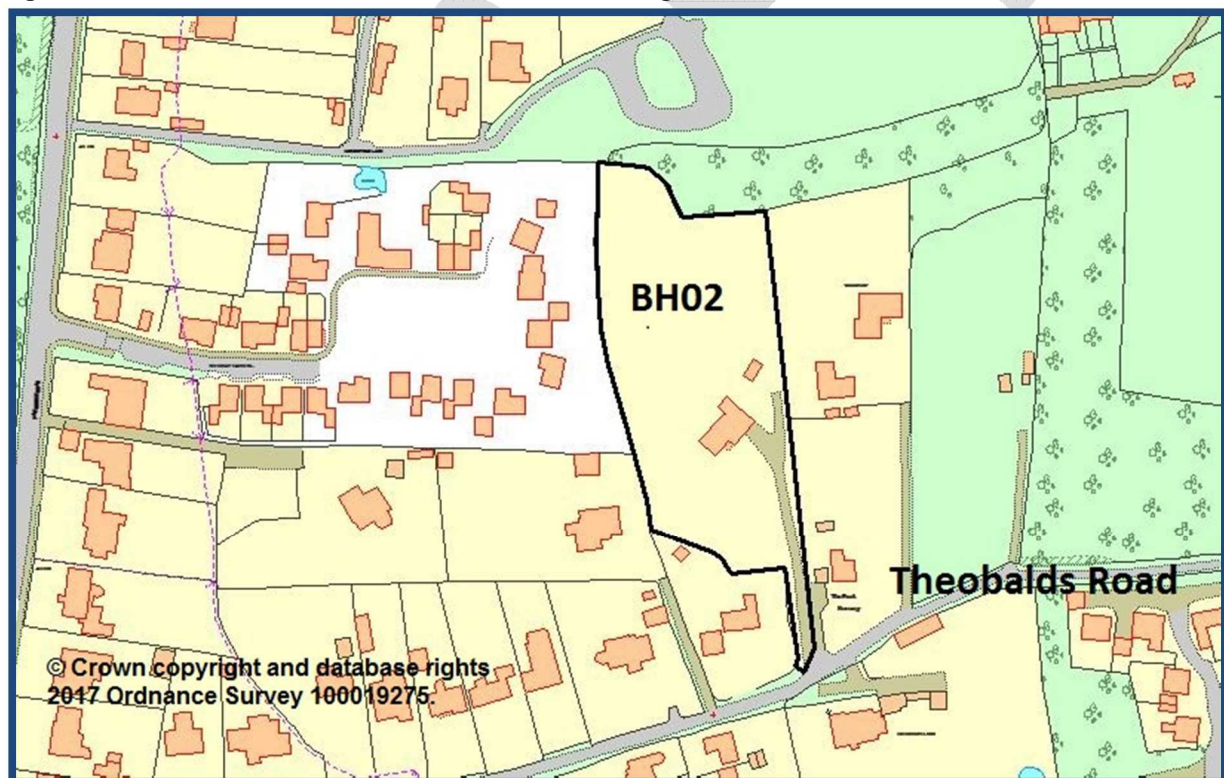
This site (0.72ha), as shown on the below map (figure 5), is allocated for residential development providing approximately 10 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from Valebridge Road, via Theobalds Road;**
- b) Buildings reflect the local character in terms of mass, height and form;**
- c) Development is subject to an appropriate assessment and evaluation of archaeological potential and mitigation measures implemented accordingly;**
- d) Retention of boundary trees, where possible, to provide appropriate landscape buffer;**
- e) Tree surveys undertaken and appropriate measures are identified and implemented accordingly to mitigate potential adverse impacts on the Tree Protection Order groups adjacent to site;**
- f) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement where possible; and**
- g) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

- 2.29 This policy allocates land for residential development. The site lies north east of Burgess Hill, east of Valebridge Road, north of Theobalds Road to the rear of the property 'Stamford'. The site is a relatively large, single plot of land accommodating one property and outbuilding. Whilst key services and facilities are not within walking distance, bus services to access the town centre are available within approximately 430m of the site.
- 2.30 Access to the site is currently gained via a track which serves approximately a dozen properties and limited number of farms and businesses. Whilst the site is within East Sussex County part of the access track and junction with Valebridge Road is in West Sussex County. Therefore, issues of access and potential impacts of additional traffic on the local transport network will need to be considered by both highway authorities.
- 2.31 Approximately a third of the southern part of the site is within an Archaeological Notification Area, noted for its Roman and medieval settlement interest. As such, appropriate assessments and surveys of the site's archaeological and historic interest will be expected to inform appropriate mitigation by design and recording.

- 2.32 The existing surrounding built up area is a mix of linear development along Valebridge Road and more clustered form of development south of Theobalds Road. Recent and currently approved developments adjacent and north of the site will continue to effectively 'fill out' the areas east of Valebridge Road. Landscape analysis shows that this area has medium/ high capacity for change in landscape sensitivity and value terms. The site itself is bordered by tree shaws connecting to more substantial parcels of woodland which provide natural existing mitigation to the surrounding landscape from development. Part of the site's western boundary is designated as Tree Protection Order (TPO) groups. These designations are not seen as a significant constraint on development on this site. However, informed by ecological and tree surveys, appropriate mitigation, possibly including buffer zones, will need to be implemented to help protect these features against the potential impacts of development.
- 2.33 The site itself does not form part of a formal biodiversity designation. However, local records indicate presence of bats, dormouse, barn owls and reptiles. As such, an ecological impact assessment will be required, together with appropriate mitigation, informed by the EclA, to be implemented accordingly.

Figure 5: Land at Oakfields, Theobalds Road housing site allocation



Barcombe Cross

- 2.34 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 30 net additional dwellings to be planned for within the settlement of Barcombe Cross. Housing site allocations to deliver the minimum 30 net additional dwellings are identified below.
- 2.35 The Council is aware that Barcombe Parish is designated as a neighbourhood plan area and is at the very early stages of preparing a neighbourhood plan. The Parish Council has decided not to identify housing site allocations within their neighbourhood plan. Therefore, the Council has identified housing site allocations to meet the housing numbers required at Barcombe Cross. Once the Barcombe Neighbourhood Plan has gained sufficient weight, policies in the Plan will also need to form part of the determination process of future planning applications.
- 2.36 Barcombe Cross is a nucleated settlement largely concentrated at the cross roads of the High Street, School Hill and Barcombe Mills Road. The village is approximately three and a half miles north of Lewes town and four and a half miles south west of Uckfield, which lies within Wealden District.
- 2.37 At the 2011 Census Barcombe Parish had a population of 1,473. The Parish includes Barcombe Cross and the smaller settlement of Barcombe located to the south of Barcombe Cross. Barcombe Cross has a good range of key services for a village of its size but limited accessibility to public transport. The village is classified as a Service Village within the District Council's Settlement Hierarchy recognising that the some day-to-day needs of residents are met within the village.
- 2.38 Barcombe Cross is located on a ridge giving it an elevated position within the wider landscape. As such, longer views of the Low Weald can be had, particularly to the north and east of the village. The surrounding landscape is predominately formed of medium to larger irregular shaped fields bordered by hedges and trees, characteristic of the Low Wealden landscape. Other notable features are the Bevern Stream which meanders north and east of Barcombe Cross and the now disused Lewes to Uckfield railway line which runs north/south to the west of the village.
- 2.39 The 2017 Strategic Housing and Economic Land Availability Assessment (SHELAA), as well as previous Assessments, identified a limited number of suitable sites to meet the planned level of housing for Barcombe Cross. This is due to visually sensitive nature of the landscape surrounding areas adjacent to the village, limiting opportunities for expansion.

Policy BA01 - Land at Hillside Nurseries, High Street

This site (0.21ha), as shown on the below map (figure 6), is allocated for residential development providing approximately 6 units.

Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from High Street;**
- b) Development respects the character and amenity of the Barcombe Cross Conservation Area;**
- c) Development is subject to an appropriate assessment and evaluation of archaeological potential and mitigation measures implemented accordingly;**
- d) Development is subject to investigation into potential contamination and appropriate mitigation measures agreed with the relevant authority;**
- e) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement where possible; and**
- f) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

- 2.40 This policy allocates land at the former Hillside Nurseries for residential development. This site is located on the western edge of Barcombe Cross village between the property of 'Hillside' and a small private residential development, 'The Grange'.
- 2.41 The site is a small, flat relatively enclosed grassed field and forms part of the former nurseries. A number of small derelict buildings are located in the south west corner which will be removed as part of any development. The site is in walking distance of local services and facilities available in the village centre, offering a sustainable location for new development.
- 2.42 The site is currently accessed by a track from the High Street which serves the two residential properties 'Hillside' and 'Vine Slead'. Improvements to the junction and track are required to accommodate additional dwellings. The widening of the existing access track or provision of passing places have been explored as potential solutions. Third party land is likely to be needed to achieve this. Discussions with adjacent landowners and the highway authority are ongoing to establish a suitable solution, but delivery is considered achievable within the plan period.
- 2.43 The site lies within the Barcombe Cross Conservation Area. The Barcombe Cross Conservation Area Appraisal (CAA) highlights that the historic core is focussed at the village crossroads to the east of the site. The village has grown

incrementally to the south (Weald View), east (The Grange) and, more recently, north (The Willows). The property adjacent to the site, 'Hillside', is noted within the CAA as one which makes a contribution to the townscape. New development should therefore be of high quality and respect the qualities of the Conservation Area.

- 2.44 Whilst the site does not lie within any historical designation, such as an Archaeological Notification Area, it is within an area of medium archaeological potential. As such, an appropriate assessment and evaluation of the site's archaeological and historic interest will be expected to inform appropriate mitigation by design and recording.

Policy BA02 - Land adjacent to the High Street

This site (1.24ha), as shown on the below map (figure 6), is allocated for residential development providing approximately 25 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from High Street;**
- b) Buildings are no more than two storeys in height;**
- c) Development respects the character, amenity and setting of the adjacent Barcombe Cross Conservation Area;**
- d) Development is subject to an appropriate assessment and evaluation of archaeological potential and mitigation measures implemented accordingly;**
- e) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development will also allow for the protection of biodiversity and enhancement where possible;**
- f) Appropriate Flood Risk Assessment, surface water drainage strategy and mitigation is agreed with appropriate body and implemented accordingly; and**
- g) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

- 2.45 This policy allocates land for residential development. The site lies at the western edge of Barcombe Cross between Bridgelands and an existing private track leading to the property of 'Hillside'. The site is in walking distance of local services and facilities available in the village centre, offering a sustainable location for new development.

- 2.46 Access to the paddock is currently gained from the track east of the site. This track serves the two residential properties 'Hillside' and 'Vine Sled' and is not in the same ownership. Discussions with the highway authority are ongoing to

establish a suitable solution, but delivery is considered achievable within the plan period. Improvements to the junction and track, if utilised to gain access, are required to accommodate additional dwellings.

- 2.47 The site is a medium sized, grassed field currently used as a paddock. The site slopes up gradually from the main road, High Street, giving a sense of openness. Consequently, it is visually sensitive, particularly when entering the village from the east. Glimpses of the rooftops of 'Hillside' and The Grange residential estate can be seen. However, the site is otherwise relatively contained from wider surrounding views by existing development to the south and east, by the disused railway embankment to the west and by mature trees to the north. As part of any development, new properties should be set back from the High Street, be no more than two storeys and 'blocks' of development avoided to help retain a sense of transition into the village from the surrounding rural area.
- 2.48 Barcombe Cross Conservation Area envelops the site on three sides. The Barcombe Cross Conservation Area Appraisal (CAA) highlights that the historic core is focussed around the crossroads to the east of the site. The residential property 'Willow Cottage' located adjacent to the south west of the site is identified as a building of historic or local interest within the CAA. Careful consideration will need to be given to the design and layout of future development, ensuring any scheme is sensitive to potential landscape impacts and constraints of the surrounding historic environment.
- 2.49 A small corner in the south east part of the site is within an Archaeological Notification Area, noted for its post-medieval hamlet interest and WWII remains. The site also lies in an area of medium archaeological potential. As such, an appropriate assessment and evaluation of the site's archaeological and historic interest will be expected to inform appropriate mitigation by design and recording.
- 2.50 The site itself does not form part of any formal biodiversity designation. However, slow worms and grass snakes have been recorded on site as protected species and a Biodiversity Action Plan species. As such, an ecological impact assessment will be required, together with appropriate mitigation where necessary as informed by the ecological impact assessment.
- 2.51 Although the site is within Flood Zone 1 (the least at risk of flooding), the area to the west of the site 'The Bridgelands' currently experiences issues of surface water flooding. To ensure that the situation is not exacerbated by the development of this site, a site specific flood risk assessment will be required. Any necessary mitigation measures, including appropriate Sustainable Urban Drainage System (SuDs) will need to be implemented to mitigate any risk of surface water flooding resulting from the development.

Policy BA03 - Land at Bridgelands

This site (0.55ha), as shown on the below map (figure 6), is allocated for residential development providing approximately 7 units.

Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from the High Street via Bridgelands;**
- b) Development complements the character of the existing local built form, in terms of height, mass and design, and the site's village edge location;**
- c) Development respects the character and amenity of the adjacent Barcombe Cross Conservation Area;**
- d) Development is subject to an appropriate assessment and evaluation of archaeological potential and any mitigation measures implemented;**
- e) Appropriate Flood Risk Assessment, surface water drainage strategy and mitigation is agreed with appropriate body and implemented accordingly;**
- f) Tree surveys undertaken and appropriate measures are identified and implemented accordingly to mitigate potential adverse impacts on Tree Protection Order on site;**
- g) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement, where possible; and**
- h) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

2.52 This policy allocates land for residential development. The site lies at the western edge of Barcombe Cross between Bridgelands, to the west, and the allotments to the east. The site is within reasonable walking distance of local services and facilities available in the village centre, offering a sustainable location for new development.

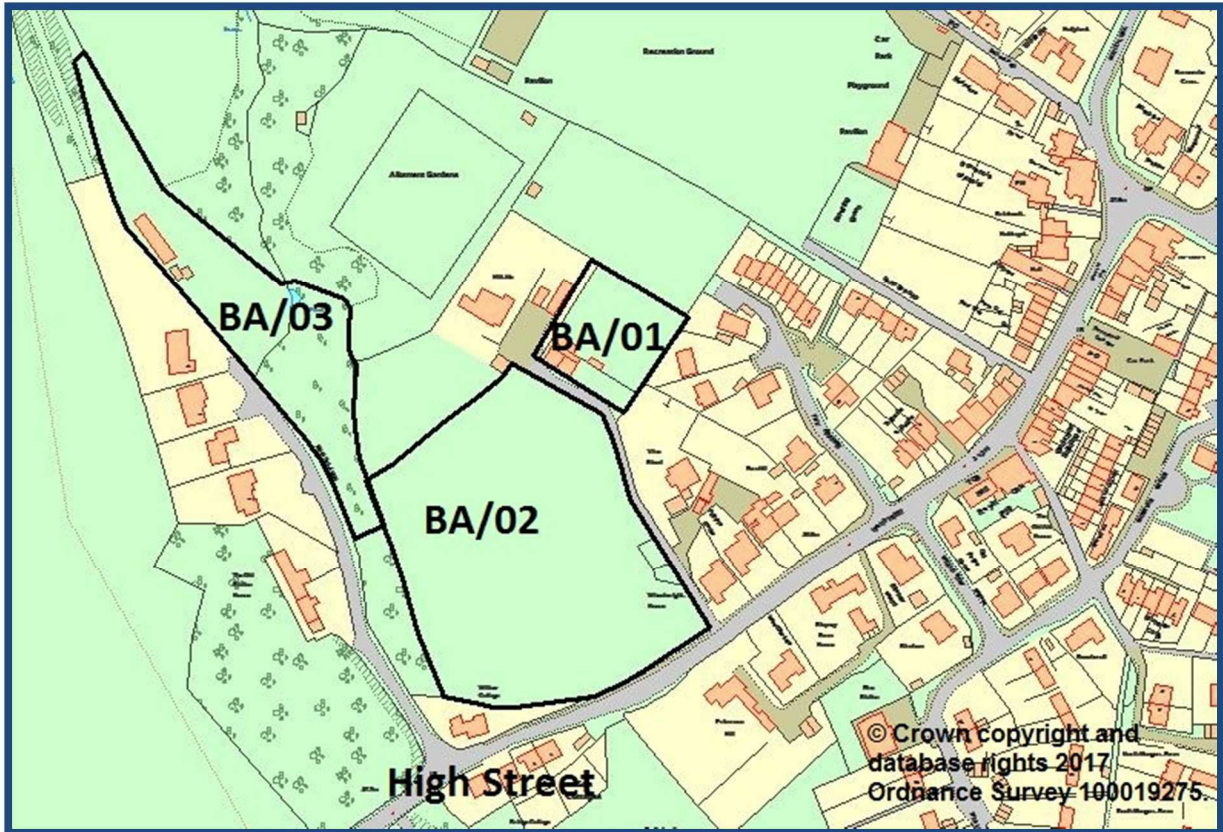
2.53 Access to the site is from Bridgelands which serves a small number of properties. Initial technical highways work has been undertaken by the proponent and demonstrate that the necessary junction improvements to achieve the required visibility to accommodate the additional dwelling, and proposed shared pedestrian access, are acceptable in principle with East Sussex County Council, as the highway authority.

2.54 The site is a small, linear and vacant parcel of land tapering at the both the north and south end. The site is well contained from wider surrounding views by existing development and disused railway embankment to the west, and by

mature trees to the north and east. Bridgelands is characterised by larger, detached two storey properties set back from the road. The development of this site should be sensitively designed to complement the local character, as well as the site's village edge location, bearing in mind the general need for smaller housing units, as reflected in Core Policy 2.

- 2.55 A small section of the site's southern boundary is adjacent to the Barcombe Cross Conservation Area. The Barcombe Cross Conservation Area Appraisal (CAA) highlights that the historic core is focussed around the crossroads to the east of the site. The CAA notes that the residential property 'The Old Station House' located to the south west of the site is identified as one which makes a contribution to the Conservation Area.
- 2.56 Whilst the site does not lie within any historical designation, such as an Archaeological Notification Area, the site lies in an area of medium archaeological potential. As such, an appropriate assessment and evaluation of the site's archaeological and historic interest will be expected to inform appropriate mitigation by design and recording.
- 2.57 The site is within Flood Risk Zone 1 (the least at risk of flooding). Despite this, the site and surrounding area currently experiences issues of surface water flooding. The site presently accommodates a pond and number of ditches. Therefore, to ensure that no dwellings are placed in an area of flood risk and the flooding situation is not exacerbated by the development of this site, a site specific flood risk assessment will be required and any necessary mitigation measures, including appropriate Sustainable Urban Drainage System (SuDs), implemented accordingly.
- 2.58 Within the site a single designated Tree Protection Order (TPO) is present. The incorporation of the designation within a scheme's layout is considered achievable. As such, the designation is not seen as a significant constraint on the development of this site. However, ecological and tree surveys will need to inform appropriate mitigation and implemented accordingly.

Figure 6: Barcombe Cross housing site allocations



North Chailey

2.59 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 30 net additional dwellings to be planned for within the settlement of North Chailey. Housing site allocations to deliver the minimum 30 net additional dwellings have been identified below.

2.60 The District Council is aware that Chailey Parish is designated as a neighbourhood plan area and is at the very early stages of preparing a neighbourhood plan. The Parish Council has decided not to identify housing site allocations within their neighbourhood plan. Therefore, the Council has identified housing site allocations to meet the housing numbers required at North Chailey. Once the Chailey Neighbourhood Plan has gained sufficient weight, policies within the Plan will also need to form part of the determination process of future planning applications.

2.61 North Chailey is a relatively nucleated settlement concentrated around the staggered cross roads of East Grinstead Road (A275), Haywards Heath Road (A272 westbound) and Station Road (A272 eastbound). Ribbon development along the north side of Station Road extends the built up area eastwards towards Newick. The village is approximately 5 miles east of Haywards Heath (the nearest town and located within Mid Sussex district) and approximately 7 miles north of Lewes town.

- 2.62 At the 2011 Census Chailey Parish had a population of 3,088. This includes the settlements of South Street, South Chailey and Chailey Green located to the south. North Chailey has a limited range of key services but is well placed to access a wide range of services and facilities in Haywards Heath. Access to public transport is limited resulting in a likely reliance on private transport. The village is classified as a Local Village within the District Council's Settlement Hierarchy recognising that few facilities, services employment opportunities are immediately available and accessibility to higher order settlements is poor.
- 2.63 North Chailey is located within the Low Weald landscape character area. The settlement and surrounding landscape character is influenced by several distinguishing features, including smaller, irregular fields, parcels of small to medium sized woodland areas and remnant heathland and common land. Chailey Common (designated SSSI and Local Nature Reserve) borders much of the settlement to the north and west. A stretch of land along Downs View to the east is also designated as a LNR. As a result of the above, the built area of North Chailey is relatively compact and, in landscape terms, well contained with limited long distance views from the surrounding area.
- 2.64 The 2017 Strategic Housing and Economic Land Availability Assessment (SHELAA), as well as previous Assessments, identified a limited number of suitable sites to meet the planned level of housing for North Chailey. One of the housing site options considered, Kings Head for 15 dwellings, has now been approved for housing and is under construction. Given the limited number of suitable housing site options for North Chailey the Kings Head development will contribute towards the identified minimum 30 dwellings. Therefore leaving 15 dwellings to be allocated on a further site(s).

Policy CH01 – Glendene, Station Road

This site (0.5ha), as shown on the below map (figure 7), is allocated for residential development providing approximately 10 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from Station Road;**
- b) Buildings reflect the local character in terms of mass, height and form;**
- c) Appropriate surface water drainage mitigation is agreed with appropriate body and implemented accordingly;**
- d) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts. Development allows for the protection of biodiversity and enhancement where possible;**
- e) Appropriate buffer between the site and adjacent Ancient Woodland; and**
- f) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

2.65 This policy allocates land for residential development. The site lies approximately 500m east from the centre of North Chailey. The site is a small, grassed field sloping away from the main road to the south (Station Road) and largely lacking in any distinguishing features. It forms part of the previous Glendene Fruit Farm, now occasionally used for grazing.

2.66 A new access point to the site will be directly from Station Road which borders the site's southern boundary. Supporting transport and access statements, as well as other supporting assessments mentioned below, were submitted as part of a recent planning application¹. The proposed access point and impact of additional development on the highway network is considered acceptable in principle by East Sussex County Council, as the highway authority.

2.67 The site forms a gap within an otherwise ribbon form development along the north side of Station Road. Existing development adjacent to the site is characterised by two storey, detached and semi-detached properties set back from Station Road with generous back gardens. New development on this site should complement the adjacent character.

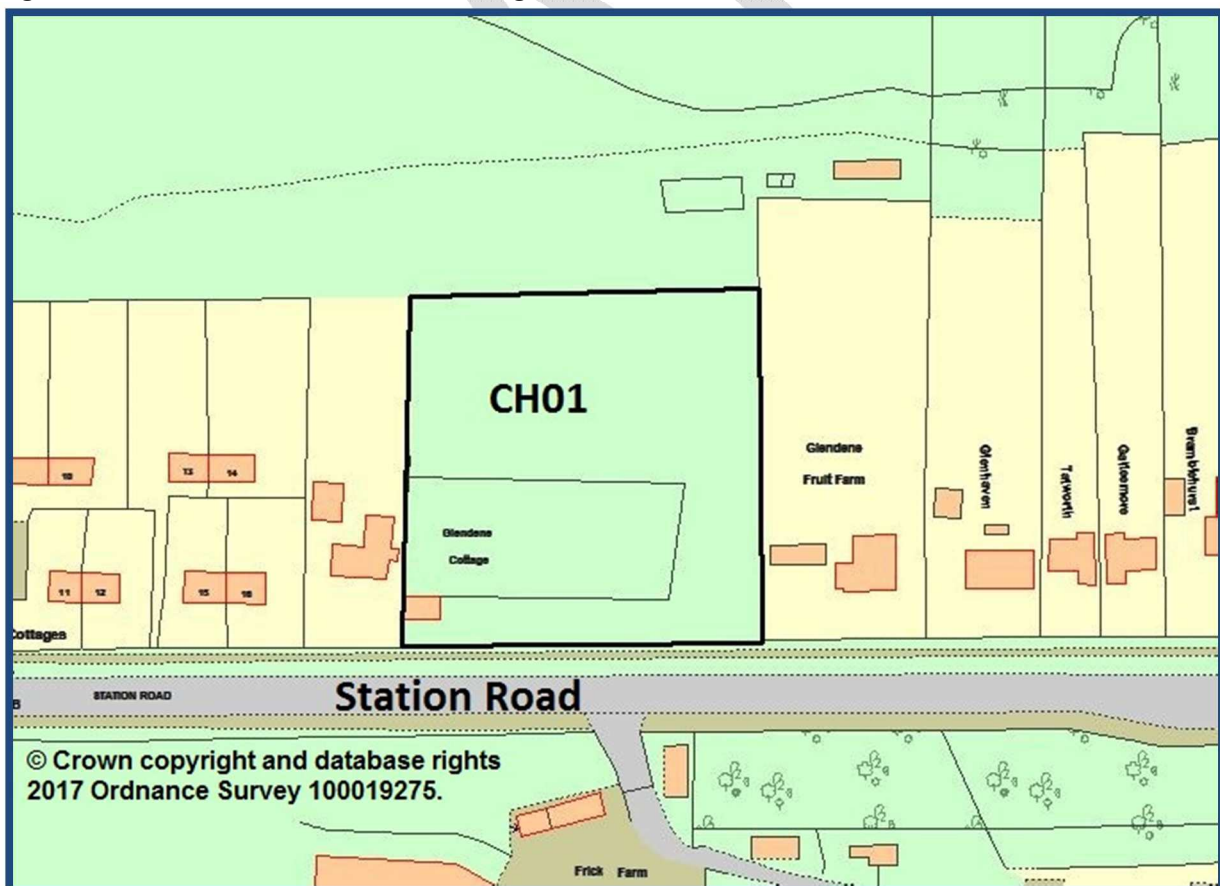
2.68 The site lies within Flood Risk Zone 1 (at least at risk of flooding). A supporting Sustainable Urban Drainage Systems (SuDs) assessment, submitted as part of

¹ LW/15/0550: Outline application for the redevelopment of the site to provide 10 residential dwelling with all matters reserved except for access

the aforementioned planning application, demonstrates that appropriate SuDs could be accommodated to manage run-off from proposed development and therefore would not preclude the development of this site.

- 2.69 The site itself does not form part of any formal biodiversity designation. However, protected species (bats) have been recorded adjacent to the site. An Extended Phase 1 Habitat Survey, along with a Reptile Survey and Mitigation Report. Surveys concluded the site to have a population of common species of slow worm and grass snake limited to the northern woodland edge boundary. Suitable mitigation measures were identified. Surveys demonstrate that these ecological interests would not preclude the development of this site, subject to any final mitigation measures being appropriately implemented.
- 2.70 A rectangular section of woodland, increasing to a more substantial section of woodland to the east, is located north of the site. A smaller section of this woodland, including the southern edge nearest the site's boundary, is designated as Ancient Woodland. Whilst the area of Ancient Woodland is not immediately adjacent to the site an appropriate buffer should at least be established, and agreed with the appropriate authority, to provide mitigation against potential impacts on the Ancient Woodland from the development of this site.

Figure 7: Glendene, Station Road housing site allocation



Policy CH02 – Layden Hall, East Grinstead Road

This site (0.51ha), as shown on the below map (figure 8), is allocated for residential development providing approximately 6 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Access, including provision for pedestrians and cyclists, to be provided from East Grinstead Road;**
- b) Development complements nearby local character in terms of height, mass and form;**
- c) Retention of boundary trees, where possible, to provide appropriate landscaping buffer;**
- d) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement where possible; and**
- e) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

- 2.71 This policy allocates land for residential development. The site lies approximately 500m east of the centre of North Chailey. The site is a small, rectangular parcel of land forming part of the garden to the property 'Layden Hall' and part woodland.
- 2.72 A new access point to the site will be directly from East Grinstead Road utilising land in the same site ownership. Safe pedestrian access should also be provided, linking the site to the existing extent of the pavement to north along East Grinstead Road (approximately 120m).
- 2.73 The site is located to the south of the village, approximately 50m outside the planning boundary. Development of this site would extend the built up area southwards. Adjacent development is characterised by predominately large, detached two and two and a half storey properties, set back from the road and within generous gardens. Development along Downs View to the north east of the site is more uniform and generally semi-detached. Development of this site should complement the adjacent character, with particular attention to the height of buildings to help mitigate potential impacts on views into the site from the surrounding area.
- 2.74 The southern section of the site is largely covered by trees, the majority of which will need to be cleared to enable development. Whilst there are presently no tree protection order designations on or adjacent to the site, ecological and tree surveys should be undertaken. The retention of boundary trees is considered important in helping to mitigate potential impacts on the surrounding landscape, particularly from the south where longer views are possible, and

should be taken into account when establishing a landscape buffer scheme for the development.

Figure 8: Layden Hall, East Grinstead Road housing site allocation



South Chailey

- 2.75 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 10 net additional dwellings to be planned for within the settlement of South Chailey. Housing site allocations to deliver the minimum 10 net additional dwellings have been identified below.
- 2.76 The District Council is aware that Chailey Parish Council has been designated as a neighbourhood plan area and is at the very early stages of preparing a neighbourhood plan. The Parish Council has decided not to identify housing site allocations within their neighbourhood plan. Therefore, the Council has identified housing site allocations to meet the housing numbers required at South Chailey. Once the Chailey Neighbourhood Plan has gained sufficient weight, policies within the Plan will also need to form part of the determination process of future planning applications.
- 2.77 South Chailey appears as a relatively linear settlement along South Road (A275) and Mill Lane where development is concentrated. However, several offshoots of development run from these two bisecting roads resulting in

incremental pockets of new development. The village is approximately 5 miles north of Lewes town.

- 2.78 At the 2011 Census Chailey Parish had a population of 3,088. This includes the settlements of South Street, Chailey Green and North Chailey located to the north. South Chailey has a limited range of key services but is well placed to access a wide range of services and facilities in Haywards Heath. Access to public transport is limited resulting in a likely reliance on private transport. The village is classified as a Local Village within the District Council's Settlement Hierarchy recognising that few facilities, services employment opportunities are immediately available and accessibility to higher order settlements is poor.
- 2.79 South Chailey is located within the Low Weald landscape character area. The settlement and surrounding landscape character is influenced by several distinguishing features, including small to medium sized fields generally irregular in shape and parcels of medium sized woodland areas connected by hedges and shaws. South Chailey is slightly elevated from the surrounding area. Consequently, occasion longer, albeit interrupted, views can be gained, particularly from the south and west of the village.
- 2.80 The 2017 Strategic Housing and Economic Land Availability (SHELAA) only identified one potentially suitable site for housing at South Chailey.

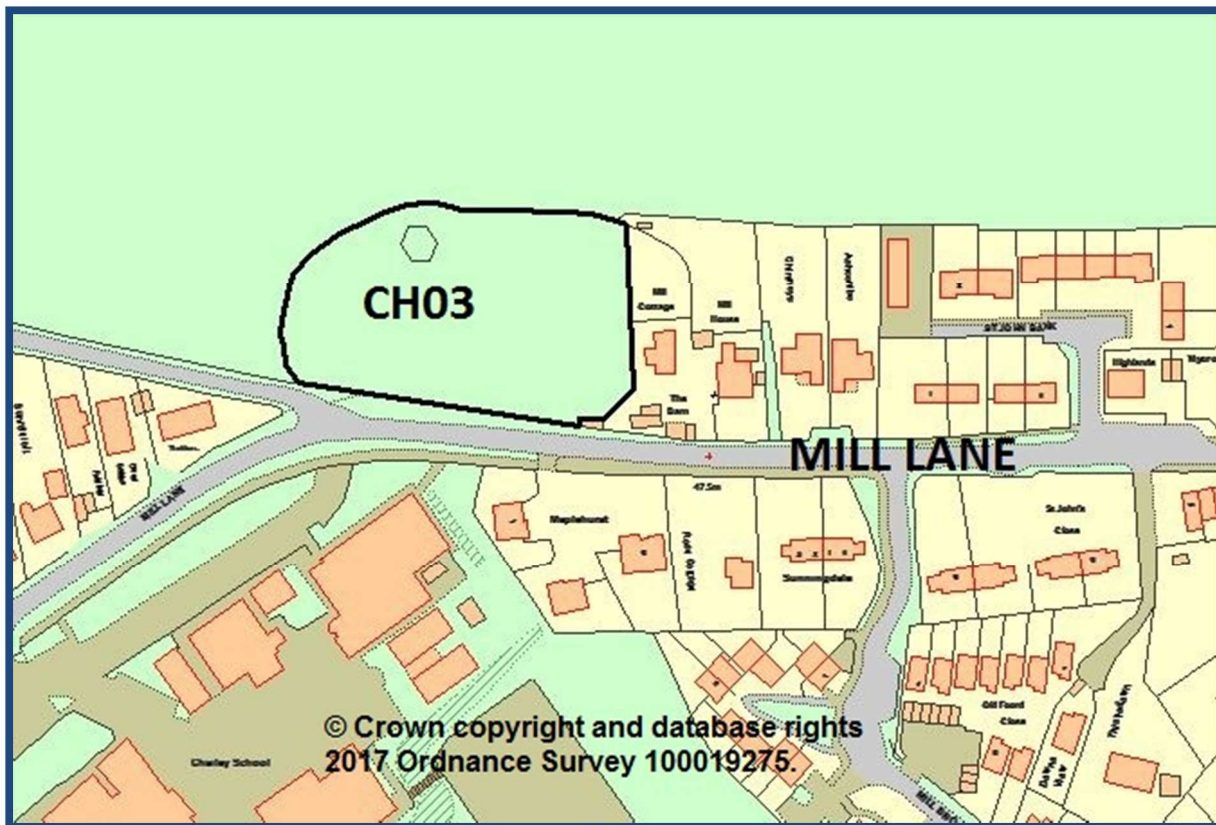
Policy CH03 – Land adjacent to Mill Lane

This site (0.47ha), as shown on the below map (figure 9), is allocated for residential development providing approximately 10 units. Development will be permitted subject to compliance with the Core Delivery Policies of the Core Strategy and the following criteria:

- a) Suitable vehicular and pedestrian access provided connecting site to the existing road (Mill Road) and pavement;**
- b) Development complements nearby local character in terms of height, mass and form;**
- c) Retention of boundary hedge and trees, where possible, within an appropriate landscape buffer;**
- d) Development is subject to an appropriate assessment and evaluation of archaeological potential and any mitigation measures implemented accordingly;**
- e) Ecological surveys undertaken and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity. Development allows for the protection of biodiversity and enhancement where possible; and**
- f) The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water.**

- 2.81 This policy allocates land for residential development. The site lies on the northern edge of South Chailey. The site is a small, rectangular parcel of land which slopes gently down to the south to Mill Road. The site is between the property 'Mill Cottage', to the east, and access point to Broomfield Farm to the west.
- 2.82 A new access point to the site will be directly from Mill Road. Safe pedestrian access should also be provided, linking the site to the existing pavement on the southern side of Mill Road.
- 2.83 Development of this site would marginally extend the built up area westwards. Adjacent development is characterised by two storey detached and semi-detached properties, set back from the road, with some single storey properties north of Mill Lane in St John Bank. Development of this site should complement the local character, having regard to the above and the site's edge of village location. Whilst the site itself is relatively well contained by an existing hedge and the immediate topography, the landscape to the north of the site is open and slightly elevated. Therefore, particular attention to the height of buildings and boundary treatment should be given to help mitigate potential impacts on views into the site from the surrounding area.
- 2.84 The site is within an Archaeological Notification Area, noted for the presence of windmill remains and prehistoric activity. The site also lies in an area of high archaeological potential. As such, an appropriate assessment and evaluation of the site's archaeological and historic interest will be expected to inform appropriate mitigation by design and recording.
- 2.85 The site itself does not form part of a formal biodiversity designation. However, local records indicate presence of protected species, including bats. As such, an ecological impact assessment will be required, together with appropriate mitigation, informed by the EclA, to be implemented accordingly.

Figure 9: Land adjacent to Mill Lane housing site allocation



Cooksbridge

- 2.86 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 30 net additional dwellings to be planned for within the settlement of Cooksbridge.
- 2.87 Hamsey Parish Council has a made neighbourhood plan². The neighbourhood plan does not allocate housing sites but sets out a number of housing site selection and design policies to assist in the selection and delivery of housing to meet the settlement's planned housing requirement.
- 2.88 The 2017 Strategic Housing and Economic Land Availability Assessment (SHELAA), along with previous Assessments, identified a limited number of suitable sites to meet the planned level of housing growth for Cooksbridge. Out of the three potential suitable sites identified within the SHELAA, one is within the SDNP, one is now designated a Local Green Space within the Hamsey Neighbourhood Plan and the remaining site, Chatfields Yard, has planning approval (LW/16/0935) for 27 dwellings.
- 2.89 Given the current lack of potential suitable housing sites identified in Cooksbridge the approved Chatfields Yard development will contribute to the settlement's planned housing figure. The shortfall of three net additional

² The Hamsey Neighbourhood Plan was made by LDC on 21 July 2016 and by the SDNPA on 14 July 2016.

dwellings cannot be currently met in Cooksbridge. However, it is likely that this shortfall will be balanced by other nearby settlements exceeding their planned housing figure. Should additional suitable site(s) be identified they can be considered through either a future review of the Hamsey Neighbourhood Plan or Local Plan.

Plumpton Green

2.90 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 50 net additional dwellings to be planned for within the settlement of Plumpton Green.

2.91 The District Council is aware that Plumpton Parish has been designated as a neighbourhood plan area and has, at the time of writing, undertaken Regulation 14 Stage. The neighbourhood plan has identified housing site allocations to satisfy SP2. The Council will therefore maintain a supporting role to the Parish Council as they progress their neighbourhood plan to submission. Once the Plumpton Neighbourhood Plan has gained sufficient weight, policies within the Plan will also need to form part of the determination process of future planning applications.

Ringmer and Broyle Side

2.92 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 217 net additional dwellings to be planned for within the settlement Ringmer and Broyle Side. This figure reflects the current maximum capacity for additional housing in Ringmer³ due to the highway constraints of the junction of the B2192 and A26 (Earwig Corner).

2.93 Ringmer Parish Council has a made neighbourhood plan⁴. The Ringmer Neighbourhood Plan contains a number of housing policies and allocates sites for 204 additional dwellings. As such, at the time of the Core Strategy's Examination there was a small shortfall of 13 net additional dwellings. However, from discussions with the site proponent since the Core Strategy's adoption, it is highly likely that this shortfall will also now be met by the Caburn Field development. This scheme encompasses the unimplemented 2003 Local Plan housing allocation, retained saved Policy RG1, plus adjacent Lewes District Council owned land. RG1 is further retained as RG01, below, and continues to contribute to the Council's housing supply. A planning application for Caburn Field redevelopment is due to be submitted by the end of 2017. No further housing allocations are therefore required for Ringmer and Broyle Side within Local Plan Part 2.

³ 385 net additional dwellings over the Plan period.

⁴ The Ringmer Neighbourhood Plan was made by LDC on 25 February 2016.

- 2.94 Any future planning applications, or potential review of the Ringmer Neighbourhood Plan which considers housing allocations, will need to take into consideration policies both within the adopted development plan.

Policy RG01 - Caburn Field

Land at Caburn Field (1.3ha) as shown on below map (figure 10), is allocated for residential development at a target minimum of 40 dwellings, subject to the following:

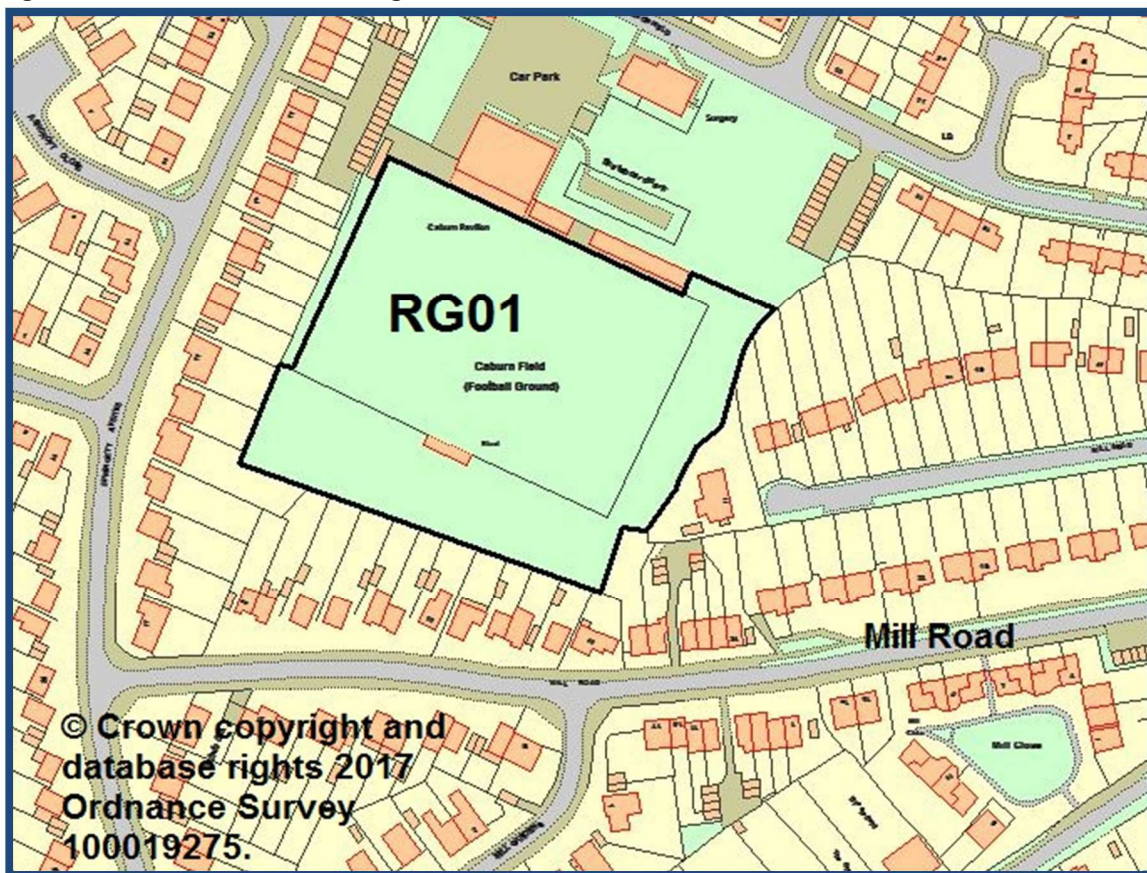
- a) No development shall take place until a replacement playing field of equivalent area and quality is available and ready for use at an acceptable location in Ringmer and;**
- b) The developer will be required to make a contribution, in proportion to the expected travel demands of the development, to measures to promote travel between Ringmer and Lewes by means other than the private car and**
- c) The scheme shall comply with all appropriate development plan Policies**

This retained 2003 Local Plan allocation for the relocation of Ringmer Football Club and redevelopment of its current ground, Caburn Field, reflects the continued wish for the club to move to an alternative site. The Club provides an important recreational resource for the village and the surrounding area and relocation will allow the club to improve its facilities.

The present site, covering approximately 1.3ha, is located in proximity to most of the facilities, services and public transport links in the centre of the village. It is enclosed on three sides by residential development. Therefore, residential development is appropriate at this location.

A local traffic safety scheme for Earwig Corner was implemented in 1998. With the planned housing growth identified for Ringmer within the Core Strategy some further junction improvements at Earwig Corner have been identified. Nonetheless, measures to promote transport between Ringmer and Lewes by means other than the private car remains a priority.

Figure 10: Caburn Field housing site allocation



Wivelsfield Green

- 2.95 Spatial Policy 2 of the Local Plan Part 1 sets out the requirement of a minimum 50 net additional dwellings to be planned for within the settlement of Wivelsfield Green.
- 2.96 Wivelsfield Parish Council has a made neighbourhood plan⁵. The Wivelsfield Neighbourhood Plan (WNP) allocates three sites for 34 net additional dwellings. The WNP also provides a spatial policy of the neighbourhood plan which prioritises where new development might be supported within the Parish. Any future planning applications, or potential review of the Wivelsfield Neighbourhood Plan which considers housing allocations, will need to take into consideration policies both within the adopted development plan.

⁵ The Newick Neighbourhood Plan was made by LDC on 7 December 2016.

Gypsy and Traveller Accommodation

- 2.97 The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Government's national Planning Policy for Traveller Sites (PPTS) notes the importance of local authorities both assessing the accommodation needs of Gypsies, Travellers and Travelling Showpeople and then planning for this need.
- 2.98 To this end, a Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken over 2015. Informed by the GTAA Core Policy 3 of the Local Plan Part 1: Joint Core Strategy sets out a requirement for 13 permanent pitches for Gypsies and Travellers across Lewes District. This figure is apportioned across the two areas: inside and outside the South Downs National Park, to enable each local planning authority to plan for the need within their area. As such, CP3 identifies a need for five permanent pitches to serve the area of Lewes District outside the Park and eight permanent pitches to serve the area within the Park. However, recognising the difficulty in pinpointing where exactly within the district the future need will arise, partly due to the transitory nature of the Gypsy and Traveller community, the Council will continue to work closely with the SDNPA to identify suitable sites to meet the overall district requirement.
- 2.99 At the time of preparing the Local Plan Part1: Joint Core Strategy, no suitable pitches had been identified for allocation. Therefore, CP3 sets out a criteria based policy to be considered in any future assessment of subsequent potential Gypsy and Traveller pitch allocations made through Local Plan Part 2, the SDNPA's Local Plan or neighbourhood plans. CP3 is also to be used in determining any planning applications for Gypsy and Traveller or Travelling Showpeople use.
- 2.100 Outside the National Park, no allocations for permanent pitches for Gypsy and Traveller accommodation have been identified within made or emerging neighbourhood plans. Consequently, the five permanent pitches remain to be allocated through Local Plan Part 2. To date no suitable sites have been identified. However, the Council, with input from previous proponents of potentially available land and local and public organisations, is continuing to search for sites to assess and explore opportunities for mixed use development, incorporating permanent pitches for Gypsy and Traveller use.
- 2.101 In addition to the need for permanent pitches, the supporting text to CP3 makes reference to the need for eight net additional transit pitches in East Sussex. Currently, all East Sussex Local Planning Authorities are working with East Sussex County Council to establish a set of policy criteria to be used in identifying potential site(s) and determining potential future planning applications. In conjunction with this work, East Sussex LPAs have implemented a revised set of criteria for monitoring unauthorised encampments (UEs). This has addressed one of the recommendations of the 2016 GTAA which highlighted the lack of consistent and comparable data previously gathered by LPAs. It is expected that with the improved, more comprehensive

set of criteria LPAs will have a more accurate basis from which to base future policy and decision making against.

DRAFT

3. DEVELOPMENT MANAGEMENT POLICIES

- 3.1 The policies in this document set out the more detailed criteria against which planning applications for the development and use of land and buildings will be considered in those areas of the district outside the South Downs National Park. Their purpose is to provide a consistent approach to the assessment of planning applications, and to help provide clarity to applicants about the Council's expectations in respect of achieving sustainable development.
- 3.2 The development management policies contained in this document should not be read in isolation. The Local Plan Part 2 should be read as a whole, together with the policies set out in the Local Plan Part 1, the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, and any neighbourhood plans that have been brought into force. National planning policies in the National Planning Policy Framework (NPPF) are not repeated and should also be read alongside this document.
- 3.3 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy approach is set out in full on page 40 of the Local Plan Part 1.
- 3.4 For ease of reference, the format of this document follows the same headings as the Local Plan Part 1. This does not mean that the policies in each section contribute only to the themes under which they appear. However, as the development management policies supplement the Local Plan Part 1 policies and help to deliver a common set of objectives, it is considered helpful to follow the same structure.

SPATIAL STRATEGY

Planning Boundaries

- 3.5 The Council has adopted the use of 'planning boundaries' to make a clear distinction between town and village locations where, in principle, further development would be acceptable, and the countryside (i.e. outside of the planning boundaries) where development would be acceptable only in certain circumstances. The purpose of the planning boundaries is to positively focus growth on sustainable settlements, reduce the need to travel, and protect the intrinsic character and beauty of the countryside, in accordance with the spatial strategy set out in the Local Plan Part 1.
- 3.6 It is important to note that the planning boundary is a policy line applying Local Plan policies to a specific area, thereby giving a sound basis for development control decisions. It does not attempt to define town or village limits in physical

or social terms. The planning boundaries have been carefully considered, taking into account a range of factors including the existing form, pattern and function of settlements, important 'gaps' of countryside between them, the character and setting of individual towns and villages, and environmental considerations, such as the need to conserve designated areas of national landscape, ecological, geological, or historic importance.

- 3.7 Whilst land outside of the planning boundaries is regarded as countryside for planning policy purposes, this does not represent an absolute restriction on development. The potential for new development outside of the planning boundaries to support vital rural communities and also to conserve or enhance the intrinsic qualities of the rural area is recognised. The Local Plan includes specific policies for development proposals that would help to promote a sustainable rural economy or meet recognised local needs for affordable housing or community facilities. Other uses, such as renewable energy or essential infrastructure, may also be appropriate where an overriding need for the development to be located in the countryside can be demonstrated.

Policy DM1: Planning Boundary

Within the planning boundaries, as defined on the Proposals Map, new development will be permitted provided that it is in accordance with other policies and proposals in the development plan

Outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.

Development proposals that result in a net increase of one or more dwellings within 7km of the Ashdown Forest will only be permitted where they comply with Core Policy 10(3) of the Local Plan Part 1.

Affordable Homes Exception Sites

- 3.8 The shortage of affordable housing for local people can result from high house prices driven up by demand from people moving to rural areas, coupled with restricted scope for new house building. The Local Plan Part 1 strategic housing sites in Lewes, Newhaven, Peacehaven and Ringmer will help to increase the supply of affordable housing in the towns and larger villages in the district. However, in smaller villages and rural areas which have very limited or no facilities, new housing development will be focused on providing affordable homes which meet an identified housing need among local people who are unable to compete in the private housing market.
- 3.9 'Affordable Homes Exception Sites' can be used to release sites in small rural communities to deliver affordable housing where such land would not otherwise be used for housing. The Coastal West Sussex Strategic Housing

Market Assessment recommends this as one of a number of mechanisms which should be used to increase the supply of affordable housing in rural areas. At the national level, the 2008 Taylor Review of Rural Economy and Affordable Housing urges the need for more proactive engagement to bring forward sites for affordable homes to meet local needs in smaller rural communities (generally defined as settlements with populations under 3,000).

- 3.10 It is important that housing schemes should be needs led, the starting point being that a need for housing exists in the parish, rather than the availability of a particular site. Proposed developments must be based on sound evidence of housing need and must fulfil the criteria as stated in Policy DM2 below. The ability of the proposed scheme to meet identified local housing needs must be clearly demonstrated to the satisfaction of Lewes District Council. This will be assessed using the Council's Housing Register and other available up-to-date housing needs assessments. It should also be demonstrated that the proposal is financially viable and deliverable.
- 3.11 Given that housing permitted through this policy is an exception to normal countryside policies, it is important that it remains 'affordable' in perpetuity. Only tenures which can be guaranteed to remain affordable in the long term will be permitted in such schemes. For example, general shared ownership schemes where occupiers can potentially purchase 100% of the equity will not be considered appropriate. Where planning permission would not normally be permitted for housing, it can still be difficult to encourage landowners to sell their land below open market residential values. In order to address this, a proportion of market housing may be permitted where it can be demonstrated that an affordable housing scheme would be unviable without cross-subsidy. Viability will be independently assessed by the District Valuer, or equivalent, at the applicant's expense.

Policy DM2: Affordable Homes Exception Sites

Outside the planning boundaries, as defined on the Proposals Map, proposals for affordable housing to meet local needs will be permitted where the following criteria are met:

- (1) the proposed development will assist in meeting an identified and genuine local need in terms of the sizes, types, and tenures of the dwellings;**
- (2) the proposed development is within, adjacent to, or otherwise well related to an existing village or other settlement;**
- (3) the scale and design of the development is appropriate to the nature of the settlement and will respect its character and setting;**
- (4) the affordable housing is made available to, and will be retained in perpetuity for, households with a local connection;**

- (5) the proposed scheme is subject to an appropriate legal agreement to ensure that it is able to be properly managed by a partner Registered Provider or other approved body;**
- (6) development proposals within 7km of the Ashdown Forest comply with Core Policy 10(3) of the Local Plan Part 1.**

The inclusion of open market housing will not normally be supported unless it can be demonstrated that an affordable housing scheme that meets the above criteria would be unviable without cross-subsidy. In such exceptional circumstances, the amount of market housing must be lower than the amount of affordable housing and at the lowest proportion that will enable the delivery of significant affordable housing.

Accommodation for Agricultural and Other Rural Workers

- 3.12 The NPPF states that one of the few circumstances where an isolated new home may be justified within the countryside is when the accommodation is essential to enable a rural worker to live permanently at or near their place of work. In Lewes district, it may often be as convenient and sustainable for such workers to live in nearby towns or villages, so avoiding new and potentially intrusive development in the countryside. However, it is acknowledged that there will be some instances where the nature and demands of certain rural businesses will make it essential for one or more people engaged in the enterprise to live at, or very close to, their place of work. Such a need must nevertheless be essential to the successful operation of the business.
- 3.13 Planning applications will be subject to a functional test to establish whether it is essential for one or more full-time workers to be readily available to meet the established needs of the enterprise at most times, day and night, such as to provide for the proper supervision of agricultural processes or livestock. It will not be sufficient that it is merely convenient or desirable to live on the holding. Security is not in itself a sufficient justification. In relation to demonstrating genuine need, it will also be necessary to apply a financial test to assess whether an agricultural or other rural enterprise is economically viable and planned on a sound financial basis. The Council will draw upon independent professional advice when considering such proposals.
- 3.14 Changes in the scale and character of agricultural and forestry businesses have the potential to affect the longer-term requirement for dwellings in the countryside particularly where these had an “agricultural worker occupancy” condition attached when planning permission was granted. In such cases, the Council recognises no purpose would be fulfilled in keeping such dwellings vacant, or that existing occupiers should be obliged to remain in occupation simply by virtue of a planning condition that has outlived its usefulness.
- 3.15 Nevertheless, applications for the removal of an occupancy condition will need to demonstrate convincingly that there is no long-term need for an agricultural dwelling in the locality. Such dwellings could be used by other agricultural and

rural workers seeking accommodation within the wider surrounding area, therefore it will need to be demonstrated to the Council that the dwelling tied to an occupancy condition has been effectively marketed to likely interested parties in the area concerned, and that no genuine interest has been shown regarding the purchase or rental of the dwelling for a rural worker with an essential need to live in the local community.

Policy DM3: Accommodation for Agricultural and Other Rural Workers

Outside the planning boundaries, as defined on the Proposals Map, new permanent dwellings will be permitted for those employed in agriculture, forestry or another enterprise requiring a countryside location where it can be demonstrated that the following criteria are met:

- (1) there is a clearly established existing functional need;
- (2) the functional need relates to a full-time worker;
- (3) the unit and the rural enterprise concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
- (4) the functional need cannot be met by another existing dwelling on the unit or other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- (5) the proposed dwelling, and any subsequent extension, is of a size commensurate with the established functional need of the enterprise. Dwellings and any subsequent extensions which are unusually large in relation to the needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term will not be permitted;
- (6) the dwelling is suitably located to meet the identified functional need of the enterprise, is well related to existing buildings wherever possible, and its siting and design is appropriate to the rural character of the locality.

Where the functional need is proven but Criterion 3 is not met, a temporary permission will be granted for a caravan, mobile home or other temporary accommodation where it can be demonstrated that the following criteria are met:

- (i) Criteria (1) and (4) above;
- (ii) there is clear evidence of a firm intention and ability to develop the enterprise concerned;
- (iii) there is clear evidence that the proposed enterprise has been planned on a sound financial basis.

Occupancy conditions will be imposed on dwellings permitted in accordance with this policy and, where appropriate, on other dwellings within the holding. Applications to remove such conditions will only be permitted where it can be demonstrated that all the following criteria are met:

- (a) the essential need which originally justified the dwelling no longer applies and the dwelling will not be required to meet such need in the longer term;**
- (b) the property has been actively marketed in specialist and local press and estate agents at least once a month for a minimum of 12 months;**
- (c) the advertised selling price or rental is realistic given the age, size, condition and location of the property; and**
- (d) no realistic offers have been made to the vendors for occupation of the dwelling in compliance with the original occupancy condition.**

In appropriate circumstances, the Council will seek a planning obligation to tie a permanent dwelling to adjacent buildings or to the land forming the holding.

Proposals within 7km of the Ashdown Forest will only be permitted where they comply with Core Policy 10(3) of the Local Plan Part 1.

Residential Conversions in the Countryside

- 3.16** A new home in the countryside may be justified where it involves the re-use of a redundant or disused building and leads to an enhancement to the immediate setting. Residential development outside of the planning boundaries will therefore be supported where it complies with the criteria set out in Policy DM4. If a building is not redundant, or its conversion would be likely to result in the need for a replacement structure, then the proposal is unlikely to be acceptable.
- 3.17** In order to prevent the cumulative erosion of the distinctive rural character and qualities of the district's countryside, proposals for conversion to residential use will normally only be acceptable where building to be converted or replaced is structurally sound and capable of conversion to the proposed use without significant reconstruction, modification or extension. This may need to be demonstrated through the submission of a structural survey.
- 3.18** Where a redundant agricultural or other rural building is considered a heritage asset, residential conversion will only be supported if this represents the optimal viable use in accordance with paragraph 55 of the NPPF. The Council will not normally support the re-use of buildings which are subject to a planning condition or condition of prior approval which requires their removal on cessation of agricultural use.
- 3.19** Redundant agricultural or other rural buildings often serve as bat roost or habitats for other protected species identified in the Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan, and other Regulations and Directives. The Council may therefore require a habitat survey to accompany

planning applications in order to identify protected species within the application site, set out any mitigation measures where necessary, and recommend appropriate measures for the enhancement of biodiversity.

Policy DM4: Residential Conversions in the Countryside

Proposals for the conversion of redundant agricultural or other rural buildings to residential use outside the planning boundaries, as defined on the Proposals Map, will be permitted where the following criteria are met:

- (1) the building is of sound construction and capable of conversion without significant rebuilding, modification or extension. The Council will normally require this to be demonstrated through the submission of a structural survey;**
- (2) the building is not in an exposed or isolated location where the construction of lengthy access roads or overhead power lines would be harmful to the rural character of the area;**
- (3) the proposed development will lead to an enhancement to the immediate setting of the building, either by the removal of existing structures and features that detract from the character and identity of the locality or by improved boundary treatment that responds sensitively to the rural nature of the site;**
- (4) any proposed alterations to the building (e.g. fenestration, doors, internal subdivision) would not harm its architectural integrity nor materially change its appearance as a rural building;**
- (5) the creation of a residential curtilage would not detract from the rural setting of the building or harm the character of the wider landscape;**
- (6) the proposal would not create an unacceptable impact on the local road network and there is a satisfactory means of vehicular access and parking arrangements;**
- (7) the proposed development would not prejudice any viable agricultural operations;**
- (8) development within 7km of the Ashdown Forest will comply with Core Policy 10(3) of the Local Plan Part 1.**

Where appropriate, conditions may be imposed to remove permitted development rights.

Replacement Dwellings in the Countryside

- 3.20 The suitable replacement of existing dwellings is considered acceptable outside of the planning boundaries. In order to avoid new isolated dwellings**

in the countryside, replacement dwellings will normally only be acceptable on a one to one basis, i.e. there should be no increase in the number of dwellings. However, the Council seeks to minimise the impact of built development on the distinctive character and qualities of the rural environment and avoid 'suburbanisation' of the countryside. In determining planning applications for replacement dwellings, consideration may be given to the removal of permitted development rights in order to retain the identity and character of the surrounding countryside.

Policy DM5: Replacement Dwellings in the Countryside

Outside the planning boundaries, as defined on the Proposal Map, the replacement of an existing dwelling by another dwelling within the same residential curtilage will be permitted where the following criteria are met:

- (1) the scale, form, height, and massing of the replacement dwelling is compatible with its rural location and the surrounding form of development;**
- (2) the replacement dwelling is located on the footprint of the existing dwelling, unless an alternative location would result in clear landscape, highway access or local amenity benefits.**

In sensitive locations, permitted development rights relating to future extensions and other structures may be removed.

Equestrian Development

- 3.21 There are a limited number of large commercial equestrian centres in the district but it is predominantly small-scale facilities for individual and private pursuit that come forward as planning applications. Typically, proposals for stables will include a tack room as well as external hard-standings and manure bays but may also incorporate sand schools, jumps or new access roads from the highway.
- 3.22 Horse riding and other equestrian activities are increasingly popular forms of recreation in the countryside that can complement agricultural activities and help to diversify rural economies. However, equestrian and associated development needs to be carefully managed, primarily for landscape reasons. This is important in terms of both new developments in isolated rural locations and the cumulative impact of the subdivision of farm holdings, the formation of paddocks, and the construction of stables and associated facilities within a concentrated area.
- 3.23 In assessing proposals for equestrian development, consideration will also be given to the need to ensure the safety and comfort of horses in terms of space for grazing and exercising. This will also help to address the problem of the excessive sub-division of fields and over grazing/loss of soil structure which

can often result from such development. A desirable guideline would suggest stocking at a density of one hectare per horse. (*Good Practice Equine Pasture Management, SEEDA 2008*).

Policy DM6: Equestrian Development

Proposals for equestrian development will be permitted where the intrinsic and locally distinctive character and amenities of the countryside are maintained. In particular:

- (1) the siting, scale and design, including materials and boundary treatment, of any new buildings or facilities should be appropriate to their rural setting;**
- (2) consideration will be given to the cumulative impact of equestrian developments on landscape character and features;**
- (3) proposals should not be sited in prominent or isolated locations;**
- (4) all proposals, including sand schools, commercial riding schools, livery stables and related facilities, should be satisfactorily integrated with existing buildings;**
- (5) any associated floodlighting, earthworks, new access routes or other ancillary structures, including storage facilities, manure bays, hard-standings, fencing and jumps, should not have an unacceptable adverse impact on the surrounding countryside and local residential amenities;**
- (6) adequate provision should be made for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;**
- (7) commercial riding schools, livery stables and other commercial facilities should have satisfactory access to the public bridleway network without the use of unsuitable roads.**

In some circumstances, conditions (such as the removal of permitted development rights for fencing and external storage) may be applied to prevent any potential harm to the local landscape.

Institutional Sites

- 3.24** Sites occupied by residential institutions (Use Classes C2 or C2a) within the countryside can come forward unexpectedly for development when an existing use ceases to be viable. Often these sites have, over time, become well integrated into the countryside. In such cases, widespread site clearance is unlikely to be appropriate unless the site is wholly occupied by intrusive or unsightly structures. The re-use of the site is therefore expected to normally combine the retention and conversion of the best buildings and removal of the

worst. The acceptability of alternative uses will depend upon the nature of the site, the buildings and their rural setting, and the availability of services, including public transport.

Policy DM7: Institutional Sites

Outside the planning boundaries, as defined on the Proposals Map, proposals for the change of use and conversion of land and buildings occupied by residential institutions will be permitted where the following criteria are met:

- (1) existing buildings which make a positive contribution to the existing character of the site will be retained;**
- (2) existing buildings which are detrimental to the rural character of the locality will be removed;**
- (3) the site is genuinely redundant;**
- (4) development proposals that result in a net increase of one or more dwellings within 7km of the Ashdown Forest comply with Core Policy 10(3) of the Local Plan Part 1.**

Alternative uses will be assessed by consideration of the characteristics of the site, its buildings and setting, the availability of local services and the appropriateness of the proposed use.

IMPROVING ACCESS TO HOUSING

- 3.25 The need to deliver an appropriate range of homes to meet the identified needs of the district, whilst accommodating new residential development in sustainable locations without adversely affecting the character of the area, are two key objectives of the Local Plan. Policy DM8 supplements Core Policy 2 (*Housing Type, Mix and Density*) of the Local Plan Part 1 in seeking to help achieve these objectives. Proposals for new dwellings in the countryside, including affordable homes on exceptions sites, are addressed by Policies DM2, DM3, DM4 and DM5 in the 'Spatial Strategy' section of this document, whilst residential extensions and ancillary buildings are addressed by Policies DM28 and DM 29 in the section titled 'Protecting and Enhancing the Distinctive Quality of the Environment'.

Residential Sub-Divisions and Shared Housing

- 3.26 The increase in the number of small households and rising house prices have increased the demand for small low-cost dwellings, particularly from single people and young couples on modest incomes. Apart from new build developments, one effective way of providing this type of accommodation is through the sub-division of existing family sized dwellings.

- 3.27 It is acknowledged, however, that the conversion of single dwellings to flats can give rise to an increased requirement for off-street parking, as well as a need for the provision of adequate amenity space, which is both private and useable, and provision of refuse storage facilities for future occupants. The effect of a number of changes from single dwellings to multiple units in a street may also progressively change its character and appearance for the worse. This is particularly the case for terraced dwellings.
- 3.28 Other issues that may need to be addressed include the potential for increased noise and the overlooking impact on neighbouring households resulting from the use of upstairs rooms as main living rooms.

Policy DM8: Residential Sub-Divisions and Shared Housing

Proposals for the sub-division of existing dwellings to flats or the conversion of existing dwellings to houses of multiple occupation or other forms of shared housing will be permitted where the following criteria are met:

- (1) there is adequate provision for car parking, private amenity space for residents, and storage for bicycles and recycling/refuse containers;**
- (2) the proposal would not result in unacceptable harm to the amenities of neighbouring residential properties through loss of privacy or daylight or levels of activity that give rise to excessive noise or disturbance;**
- (3) there would be no adverse impact on the character of the immediate locality through the cumulative impact of physical alterations or extensions to the original dwelling or other structures;**

Development proposals within 7km of the Ashdown Forest will only be permitted where they comply with Core Policy 10(3) of the Local Plan Part 1.

PROMOTING SUSTAINABLE ECONOMIC GROWTH & REGENERATION

- 3.29 The Local Plan seeks to stimulate a buoyant and balanced local economy, recognising both the role of the rural area and the contribution of tourism in terms providing employment opportunities, attracting investment and creating wealth. The policies in this section supplement Core Policies 4 (*Encouraging Economic Development and Regeneration*) and 5 (*The Visitor Economy*) of the Local Plan Part 1, and provide a more detailed framework for the consideration of proposals for the diversification and growth of the rural economy and for the retention and improvement of existing visitor accommodation within the district.

Farm Diversification

- 3.30 National planning policy promotes the development and diversification of agricultural and other land-based rural businesses. Diversification can be described as any proposal which seeks to supplement income on working farms and is often vital to the continuing viability of many farm enterprises. The Council is supportive of well-conceived farm diversification schemes that contribute to sustainable development objectives and help to maintain the agricultural enterprise, provided that they are consistent in scale and design with their rural location.
- 3.31 The nature and extent of diversification should respect the landscape qualities of the countryside and accord with the protection of its distinct character and appearance. It should also take account of the Local Plan's spatial strategy, which seeks both to relate development to existing centres of population and to reduce reliance on the car for journeys to work. General infrastructure difficulties in servicing dispersed development should also be recognised. Certain types of development, such as those which generate high volumes of traffic or which would generate significant additional movements of heavy goods vehicles, particularly on unsuitable roads, may be inappropriate.
- 3.32 The Council encourages the submission of Farm Business Plans to indicate clearly the implications of diversification proposals on the continued operation of the whole farm and to assist in weighing the environmental and economic issues, particularly where these are finely balanced. Such plans are informal and complementary to a planning application and can cover matters such as the implications for other land and buildings, possible demolition of unsightly buildings, landscape management, habitat improvement, public access, etc., as appropriate. It is unlikely that proposals for farm diversification could be supported for smaller parcels of land which are not part of a working farm. Proposals should be a secondary activity to the main farm enterprise and ideally will complement the daily farm activity.

Policy DM9: Farm Diversification

Development which forms part of a farm diversification scheme or otherwise helps maintain the viability of farm businesses engaged in sustainable land management will be permitted where the following criteria are met:

- (1) the proposed development will stimulate new economic activity with a use appropriate to its rural location;**
- (2) wherever possible, new or replacement buildings are located within or adjoining an existing group of buildings;**
- (3) any new building responds sensitively to its rural setting, in terms of its scale, layout, design and use of materials;**
- (4) the proposed development would not create an unacceptable impact on the local road network or require highway improvements that would harm the landscape or ecological value of rural roads in the area.**

Employment Development in the Countryside

- 3.33 In order to positively focus growth on sustainable settlements and to help protect the intrinsic character and beauty of the countryside, the towns will continue to be the focus of employment growth. Accordingly, large-scale employment development should normally be located within the settlement boundaries, as defined on the Proposals Map. However, the re-use or redevelopment of redundant agricultural buildings can provide an important source of employment space that can assist in supporting the vitality of rural communities and local jobs.
- 3.34 Small-scale employment development outside of the planning boundaries will therefore be supported where it involves the re-use or replacement of such buildings and where it can be demonstrated that the business activity can be accommodated without harm to the rural character and amenities of the area, or to the historic significance of any heritage assets. The replacement of existing buildings in the countryside for employment purposes will be supported where it would result in a more acceptable and sustainable development than could be achieved through conversion.
- 3.35 It should be recognised that not all buildings in the countryside are suitable for conversion or replacement to accommodate new business uses. There are many minor sheds and shelters in the countryside which, due to their lightweight construction, do not readily lend themselves to conversion and, once redundant, are best demolished. In order to prevent the cumulative erosion of the distinctive character and qualities of the district's countryside, proposals for employment use will therefore normally only be acceptable where the building to be converted is structurally sound and capable of conversion to the proposed use without significant reconstruction, modification or extension.
- 3.36 Tourist or leisure facilities requiring new buildings will normally be expected to locate within existing towns and village planning boundaries, in accordance with the overall spatial strategy for the district. However, the conversion or replacement of existing rural buildings to provide visitor accommodation or leisure facilities may also be permitted outside of the planning boundaries provided that the proposed development meets the criteria set out Policy DM10 and Core Policy 5 (*The Visitor Economy*) of the Local Plan Part 1.
- 3.37 Matters such as the nature of the proposed use, hours of operation, noise levels, use of external areas, including parking and access arrangements, may be controlled by planning conditions and in some circumstances legal agreements will also be required. The Council will not normally support the re-use of buildings which are subject to a planning condition or condition of prior approval which requires their removal on cessation of agricultural use.

- 3.38 Redundant agricultural or other rural buildings often serve as bat roost or habitats for other protected species identified in the Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan, and other Regulations and Directives. The Council will therefore require a habitat survey to accompany planning applications in order to identify protected species within the application site, set out any mitigation measures where necessary, and recommend appropriate measures for the enhancement of biodiversity.

Policy DM10: Employment Development in the Countryside

Outside the planning boundaries, as defined on the Proposal Map, proposals for small-scale employment development, including tourist and leisure facilities, will be permitted where either:

- (a) it involves the conversion or re-use of an existing agricultural or other rural building, or**
- (b) it comprises the demolition and replacement of an existing agricultural or other rural building where this would result in a more sustainable development than could be achieved through converting the building.**

A building to be converted must be structurally sound and capable of conversion to the proposed use without the need for significant reconstruction, modification or extension. The Council will normally require this to be demonstrated through the submission of a structural survey.

All proposals for the conversion or replacement of an existing agricultural or other rural building must also satisfy all the following criteria:

- (1) the detailed design responds sensitively to its rural setting, in terms of its scale, layout and use of materials;**
- (2) the siting and design respects the local landscape character, both in terms of immediate impact and distant views;**
- (3) the proposed boundary treatment is appropriate to a rural location and helps to integrate the development into the wider landscape;**
- (4) unobtrusive provision can be made for any associated servicing and parking facilities or plant, equipment or storage;**
- (5) External lighting, or light spillage from internal lighting, is kept to the minimum necessary for operational or safety purposes;**
- (6) the proposed use would not adversely affect the residential amenities of nearby properties by reason of the scale and nature of use, noise, dust, fumes or the general level and nature of activities;**

- (7) the proposed use would not create an unacceptable impact on the local road network or require highway improvements that would harm the landscape or ecological value of rural roads in the area.**
- (8) the proposed development would not prejudice any viable agricultural operations.**

Existing Employment Sites in the Countryside

3.39 There are a number of existing industrial and commercial enterprises located outside of the settlement planning boundaries, including garden centres and nurseries. In order to help support the rural economy and, where appropriate, retain key employers, proposals for the redevelopment or intensification of existing employment sites will be supported in the countryside, subject to the criteria set out in Policy DM11. Environmental considerations remain important and such development will only be permitted where it can be demonstrated that the distinctive character of the local countryside will be conserved and that other amenity, traffic, access and layout considerations are satisfactorily addressed in keeping with the rural surroundings.

Policy DM11: Existing Employment Sites in the Countryside

Outside the planning boundaries, as defined on the Proposals Map, the redevelopment or intensification of existing employment sites will be permitted for employment purposes where the following criteria are met:-

- (1) the existing development and employment use is lawful;**
- (2) the proposed development would not detract from the distinctive rural character of the locality or local residential amenities by virtue of the nature and intensity of the use, the siting, design, scale and site coverage of the buildings, or its access requirements or associated traffic generation;**
- (3) proposals which would be likely to create a significant number of jobs are well located in relation to neighbouring towns or villages and readily accessible by public transport.**

Exceptionally, the outward expansion of an existing employment site outside the planning boundaries will be permitted where it can be demonstrated that it would facilitate the retention of an employment use which is important to the local economy, subject to the above criteria and there being no suitable alternative site available. Proposals will be expected to deal comprehensively with the site as a whole and include measures to secure environmental improvements, such as enhanced landscaping or biodiversity gains.

Caravan and camping sites

- 3.40 The overarching policy approach in Core Policy 5 (*The Visitor Economy*) of the Local Plan Part 1 is to support tourist facilities, giving encouragement to retaining and improving the supply of visitor accommodation, including caravan and camping sites. It is acknowledged that short stay holiday accommodation provided by caravan and camping sites contributes significantly to the local economy. However, whilst the Council wishes to ensure that there are adequate facilities for caravanning and camping within the district, this aim must be balanced against with the need to protect and conserve the environment that attracts visitors in the first place.
- 3.41 Holiday caravan sites can be very intrusive in the landscape and static caravan sites can have a particularly damaging impact, especially on the exposed coastline. Touring caravan and camping sites generally have a lesser impact due to their lower density, seasonal use (mainly during the summer months when vegetation cover is greatest). In view of these considerations, proposals for new static caravan sites are unlikely to be permitted. However, proposals for the further provision of touring caravan and camping sites will be permitted subject to meeting the criteria set out in Policy DM12.
- 3.42 Within 7km of the Ashdown Forest, proposals for new caravan and camping sites, or extensions to existing sites that would increase the number of available pitches, will be required to contribute to the Joint Strategic Access Management and Monitoring (SAMM) Strategy for Ashdown Forest Special Protection Area. The SAMM Strategy will provide the necessary mitigation measures to avoid or reduce the impact of additional recreational pressures on the Forest and will be delivered by the Conservators of the Ashdown Forest in partnership with the relevant local authorities.

Policy DM12: Caravan and Camping Sites

Proposals for new or extended touring caravan and camping sites will be permitted where the following criteria are met:

- (1) there is reasonable accessibility from the primary or secondary route network;**
- (2) the size and scale of the proposal would be compatible in terms of appearance and intensity of use with its location;**
- (3) the proposal would not be visually intrusive in the landscape and would be adequately screened, either by existing vegetation or by a landscape scheme that enables the development to be accommodated without detracting from the character and quality of the countryside;**
- (4) existing buildings or structures are used, where possible, to provide ancillary facilities;**

- (5) the design of any new buildings responds sensitively to its rural setting, in terms of its scale, layout and use of materials**
- (6) in the case of extensions to existing sites, the proposals should result in an improved layout and landscaping.**

Conditions will be applied to limit the use of the site in order to preclude its use as permanent residential accommodation or as winter storage for touring caravans. Proposals for new static caravan sites will not be permitted.

Existing Visitor Accommodation

- 3.43 The availability of a wide range of high quality visitor accommodation is necessary for a successful tourist industry. Visitor accommodation attracts overnight stays, generates income from spending by staying visitors, and provides important employment and business opportunities. It is therefore important to resist the loss of such accommodation unless a sound economic case can be demonstrated in accordance with Policy DM13. Where an application is made that would result in the loss of existing visitor accommodation, it will need to be supported by evidence of at least 12 months active and continuous marketing of the property at an appropriate market level. Details of the numbers and types of interested parties and their reasons for not pursuing their interest in the property a visitor accommodation will be expected.

Policy DM13: Existing Visitor Accommodation

Development which would result in the loss of existing visitor accommodation, including touring caravan and camping sites, will only be permitted where it can be demonstrated that either:

- (1) the building or land is no longer suitable to accommodate the current use and it is not economically viable to retain, enhance or reinstate the visitor accommodation through redevelopment of the site; or**
- (2) there is no demand for the accommodation and it can no longer make a positive contribution to the local economy.**

CREATING HEALTHY, SUSTAINABLE COMMUNITIES

Green Infrastructure

- 3.44 Core Policy 11 (*Green Infrastructure*) of the Local Plan Part 1 sets out the overall strategic framework for managing and enhancing the green infrastructure network across the district. Green infrastructure maintains

critical ecological links between town and country and provides us with essential ecosystem services such as flood protection, clean air and water, carbon storage, food and materials. It also provides us with cultural services, such as access to the wider countryside, and health and well-being benefits through opportunities for walking, cycling and other activities, as well as contributing to the economy through the creation of attractive environments which can encourage business investment.

- 3.45 Unless development is carefully managed, there is a risk that it could contribute to the future fragmentation, loss and deterioration of the district's habitats and species, as well as resulting in increased pressure on existing green infrastructure resources.
- 3.46 However, at an individual site level, development can provide an opportunity to increase the quality and quantity of green infrastructure as well as improving its accessibility and connectivity, and ecological and social value. Policy DM14 seeks to ensure that green infrastructure is delivered as an integral part of the design of new development proposals and achieves multiple environmental, social and economic benefits.

Policy DM14: Multi-functional Green Infrastructure

Development will be permitted where opportunities for the provision of additional green infrastructure have been fully considered and would be provided where justified by the character of the area or the need for outdoor playing space. Green infrastructure provided as part of new development should incorporate features to encourage biodiversity and retain or, where possible, enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and ecological corridors should, where practical and appropriate, form an essential component of green infrastructure provision to ensure habitat connectivity.

Outdoor Playing Space

- 3.47 In line with Government guidance, it is considered essential that adequate provision for outdoor playing space is made in association with new housing developments in order to meet the recreational needs of new residents and to avoid exacerbating existing deficiencies. The existence of outdoor playing space encourages people to adopt an active lifestyle and also helps people, young and old, to play and socialise with others.
- 3.48 The Council therefore seeks to ensure that provision of outdoor play and informal recreation meets the needs arising from new development. The Council's adopted standards for outdoor playing space are based on benchmark guidelines published by Fields in Trust (FiT) to address issues of

quantity, quality and accessibility (*Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard, FiT 2015*).

- 3.49 Currently the overall provision of outdoor playing space in the district's towns and villages indicates that most fall below the FiT recommended levels, with a particular deficiency in the provision of children's play space. Consultation with the town councils confirms the overall deficiency at a local level, a situation that is often emphasised by local sports clubs and organisations.
- 3.50 The opportunities for providing additional outdoor sports facilities are limited due to the lack of sites in Council ownership. However, the Community Infrastructure Levy (CIL) provides a source of funding to enhance existing playing fields, for example by improved drainage or the provision of all-weather pitches, to enable them to be used more intensively.

Policy DM15: Provision for Outdoor Playing Space

The Council will seek to achieve provision of outdoor playing space, which is as a matter of practise and policy available for public use, to the following minimum standards:

- (a) 1.6 ha per 1000 population for outdoor sports, including playing pitches, tennis courts, and bowling greens;**
- (b) 0.25 ha per 1000 population for equipped/designated children's play space;**
- (c) 0.3 ha per 1000 population for other outdoor provision (multiple use games areas and skateboard parks).**

In areas where there is deficiency of outdoor playing space in either quantitative or qualitative terms, the impact of the increase in population from new residential development will be mitigated either by on-site provision or by the use of the Community Infrastructure Levy to secure the provision of new, or the enhancement of existing, outdoor playing space and facilities.

Children's Playing Space

- 3.51 Outdoor play is important to children's health and well-being. It helps to develop their physical abilities and their emotional responses. Lack of consideration for children's play in the past has led to them playing in potentially dangerous areas such as roads, railway embankments, or close to homes on spaces not designed for play with consequential disturbance problems. The Council will continue to provide and maintain children's playgrounds and playing fields. However, there is a complementary role to be played by private house builders in providing opportunities for play within new housing developments.

- 3.52 The Council has identified thresholds above which developers will be required to provide on-site children's play space, as set out in Policy DM16 below. The scale of provision should relate to the demand generated by the development, calculated by the average household size of the relevant town or parish, and the existing level and quality of children's play space provision in the locality using the FiT benchmark guidelines. An exception to this policy will be made in the case of one bedroom units, sheltered housing or other specialist accommodation for the elderly/retired, and student housing.
- 3.53 Children's play space should be located within a short walking distance of homes, with safe and convenient pedestrian access and should be designed to minimize vandalism, avoid nuisance to neighbours and allow easy supervision. There should be a combination of designated equipped play areas and informal play space, which should be safe, secure and stimulating. Play equipment should be designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177. Account should also be taken of existing national guidance, including *Design for Play: A guide to creating successful play spaces* (Play England, 2008).

Policy DM16: Children's Play Space in New Housing Development

Residential developments of 20 dwellings or more will only be permitted where children's playing space is provided on-site in accordance with the minimum standards set out in criteria (b) of Policy DM15. This space should be:

- (1) integral to the overall design and layout of the development;**
- (2) sited in safe, open and welcoming locations which are overlooked by dwellings and well used pedestrian routes;**
- (3) provided with seating for accompanying adults;**
- (4) additional to any incidental amenity space;**
- (5) properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the completion of the final dwelling of the development.**

The above standard will not be applied in the case of one-bedroom dwellings or specialist accommodation for older people or students.

Former Lewes/ Sheffield Park Railway Line

- 3.54 It is unrealistic to protect the route of the former Lewes/Sheffield Park Railway Line for future potential use as a public transport corridor because parts of the track have been developed. However, part of the route is currently used as a bridleway and much of the undeveloped part of the route provides a valuable wildlife habitat. The Council will therefore encourage opportunities to increase

access to the countryside by enabling the provision of a footpath, cycleway or bridleway along the undeveloped part of the former line.

Policy DM17: Former Lewes/Sheffield Park Railway Line

Informal recreational uses, such as walking, cycling and horse-riding, will be permitted along the route of the undeveloped part of the Lewes/Sheffield Park railway line. Development which would prejudice such uses will not be permitted unless proposals are accompanied by alternative route provision.

Recreation and Rivers

- 3.55 The River Ouse and its hinterland offer potential as a recreational resource, both for water-based activities and for walking, cycling and horse-riding, provided that such activities can be accommodated without adversely affecting the integrity of any river or tidal defence embankment. However, it is important to ensure that the tranquil character of the river corridor and its wildlife and geological features are protected, in particular taking into account the impact of traffic and parking on this sensitive environmental location. Policy DM18 therefore sets out the circumstances in which recreational development affecting the River Ouse and its hinterland would be acceptable.

Policy DM18: Recreation and Rivers

Development proposals for recreational use on the River Ouse, its margins and associated wetlands (as defined on the Proposals Map) will be permitted where it can be demonstrated that there would be no adverse impact, either directly or indirectly, on their quiet and natural character, wildlife or geological features.

PROTECTING AND ENHANCING THE DISTINCTIVE QUALITY OF THE ENVIRONMENT

- 3.56 The high quality of the district's natural and built environment is one of its major assets and valued by residents and visitors alike. Its value for wildlife is recognised by 16 Sites of Special Scientific Interest, including two Special Areas of Conservation designated under the European Habitats Directive, and the district also has a rich legacy of heritage assets, including 35 Conservation Areas. It is vital to ensure that these valued environmental resources are protected and enhanced wherever possible. The policies in this section supplement Core Policies 9 (*Air Quality*), 10 (*Natural Environment & Landscape Character*) and 11 (*Built & Historic Environment and High Quality Design*) of the Local Plan Part 1 and seek to provide a framework within which natural and built assets can be effectively protected and prudently managed through the control and implementation of development proposals.

Protection of Agricultural Land

- 3.57 Farming activity varies across the district according to differing soils, topography, drainage and tradition. Local planning authorities are expected to take into account the economic and other benefits of the best and most versatile agricultural land (land in grades 1, 2 and 3a of the Agricultural Land Classification) and use areas of poorer quality land in preference to that of a higher quality where the significant development of agricultural land is unavoidable. Protecting the best and most versatile agricultural land is not only important for food production but enables further environmental benefits to be realised, such as flood alleviation or aquifer recharge.

Policy DM19: Protection of Agricultural Land

Development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.

Pollution Management

- 3.58 The control of pollution is largely regulated by the Environment Agency and the Council's Director of Service Delivery, in consultation with the Health & Safety Executive, through the Environmental Protection Act 1990 and related legislation. However, any unacceptable risk from pollution arising from the development and use of land can be a material planning consideration and should be taken into account in the determination of planning applications. The Council will therefore use its planning powers to ensure that development with the potential to cause pollution or other harmful environmental effects is appropriately located and its impact on other land uses carefully managed. The aim is to provide a safe and healthy environment for those who live and work in the district.

Policy DM20: Pollution Management

Development that may potentially contribute to, or be adversely affected by, unacceptable levels of soil, air, water, noise or light pollution will only be permitted where it can be demonstrated that:

- (1) its location is appropriate in terms of land use in relation to the uses in the surrounding area;**
- (2) the development will not have an unacceptable impact on health, the natural environment or general amenity;**
- (3) the development will not have an adverse impact on the use of other land;**

(4) where relevant, the appropriate after-use of land can be secured

Land Contamination

- 3.59 Any land contaminated with hazardous or toxic materials is potentially a serious cause of pollution. Contamination can result from previous uses of the site, for example, industrial processes involving chemicals or closed waste disposal sites where landfill gas and leachate are still present. The NPPF places the onus with the developer and/or landowner for securing a safe land/development. It also requires a risk assessment of land potentially affected by contamination and expects all investigations to be undertaken in accordance with established practices such as BS10175 (2013) 'Code of Practice for the Investigation of Potentially Contaminated Sites'.
- 3.60 The Council needs to ensure that the implications of contamination for a new development not addressed by other legislation are properly considered through the planning system. Policy DM21 provides the framework for considering planning applications where land contamination issues are involved. There is further information on land affected by contamination contained in the national Planning Practice Guidance and an overview of contaminated land produced on the GOV.UK website which should also be referred to prior to submitting a planning application.

Policy DM21: Land Contamination

Development proposals on a site is that is known or suspected to be affected by contamination will only be permitted where the Council is satisfied that all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants that could cause unacceptable risk to health or to the environment. Information should be provided detailing the methodology by which risks will be addressed and ensuring the treatment and/or removal of all contaminants prior to the commencement of development. Development will not be permitted unless practicable and effective measures are taken to avoid:

- (1) exposing the future occupiers and users of the development to unacceptable risk;**
- (2) threatening the structural integrity of any building or structure built on or adjoining the site**
- (3) causing the contamination of any water course, water body or aquifer;**
- (4) causing the contamination of adjoining land or allowing such contamination to continue;**
- (5) damaging or putting at risk the quality of the natural environment.**

Water Resources and Water Quality

- 3.61 The protection and enhancement of water quality in rivers and other water bodies is important in terms of sustaining the supply of water and the ecology and general amenity of the district. Lewes district has an extensive and varied water environment, including chalk aquifers, the Ouse and Cuckmere rivers, lakes and ponds, springs, and the sea. The Water Framework Directive establishes a statutory framework for the protection of groundwater and inland surface waters, estuaries, and coastal waters.
- 3.62 All new development should ensure that there will be no adverse impact on the water environment, both within the district and beyond, through surface or storm water run-off, water abstraction or sewerage discharge in accordance with the Water Framework Directive. The appropriate management of surface water run-off is addressed by Core Policy 12 (*Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability*) of the Local Plan Part 1.
- 3.63 The protection of ground water is particularly important in Sussex, since the majority of the public water supply is abstracted from water-bearing strata or aquifers. These features also provide an important water source for rivers, sustaining flow in dry periods, and for other wildlife habitats. The quality of ground water is easily polluted, directly and indirectly, and can pose a serious risk to public health. It is better to prevent or reduce the amount of contamination at source rather than treat it afterwards.
- 3.64 The Environment Agency has defined Groundwater Source Protection Zones which indicate where there are likely to be particular risks to the quality or quantity of groundwater. Applicants should consider any possible impact of proposed development on groundwater recharge, flows and levels. If it is anticipated that works may penetrate the natural winter water table then the impact of such works will need to be assessed and discussed with the Environment Agency. If detrimental consequences for the water environment are likely, agreed mitigation measures will be necessary.

Policy DM22: Water Resources and Water Quality

Development will be only permitted where it can be demonstrated that it would not result in:

- (1) unacceptable risk to the quality and quantity of surface and groundwater (including reservoirs); or**
- (2) changes to groundwater and surface water levels that would have unacceptable adverse impacts on:**
 - (a) adjoining land;**
 - (b) the quality of groundwater resources or potential groundwater resources;**
 - (c) the potential yield of groundwater resources, river flows or natural habitats.**

Work beneath the water table will not be permitted unless there is a comprehensive groundwater management scheme agreed for the construction, operation, restoration and on-going management of the proposal.

Noise

3.65 The planning system has a role in seeking to ensure that new noise sensitive development, such as housing and schools, is not located close to existing sources of noise, including industrial uses and noise generated by vehicles and other forms of transport that would lead to nuisance. It should also ensure that potentially noise creating uses such as some industrial processes or some recreational activities are not located where they would be likely to cause nuisance. Where this is not possible, planning conditions will be imposed to secure adequate mitigation. This approach is reflected in Policy DM23. The national Planning Practice Guidance provides further guidance on addressing noise related development and additional information is available in the 'Explanatory Note to the Noise Policy Statement for England' (DEFRA).

Policy DM23: Noise

Residential and other noise sensitive development will be only permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses.

Noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing or future users. Where appropriate, proposals will be required to mitigate noise impacts through careful planning, layout and design. In assessing mitigation proposals, account will be taken of;

- 1) the location, layout and design of the proposed development;**
- 2) existing levels of background noise;**
- 3) measures to reduce or contain generated noise**
- 4) hours of operation and servicing**

Where noise sensitive uses are likely to be exposed to significant or unacceptable noise disturbance, the Council will require that applications are supported by a Noise Impact Assessment prepared in accordance with the Planning Noise Advice Document: Sussex (July 2015) or any subsequent updated document. Development that would expose noise sensitive uses to unacceptable noise levels will not be permitted.

Protection of Biodiversity and Geodiversity

- 3.66 It is important to recognise the value of the natural environment in planning for our future, not least because of the crucial role it plays in sustaining human life. The district's natural environment is one of its greatest assets and supports a range of habitats, species and other features that contribute to biodiversity or geodiversity value, including internationally and nationally important sites. It is essential that these are protected, and where possible enhanced, in accordance with Core Policy 10 (*Natural Environment & Landscape Character*) of the Local Plan Part 1.
- 3.67 Sites and areas recognised for their biodiversity and geodiversity value are shown on the Proposals Map and include:
- European Sites of International Importance
 - Sites of Special Scientific Interest
 - National Nature Reserves
 - Local Nature Reserves
 - Wildlife Trust Reserves
 - Local Wildlife Sites
- 3.68 Details of the international and national designations can be obtained from Natural England, whilst information on Local Nature Reserves, Wildlife Trust Reserves and Local Wildlife Sites can be obtained from the Council.

Internationally Designated Sites

- 3.69 Lewes District contains two Special Areas of Conservation (SAC) – Castle Hill and Lewes Downs – which are both located outside of the Plan area. These sites have been designated under the European Habitats Directive that provides for the protection of species of European importance and the habitats that support them through the establishment of a network of protected sites called Natura 2000. The aim of this network is to assure the long-term survival of the most threatened species and habitats, with the emphasis placed on sustainable management, both ecological and economical.
- 3.70 The provisions of the European Habitats Directive have been transposed into UK law through a range of acts and regulations, most recently the Conservation of Habitats and Species Regulations 2010. SACs receive the highest level of protection for their biodiversity value and it may be necessary to undertake project level assessments in accordance with these regulations where a proposed development, either by itself or cumulatively with other developments, is likely to have a significant impact on a site.
- 3.71 The Ashdown Forest SAC and Special Protection Area (SPA) is located wholly outside of Lewes District. However, a Habitats Regulation Assessment undertaken on the Local Plan Part 1 concluded that development in that part of the district within 7km of the Ashdown Forest, in combination with

development in neighbouring districts, could have a significant adverse impact on protected species within the SAC and SPA. Additional residential development within 7km of the Ashdown Forest is therefore required to mitigate its potential harm in accordance with criterion 3 of Core Policy 10 of the Local Plan Part 1.

- 3.72 The necessary provision for Suitable Alternative Natural Greenspace (SANG) to help mitigate the impact of new residential development on the Ashdown Forest SAC and SPA has been made on 11.8ha of land at Reedens Meadow on the edge of Newick village. All development proposals that result in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute towards the future management and monitoring of the SANG, as well as the implementation of the Strategic Access Management and Monitoring Strategy (SAMMS) for the Ashdown Forest. Lewes, Wealden and Tandridge District Councils with the Conservators of the Ashdown Forest have produced a SAMMS guidance document and tariff for the collection of the necessary contributions.

Nationally Designated Sites

- 3.73 The Plan area includes four Sites of Special Scientific Interest (SSSIs) that have been designated for their national biological or geological interest. SSSIs are given a high level of protection through both the planning and legal systems. The Countryside and Rights of Way Act 2000 makes provision for the notification, protection and management of SSSIs, whilst the Wildlife and Countryside Act (1981) places a general duty on local authorities to take reasonable steps to further the conservation and enhancement of the features for which the sites are designated.
- 3.74 There is not a requirement for the 'Appropriate Assessment' process for SSSIs, but developments likely to impact on a SSSI will normally require an Environmental Impact Assessment.

Local Sites

- 3.75 There are three Local Nature Reserves, one Wildlife Trust Reserves and 49 Local Wildlife Sites within the Plan area. These local sites do not receive the same legal protection as internationally or nationally designated sites. Nevertheless, these sites are identified and selected locally for their substantive nature conservation value, based on important, distinctive and threatened habitats and species and geological features. Collectively they represent an essential part of the district's critical stock of natural capacity.

Habitats of principal importance

- 3.76 Habitats of principal importance for the purpose of conserving biodiversity in England are identified under Section 41 of the Natural Environment and Rural

Communities Act 2006. They do not receive statutory protection but potential adverse impacts upon them will be taken into account by the Council in the consideration of development proposals.

Managing sites of nature conservation or geological sites

- 3.77 The Council will give priority to the protection, enhancement and management of the areas listed above, seeking to ensure their integrity and increase their ecological resilience in order to enhance landscape character, protect and increase biodiversity, and establish a coherent ecological network resilient to current and future pressures. Development that has potential to harm these areas listed will not be permitted unless the circumstances set out in Policy DM24 are met.
- 3.78 Protected species, which often exist on designated habitats, are the subject to specific legislation under the European Birds and Habitats Directives and the Wildlife and Countryside Act (1981). Nevertheless, the existence of protected species is a material consideration in the determination of planning applications. Development proposals should therefore assess the likely impact, including cumulative impact, on protected species both on and in close proximity to the development site. Such an assessment should be informed through consultation with the Sussex Biodiversity Record Centre.
- 3.79 In the same way, all development proposals affecting designated sites, important habitats, or other biodiversity or geodiversity features should be accompanied by up-to-date information proportionate to their nature conservation value. The type of assessment needed will vary from a biodiversity survey and report through to EIA and Appropriate Assessment if a European Site is involved. Such an assessment should be informed through consultation with the Sussex Biodiversity Record Centre. National guidance is available on how and when to undertake such assessments.
- 3.80 It is important to bear in mind that the survey work needed to inform such assessments will be seasonally restricted. Discussion of biodiversity survey needs at pre-application stage can help reduce the likelihood of delays resulting from requirements for survey being identified at a later stage. All ecological reports should include findings of the survey, details of the survey methodology and assessment of the impacts. They should also contain details of avoidance, mitigation, compensation and enhancement measures to enable report recommendations to be conditioned and enforced in accordance with Policy DM24.
- 3.81 Any harm or loss to a designated site should only occur as last resort and should be compensated by replacement with a feature of comparable or higher ecological value. Where, very exceptionally, a species population needs to be moved to make way for development, work should be undertaken to an appropriate professional standard with the aim of improving the local

status and security of that population. All off-site work necessary to ensure the survival of the translocated species or habitat should be undertaken prior to the start of the development.

Policy DM24: Protection of Biodiversity and Geodiversity

Development which would be likely to adversely affect a designated Ramsar site, designated or candidate Special Area of Conservation (SAC) or a classified or potential Special Protection Area (SPA) will only be permitted where adverse likely significant effects can be avoided and/or mitigated against. After avoidance and mitigation measures have been considered, where residual adverse likely significant effects arise, development will only be permitted if there is no alternative solution and there are imperative reasons of over-riding public interest that would justify the development.

Development proposals that result in a net increase of one or more dwellings within 7km of the Ashdown Forest will only be permitted where they comply with Core Policy 10(3) of the Local Plan Part 1. The requirement of Core Policy 10 (3i) can be fulfilled through a contribution towards the management and monitoring of the Suitable Alternative Natural Greenspace (SANG) at Newick, as defined on the Proposals Map.

Development which would be likely to adversely affect a Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR) will only be permitted where the benefits of the development outweigh the damage to the nationally recognised special interest of the designated site and any adverse impacts on the wider network of SSSIs.

Development which would result in damage or loss to a site of biodiversity or geological value of regional or local importance including Local Nature Reserves (LNR), Local Wildlife Sites, Wildlife Trust Reserves, and habitats of principal importance for biodiversity, will only be permitted where the benefits of the development clearly outweigh the damage to the conservation interest of the site and any loss can be mitigated to achieve a net gain in biodiversity and/or geodiversity.

Where development is permitted, the Council will use conditions and/or legal agreements in order to minimise the damage, ensure adequate mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

Design

- 3.82 High quality design (including architecture, urban design and landscape architecture) is fundamental to the creation of high quality places. It influences safety and security, encourages economic investment, and contributes to community cohesion and inclusion. The design of the built environment can promote increased levels of walking and cycling to address

health and well-being, as well as addressing the causes and effects of our changing climate.

- 3.83 High quality design is crucial if the towns and villages within the District are to maintain and enhance their valued local distinctiveness, and emerge as more sustainable and higher quality settlements that thrive economically, socially and culturally. The Council does not wish to stifle innovative design especially in areas where the existing design quality is poor and vernacular design cues are weak or absent. However, contemporary and innovative design will still be required to follow good design principles and achieve satisfactory standards to ensure that new development reinforces a sense of place.
- 3.84 The detailed criteria in Policy DM25 should be read in conjunction with Core Policy 11 (*Built & Historic Environment and High Quality Design*) and other relevant policies in the Local Plan Part 1. The NPPF and Planning Practice Guidance, together with best practice guidance in the *Manual for Streets* (Parts 1 & 2), *By Design*, and *Building for Life 12*, also provide advice on the design assessment of development proposals.
- 3.85 Building for Life 12 is endorsed by the government and is the industry standard for the design of new residential development. All development schemes with 10 or more dwellings will therefore be assessed using the Building for Life 12 design assessment tool (or equivalent methodology, as identified by the Council, should this be superseded within the Local Plan period). As a guide, development should seek to achieve a score of no 'reds', design out all 'ambers', and achieve a majority of 'greens'.

Policy DM25: Design

Development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:

- (1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;**
- (2) its scale, form, height, massing, and proportions are compatible with the character of existing buildings, building lines, roofscapes and skylines;**
- (3) it responds to locally characteristic architectural styles, rhythms, patterns, and detailing, taking account of their scale and proportions;**
- (4) it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;**

- (5) existing individual trees or tree groups that contribute positively to the area are retained;**
- (6) adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;**
- (7) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm;**
- (8) there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels;**
- (9) major developments will promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;**
- (10) residential developments of 10 or more dwellings should demonstrate how the 'Building for Life 12' criteria have been taken into account and would be delivered by the development.**

Development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions will not be permitted.

- 3.86 The provision of suitable waste management facilities within new developments is fundamental if waste reduction and recycling targets are to be met. Refuse and recycling storage and collection facilities should be designed to be convenient and easily accessible but also be as unobtrusive as possible within the public realm. They should be of a suitable size to accommodate all the refuse containers to meet the needs of residents and the refuse collection service. If sited at the front of the property, such facilities should be screened from public footways or enclosed in a well-ventilated cupboard. If convenient external access to rear gardens is available, bin storage may be accommodated to the rear of the property. Refuse storage facilities should not result in dark recesses or a cluttered or shabby appearance.

Policy DM26: Refuse and Recycling

Accessible, well-designed and easy to use waste and recycling facilities will be needed in new developments to help the Council meet its recycling targets. Refuse and recycling storage and collection facilities should be considered at the beginning of the design process in new development to ensure that:

- **Adequate refuse and recycling facilities are provided to serve the development.**
 - **Storage of wheelie bins, communal waste bins and refuse sacks do not detract from the street-scene, obstruct access or detract from residential amenity.**
 - **There is convenient access, both for occupiers of the properties and for the collection vehicles and workers.**
- 3.87 The importance of trees and green spaces in delivering high quality places is now widely recognised. The Council expects such features to be incorporated in development proposals in order to enhance landscape character and biodiversity and provide other sustainability benefits, such improved air quality, shelter and shade. Landscape schemes should be an integral part of the design process.
- 3.88 Trees are an important element of green infrastructure provision, contributing to urban cooling and providing micro-climatic effects that can reduce energy demands in buildings. They therefore represent a key resource in terms of climate change adaptation. Tree planting should be used to help shape the built environment and new development in a way that strengthens the distinctive character and diversity of the district and increase climate change resilience.
- 3.89 Applicants will be expected to refer to the latest British Standards BS5837 best practice guidance for guidance on assessing the quality and contribution of trees on and adjacent to development sites, their protection during development, and incorporating them into the design of development. It will be necessary to have regard to future problems that can occur due to the proximity of trees and buildings and applicants are encouraged to seek expert advice where appropriate.
- 3.90 The Council will also seek to ensure that landscaped areas provided as part of new development schemes are properly maintained in the future, in accordance with the latest British Standards BS4428 best practice guidance. This is particularly important in terms of communal amenity areas for the benefit of occupiers or the wider community. Further tree and landscape advice is available on the Council's website.

Policy DM27: Landscape Design

Where appropriate, development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development. Landscape schemes will be expected to:

- (1) reflect, conserve or enhance the character and distinctiveness of the local landscape or streetscape and integrate the development into its surroundings, adding visual interest and amenity;**

- (2) encourage adaptation to climate change by, for example, providing areas to assist with flood mitigation or tree planting to assist with carbon capture and urban cooling;**
- (3) retain and incorporate existing healthy mature trees and hedgerows and replace any trees that need to be removed with trees of an appropriate species;**
- (4) where practicable, use material excavated from the site for re-contouring, infilling and top-soiling, ensuring that any land re-modelling respects the local topographic character;**
- (5) where appropriate, take opportunities to connect the development site to the existing green infrastructure network.**

Residential Extensions

- 3.91 Extensions and alterations to dwellings are often a means of enabling people to better meet their housing needs without moving. Not all such proposals need planning permission (although they generally require approval under the Building Regulations). However, where permission is required they will be considered in terms of:
- relationship with the character and appearance of the principal building
 - compatibility with the general character of the locality
 - impact on the amenities of neighbouring properties
- 3.92 In order to demonstrate that a proposal will contribute positively to the character of the site and the surroundings and that due regard is given to how it will relate to both the dwelling and neighbouring development, planning application drawings (elevations and sections) should show proposals in the context of adjacent buildings.
- 3.93 The retention of sufficient external private space to meet the continuing requirements of the original dwelling is essential in respect of proposals for extensions, including the retention of adequate space for gardens, refuse/recycling facilities and off-street parking. These considerations are covered specifically by Core Policy 11 (*Built & Historic Environment and High Quality Design*) of the Local Plan Part 1 and Policy DM25 (*Design*).
- 3.94 Detailing and materials can be critical to a successful extension or other ancillary building. Every effort should be made to retain and, where

appropriate, repeat any distinctive architectural features and materials that contribute positively to the character of the host building, including facing bricks, roof tiles, window frames, doors and rain water pipes.

- 3.95 In relation to side extensions, particular care should be taken to avoid infilling the gaps between detached or semi-detached houses where these are an important characteristic of the locality, as it may result in a cramped, 'terracing effect' and detract from the character of the dwelling and the street scene. It is considered good design practice to set side extensions back from the front elevation of the existing dwelling.
- 3.96 Extensions, alterations or new outbuildings can also adversely impact on adjoining properties in terms of:
- having an overbearing presence through their size and position (generally referred to as its "massing")
 - overlooking or loss of privacy
 - loss of sunlight or daylight through overshadowing of habitable rooms or gardens
- 3.97 In considering these factors, regard will be had as to whether there is a significant change in level between properties, as this may increase the impact of an extension on the amenity of neighbours' homes.

Policy DM28: Residential Extensions

Extensions and alterations to dwellings will be permitted where the following criteria are met:

- (1) the materials and design, including the pitch, style and span of the roof, complement and enhance the character and appearance of the host building;**
- (2) the design respects and responds positively to the scale, height, site coverage, bulk, massing and character of the adjacent properties and the wider street scene – in streets which have a definite architectural rhythm and similar style of dwelling, front extensions will not normally be acceptable;**
- (3) two storey or second storey extensions at first floor level will normally be required to retain at least a one metre gap to the side boundary to prevent the creation of a 'terraced' appearance;**
- (4) extensions would not result in unacceptable overlooking of, or loss of daylight to, the nearest habitable rooms or private amenity space of**

neighbouring dwellings. They should normally be restricted to within a line drawn from the mid-point of the nearest ground floor window of a habitable room of the neighbouring property. The line should be projected 60° for single storey extensions and 45° degrees for two storey extensions.

Outside the planning boundaries, as defined on the Proposals Map, dwelling extensions will only be permitted where there would be no harmful impact on the surrounding landscape.

Garages and other buildings ancillary to existing dwellings

- 3.98 Ancillary buildings within the curtilages of residential properties can frequently be erected without the need for planning consent. Nevertheless, when permission is required, the siting of garages and other outbuildings needs careful consideration in terms of the relationship with the main dwelling and with the established street-scene. Care should be taken to avoid cramping or cluttering the site, or adversely affecting the amenities of neighbouring properties. In the case of garage proposals, internal floorspace dimensions should comply with approved parking guidance in accordance with Core Policy 13 (*Sustainable Transport*) of the Local Plan Part 1.
- 3.99 Within the countryside, it is important that ancillary buildings are sympathetic to landscape character and quality and do not 'suburbanise' their rural surroundings. Converted traditional farm buildings are particularly vulnerable to harm by inappropriate garages, sheds and other outbuildings that can potentially undermine the intrinsic character of the original building or its rural setting.
- 3.100 Residential annexes have grown in popularity in recent years and are commonly developed to provide additional semi-independent accommodation for members of the same family, particularly older relatives who may need additional care and support. To qualify as an annexe as opposed to a separate dwelling, it must share the same access, parking and amenity space as the main dwelling house. Annexes should also be smaller or subordinate to the main dwelling and should not be designed to be capable of being sold or let as a separate unit. In principle, annexes are considered acceptable within the settlement planning boundaries but stricter criteria will be applied to proposals outside of the planning boundaries to ensure that the intrinsic beauty and character of the countryside is protected.

Policy DM29: Garages and other buildings ancillary to existing dwellings

Garages and other buildings ancillary to an existing dwelling will be permitted where the following criteria are met:

- (1) the size, scale, siting and design relates satisfactorily to the existing dwelling and its curtilage, the established street scene, and the character of the locality;**
- (2) the use of materials is sympathetic to the character and appearance of the existing dwelling.**

Outside the planning boundaries, as defined on the Proposals Map, garages and other ancillary domestic buildings should be subordinate in scale and proportion to, and located in close proximity to, the principal dwelling; the use of ancillary accommodation as a separate dwelling will not be permitted and proposals should not be of a size or design, or be capable of severance, to form an additional dwelling or dwellings.

Backland Development

- 3.101** The construction of a dwelling or dwellings on parts of large back gardens attached to existing houses is a common form of development within towns and villages and can provide a useful source of new homes. However, such development requires careful planning, particularly in relation to the provision of access and parking, the amenities of neighbouring properties, and the character and quality of the local environment. 'Tandem' development, where a house is constructed immediately behind another house and shares the same access, is rarely satisfactory due to the difficulties of access to the house at the rear and the disturbance and loss of privacy suffered by the house at the front. Nevertheless, the development of small vacant sites within established residential areas may often be appropriate and the criteria set out in Policy DM30 provides the framework for assessing such proposals.

Policy DM30: Backland Development

Development in rear domestic gardens and other backland sites will be permitted where the following criteria are met:

- (1) the provision of safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance;**
- (2) the mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens;**
- (3) the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity.**

Advertisements

- 3.102 Well-designed and located advertisements can contribute to the vibrancy and vitality of the street scene and benefit the local economy. However, poorly designed or inappropriately located advertising can create visual discord and clutter, or cause obstruction to pedestrians and other people who may be visually or mobility impaired. Policy DM31 aims to provide a framework that will be used in the determination of planning, advertisement and listed building consent in relation to advertisements, including signage and illumination. Free standing 'A' boards require permission and will only be permitted where they do not impinge pedestrian movement or safety. Redundant signs should be removed and opportunities to reduce signage sought where new signage is proposed.

Policy DM31: Advertisements

Advertisements and signs will be permitted where they are sympathetic to the character and appearance of the location and/or the host building, having regard to size, design, colour, materials, construction, siting, level of illumination, and cumulative impact with other advertisements in the vicinity. Advertisements and signs will not be permitted where they would be detrimental to public safety or to the amenities of the area.

Telecommunications Infrastructure

- 3.103 Modern telecommunications have grown rapidly in recent years with mobile phones now forming an essential part of everyday life. Improvements to telecommunications networks can help to promote sustainable communities and lead to economic benefits. However, the siting and design of telecommunications infrastructure is often a concern for local communities and can cause harm to the character and appearance of Conservation Areas or other heritage assets and to the special qualities of the South Downs National Park. The Council therefore seeks to facilitate the growth and improvement of the telecommunications network whilst keeping the environmental impact to a minimum.
- 3.104 Applications will be determined solely on planning grounds. The Council will not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. However, the use of planning conditions or legal agreements may be considered as appropriate to ensure that any mast, equipment or other apparatus is removed by the operator if they become redundant in the future.

Policy DM32: Telecommunications Infrastructure

The erection of telecommunications apparatus will be permitted where the following criteria are satisfied:

- (1) the apparatus uses an existing mast, building or other structure where practicable, without causing unacceptable harm to the appearance of any building or structure utilised;
- (2) where an existing mast, building or other structure is not available, the apparatus would be screened as far as practicable by the existing landform and trees, or by landscaping incorporated in the proposal;
- (3) the apparatus would not have an adverse impact on a designated heritage asset or its setting;
- (4) the proposal incorporates appropriate materials or treatments for any associated buildings or supporting structures;
- (5) the potential for physical interference has been minimised in the siting and design of the apparatus.

All proposals should include a landscape and visual assessment which will, where appropriate, show the impact of the proposal in the landscape and townscape or upon the setting of heritage assets, either in isolation or cumulatively with other nearby telecommunications related development.

Historic Environment

3.105 The NPPF defines heritage asset as '*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*'

3.106 The District's heritage assets are well documented and will continue to be conserved or enhanced in accordance with Core Policy 11 (*Built & Historic Environment and High Quality Design*) of the Local Plan Part 1. Sensitive management of the historic environment is a key component in the delivery of sustainable development and adds value to regeneration, business and the growing tourism sector. Great weight will be given to conserving the significance of designated and non-designated heritage assets and their setting.

3.107 The need for locally specific planning policies is very limited, given the wealth of national guidance on heritage assets contained within the NPPF and Planning Practice Guidance, together with the relevant legislation applying to individual heritage designations. However, in order to sympathetically manage heritage assets as part of the development process, there must be a clear

understanding of the significance of the asset and the contribution of its setting.

- 3.108 It is the applicant's responsibility to provide sufficient information and assessment of the impacts of their proposal on heritage assets and/ or their settings, and the wider historic environment. Applications affecting the significance of a heritage asset are therefore required to provide sufficient information to demonstrate the impact of the proposed development upon the asset. Early pre-application work by the developer is encouraged to avoid abortive and costly work at a later stage. Relevant advice is also available from Historic England.
- 3.109 There are 15 Conservation Areas within the Plan area, representing a valuable part of the district's built and cultural heritage. The special character and appearance of these areas can be derived from many different features including the scale, style and materials of the buildings, the historic street pattern, street frontages and building lines, boundary structures, street furniture, trees and open spaces. These features and other significant characteristics are identified in individual Conservation Area Appraisals which should be used, where appropriate, to inform development proposals.

Policy DM33: Heritage Assets

Development affecting a heritage asset will only be permitted where the proposal would make a positive contribution to conserving or enhancing the significance of the heritage asset, taking account of its character, appearance and setting.

All development proposals that affect a heritage asset or its setting will be required to submit supporting information proportionate to the significance of the asset, including:

- (a) an assessment of the archaeological, architectural, historic or other significance of the affected asset, including any contribution made by its setting;**
- (b) an assessment of the impact of the proposed development on the significance of the asset or its setting;**
- (c) a statement of justification for the proposed development, together with details of any measures proposed to avoid, minimise or mitigate any harm to the significance of the asset.**

Where the loss of the whole or part of a heritage asset can be justified, the Council will seek, by a legal agreement and/or condition, to ensure that the new development will proceed within a reasonable timescale after the loss has occurred.

Areas of Established Character

- 3.110 The district includes a number of well-established residential areas that make a valuable contribution to the distinctive character of the towns or villages in which they are located. These areas do not possess the necessary architectural or historic interest to merit designation as Conservation Areas. However, it is considered that all have a special character and quality that is worthy of retention and therefore warrant particular consideration when planning applications are being determined.

Policy DM34: Areas of Established Character

Development within Areas of Established Character, as defined on the Proposals Map, will be permitted where it reflects the existing character of the area in terms of the gaps between buildings, building height, building size, site coverage, set-back from the street, boundary treatments, mature trees, hedges and grass verges.

TACKLING CLIMATE CHANGE

- 3.111 The need to encourage people to move around the district in a sustainable manner and to ensure maximum accessibility to new development by walking, cycling and public transport are two of the key issues that the Local Plan seeks to address. The policies in this section supplement Core Policy 13 (*Sustainable Transport*) of the Local Plan Part 1 by seeking to achieve an increase in sustainable travel modes, thereby reducing air pollution and traffic congestion.

Footpath, Cycle and Bridleway Network

- 3.112 Walking and cycling are the ideal forms of travel for many shorter journeys and provide the most environmentally beneficial and healthiest modes of transport. Both offer significant potential to replace short car trips, particularly daily travel to school or work within the towns and villages. The footpath, cycle and bridleway network also contributes towards the creation of healthy communities by providing safe, attractive and convenient access from towns and villages into the surrounding countryside.
- 3.113 As set out in Core Policy 13 of the Local Plan Part 1, all proposals for new development will be required to make adequate provision for pedestrian and cycle access. However, in order to maintain and further encourage walking and cycling as a means of both transport and recreation, it is considered important to ensure that the existing, footpath, cycle and bridleway network is adequately protected or enhanced to ensure its convenience, safety and attractiveness for users.

Policy DM35: Footpath, Cycle and Bridleway Network

Development that would have a harmful impact on the convenience, safety or amenity value of the existing or proposed footpath, cycle or bridleway network will only be permitted where this impact can be satisfactorily mitigated or an alternative facility of equivalent or improved quality would be delivered as part of the development.

Station Parking

3.114 Rail travel has an important role in travel demand management by helping to reduce the need for longer distance car journeys. The availability of car parking at railway stations is important to encourage people to travel by train and to reduce the demand for on-street parking in residential streets close to stations. The Council will therefore resist the loss of public car parking spaces to alternative uses and will encourage the provision of increased parking where there is a demonstrable shortage.

Policy DM36: Station Parking

Development that would result in the permanent loss of public car parking spaces on sites adjacent to railway stations will not be permitted.

Former Lewes to Uckfield railway line

3.115 The route of the former Lewes to Uckfield railway line has the potential to provide an additional rail link between Brighton and London. However, the London and South Coast Rail Corridor Study, published by the Department for Transport in 2017, concluded that there was a poor transport case for such a scheme. East Sussex County Council and Lewes District Council continue to support the reinstatement of the line in order to provide additional rail capacity in the county, in line with the objectives of the Local Transport Plan 2011-2026 and the East Sussex Rail Strategy. The route will therefore be protected in case circumstances change in the future

Policy DM37: Former Lewes to Uckfield railway line

Development that would significantly prejudice the reinstatement of the former Lewes to Uckfield railway line, as shown on the Proposals Map, will not be permitted.

APPENDICES

DRAFT

APPENDIX 1: GLOSSARY

This glossary is neither a statement of law nor an interpretation of the law and its status; it is only an introductory guide to planning policy terminology and should not be used as a source for statutory definitions. Reference should also be made to the Glossary within the NPPF.

Advertisement

Any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction.

Affordable housing

Housing provided by a council or housing association which is available below the market cost level. This can include homes rented at rent levels at approximately 50% of the local market level (social rented), homes rented at affordable rent levels at approximately 80% of the market rent (affordable rent), homes that are sold as a part buy/ part rent (shared ownership) or homes that are sold as a part equity purchase (shared equity). See also, **Intermediate housing** below.

Agricultural Land Classification (ACL)

Method of assessing the quality of farmland to enable informed decisions to be made about its future use within the planning system. Defra guidelines on the classification are as follows:

Grade 1 - Excellent
Grade 2 - Very Good
Grade 3a - Good
Grade 3b - Moderate
Grade 4 - Poor
Grade 5 - Very Poor

Ambient Noise

Totally encompassing sound in a given situation at a given time composed of sound from all sources near and far.

Amenities

Those qualities of life enjoyed by people that can be influenced by the surrounding environment in which they live or work.

Appropriate Assessment

An assessment that is required to be undertaken under a European Directive in order to assess the impact of a plan, project or proposal on sites designated to protect flora, fauna and habitats of European-wide interest, such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites.

Ashdown Forest

The Ashdown Forest is located within Wealden District and forms part of a complex of heathlands that support breeding bird species of European importance,

particularly the nightjar and Dartford warbler. It is a designated Special Protection Area, Special Area of Conservation, and Site of Special Scientific Interest.

Authority Monitoring Report (AMR)

Report prepared by a local authority, which assesses the impact of policies and whether targets for these policies are being met. Each Authority Monitoring Report is published at the end of the calendar year and it applies to the previous financial year.

Backland Development

Land located behind a street frontage which is not directly visible from the street and is surrounded by other development, including rear gardens and private yards, as well as larger undeveloped sites.

Biodiversity

The variety of plant and animal species in an environment.

Brownfield Sites/Previously Developed Land

Land which is or was occupied by a permanent structure. This excludes:

- land that is or has been occupied by agricultural or forestry buildings (including nurseries)
- 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
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Change of use

Change in the use of a building or other land for another purpose. In considering a change of use it is normally necessary to establish whether the change is “material” and whether by virtue of the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), development requiring planning permission is involved.

Community Facilities

Facilities or services which meet the needs of communities, including open space, sport and recreational facilities, community halls, doctor’s surgeries, libraries, public houses, places of worship, local shops and post offices, and cultural buildings.

Community Infrastructure Levy (CIL)

A levy that local planning authorities can choose to charge on new developments in their area, in order that the burden of new infrastructure costs is shared by all development in a proportionate manner. Lewes District Council has implemented a CIL charging schedule with a list (known as the 123 List) of infrastructure projects on which the funds can be spent.

Conservation Area

Area designated under the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 on account of its special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance.

Designated Children's Play Space

Designated areas for children and young people containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play.

Development

The carrying out of building, engineering, mining or other operations in, on, over and under land, or the making of a material change of use of any building or land.

Developer Contributions

Contributions made by a developer to mitigate the impact of development, either by paying money for the works to be carried out or by directly providing facilities or works either on or off-site

Development Plan Document (DPD)

Spatial planning documents that comprise the development plan for Lewes District. They are subject to independent examination and are geographically presented on the Proposals Map.

Environment Agency

Government body responsible for wide-ranging matters, including the management of water resources, surface water drainage, flooding and water quality.

Environmental Assessment

A written evaluation of the effect on the environment of a proposed development (also known as an Environmental Impact Statement).

Evidence Base

The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in the Local Plan, including physical, economic, and social characteristics of an area.

Geodiversity

The variety of different types of geology, landforms, soils and physical processes in a particular region.

Greenfield Site

Land that has not been previously built on.

Gypsies and Travellers

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of

an organised group of travelling showpeople or circus people travelling together as such.

Habitats of Principal Importance

Habitats identified as requiring action in the UK Biodiversity Action Plan and listed under Section 41 of the Natural Environment & Rural Communities Act 2006.

Heritage Assets

Designated heritage assets are:

- Scheduled Monuments
- Listed Buildings
- Parks & gardens included on the 'Register of Historic Parks and Gardens of special historic interest in England' (Historic England)
- Conservation Areas designated under the relevant legislation
- Registered Battlefields
- Protected Wrecks

Non-designated heritage assets include:

- Buildings of Local, Visual or Historic Interest (Local Plan Appendix 4)
- Parks and Gardens of Local Historic Interest (Local Plan Appendix 5)
- Archaeological Notification Areas and heritage assets identified on the Historic Environment Record (ESCC)

Historic England

Government advisory body responsible for all aspects of protecting and promoting the historic environment

Housing Density

Number of dwellings per hectare.

Housing Stock

Total residential accommodation in the district comprising all housing types and tenure.

Housing tenure

The condition that land or buildings are held or occupied under; predominate tenures include owner-occupied (i.e. freehold, leasehold), privately-rented, socially-rented and shared ownership (part-owned and part-rented).

Infill Development

The development of a vacant site in a substantially developed frontage or area.

Intermediate Housing

Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition in the National Planning Policy Framework. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Reference is often made to 'low cost housing' when the term affordable housing is used. It is important to note that such housing does not usually involve any form of public subsidy (unlike the products highlighted in the previous paragraph) and is often housing such as small starter units and homes with low cost specifications. Such housing would not be classed as affordable housing when implementing the policies of this plan. See also, **Affordable housing** above.

Listed Building

Building considered worthy of special protection which are included and described in the statutory List of Buildings of Special Architectural and Historic Interest published by the Department of Culture, Media and Sport. The alteration, demolition or extension of a listed building requires special consent.

Local Development Scheme (LDS)

Document which sets out the programme for the preparation of the Local Development Documents.

Local Plan

Portfolio of documents which plans for the future development of an area. The main purposes are to:

- develop policies and general proposals and relate them to precise areas of land;
- provide a detailed basis for development control;
- provide a detailed basis for co-ordinating the development and other use of land;
- to bring local and detailed planning issues before the public.

Local Wildlife Site

Non-statutory area designated at county or regional level.

Material Planning Consideration

Factor to be taken into account when deciding the outcome of a planning application.

National Planning Policy Framework (NPPF)

The Government's national planning policy document which was first published in March 2012 and sets out the key principles for sustainable development..

Natural England

Government body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils are protected and improved.

Neighbourhood Plan

Plan prepared by a Parish Council, Neighbourhood Forum, or other locally constituted community group, for a particular neighbourhood. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at a referendum.

Permitted Development

Certain categories of development, as specified in the General Permitted Development Order, which can be carried out without having to obtain specific planning permission.

Planning Practice Guidance

Web- based resource of national planning guidance covering a range of topics and linked to the National Planning Policy Framework.

Pollution

Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity.

Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise, vibration and light.

Proposals Map

Statutory part of the Local Plan showing, in map form, where the policies of the Plan apply.

Registered Social Landlords (RSL)

Independent housing organisations registered with the Housing Corporation under the Housing Act 1996. Most are housing associations, but there are also trusts, co-operatives and companies.

Residential Institutions

Uses falling within Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended) i.e. residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

Rural Exception Sites

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Shared Housing

Housing in multiple occupation (HMOs), bedsits, hostels, and specialist student accommodation.

Site of Special Scientific Interest (SSSI)

Area designated by Natural England under the Wildlife and Countryside Act 1981.

Special Area of Conservation (SAC)

Special Areas of Conservation are defined in the Habitats Directive (92/43/EEC), also known as the Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. They are defined to protect the 220 habitats and approximately 1,000 species listed in Annex I and II of the Directive.

Special Protection Area (SPA)

Special Protection Areas are strictly protected in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds (listed in Appendix I of the Directive) and for regularly occurring migratory species.

Statement of Community Involvement (SCI)

Document setting the ways in which the Local Planning Authority will involve the community in the planning system. This includes consultation on the preparation of plans and the determination of planning applications.

Strategic Environmental Assessment (SEA)

A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic Housing Land Availability Assessment (SHLAA)

The purpose of a SHLAA is to identify new housing sites that have a good chance of development. It will include those sites that already have planning permission or are allocated for housing in the Local Plan. In addition, landowners, agents and housebuilders, public and private bodies and members of the public may suggest other sites. Only land in the more sustainable locations will be included in the plan.

Strategic Housing Market Assessment (SHMA)

A study of the way the housing market works in any particular area. It looks into the type of households living in the area, where they work and what sort of housing they live in. It attempts to estimate future housing needs across the area, broken down by tenure and size of housing.

Supplementary Planning Document (SPD)

Supplementary material which sets out planning requirements or advice at a greater level of detail than the Local Plan, but which does not set out new policy.

Sustainability Appraisal (SA)

The consideration of policies and proposals to assess their impact on economic, social and environmental sustainable development objectives.

Sustainable Development

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Travelling Showpeople

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

Water Framework Directive

An EU Directive which requires member states to meet certain objectives including the protection and improvement of the water environment.

APPENDIX 2 – SUPERSEDED 2003 LOCAL PLAN POLICIES

The following policies in the Lewes District Local Plan 2003 are superseded by the policies in the Local Plan Part 2: Site Allocations and Development Management Policies DPD.

Policy Ref.	Policy Subject
ST3	Design, Form and Setting of Development
ST4	Backland and Tandem Development
ST5	Access for People with Limited Mobility
ST6	Access for People with Limited Mobility
ST11	Landscaping of Development
ST14	Water Supply
ST20	Recycling and Re-use of Materials
ST21	Recycling and Re-use of Materials
ST25	Pylons and Overhead Lines
ST29	Advertisements
ST30	Protection of Air and Land Quality
RES6	Residential Development in the Countryside
RES7	Residential Conversions in the Countryside
RES8	Replacement Dwellings in the Countryside
RES10	Affordable Homes Exception Sites
RES13	Extensions
RES14	Extensions in the Countryside
RES18	Garages and other Buildings Ancillary to Existing Dwellings
RES19	Provision of Outdoor Playing Space
E14	Bunk House Accommodation
E15	Existing Camping/Touring Caravan Sites
E17	New Camping/Touring Caravan Sites
E19	Static Holiday Caravan Sites
CT1	Planning Boundary and Key Countryside Policy
CT5	Institutional Sites
H2	Listed Buildings
H3	Buildings of Local, Visual or Historic Interest
H4	Conservation Areas
H5	Development within or affecting Conservation Areas
H7	Traffic in Conservation Areas
H12	Areas of Established Character
H13	Parks and Gardens of Special Historic Interest
H14	Parks and Gardens of Local Historic Interest
RE1	Provision of Sport, Recreation and Play
RE6	Lewes/Sheffield Park Railway Line
RE7	Recreation and the Rivers
RE8	Equestrian and Related Activities
T3	Station Parking
T4	The Lewes/Uckfield Railway
T16	Telecommunications
NH20	Upgrading and expansion of the Port

NH21	Railway Quay
NH22	Rail Transport Links to the Port
NH23	East Quay
NH24	North Quay
BA1	Recreational Facilities
BG1	Balcombe Pit
CH1	Chailey Brickworks
FL1	University of Sussex
HY1	Hamsey Brickworks
NW1	Extension to the Playing Field
NW2	Woodgate Dairy
RG1	Caburn Field
RG3	Land adjacent to Ringmer Community College
RG4	Community/Recreation Area, The Broyle

APPENDIX 3: SAVED 2003 LOCAL PLAN POLICIES

The following policies in the Lewes District Local Plan 2003 will continue to be 'saved' until the Neighbourhood Plans for Newhaven, Peacehaven & Telscombe, and Seaford are approved.

Policy Ref.	Policy Subject
NH2	Downland Park
NH7	Land north east of Kings Avenue
NH10	Eastside Business Area
NH12	Lorry Facilities/Park
NH13	Pedestrian Precinct
NH14	Castle Hill, The Promenade, West Beach
NH15	Castle Hill
NH16	The Fort
NH17	Avis Road Outdoor Sports Facilities
NH18	Lewes Road Recreation and Camping Area
NH19	Primary School Site
PT5	Business Development
PT6	Meridian and Bolney Avenue Industrial Estates Link
PT9	Meridian Centre
PT10	Access and Permeability at the Meridian Centre
PT11	Joff Youth Club
PT12	Cliff Top and Foreshore
PT13	Cliff Top
PT18	Allotments
PT19	Valley Road
PT20	Valley Road
SF5	Land at Blatchington Road
SF8	Cradle Hill Industrial Estate
SF9	Footpath to Church Lane
SF14	The Seafront
SF15	The Seafront
SF16	The Seafront

APPENDIX 4: BUILDINGS OF LOCAL, VISUAL OR HISTORIC INTEREST

Some buildings which have local historic value or significance but are not recognised statutorily may be considered to be non-designated heritage assets as defined by the NPPF. The District Council has compiled a local list of such buildings which is set out below (for the area outside of the South Downs National Park):

Barcombe

Gable Cottage, the Surgery, Rose Cottage and Rosemary Cottage, High Street
Ballards Stores (the south section) and the House attached, High Street
The Rose Cottage, High Street
Willow Cottage, High Street
Church Cottage, Church Road
The Knowle, Spithurst Road
Scufflings (formerly listed as Scufflings Farmhouse)
The Anchor Inn, Anchor Lane

Chailey

The Swan Inn, South Common
Hole Farmhouse, North Chailey

Hamsey

Old Cooksbridge
Boundary Hall, Cooksbridge

Newick

Baldwins

Plumpton

Green Cross House
Railway Cottage No. 16
Western House, Plumpton Green

Ringmer

The Anchor Inn, Lewes Road
Swingate, Norlington Lane
Corsica Cottage, Uckfield Road
Wellingham Brewery, Wellingham Lane

APPENDIX 5: PARKS AND GARDENS OF LOCAL HISTORIC INTEREST

Some parks and gardens which have local historic value or significance but are not recognised statutorily may be considered to be non-designated heritage assets as defined by the NPPF. The District Council has compiled a local list of such buildings which is set out below (for the area outside of the South Downs National Park):

Banks Farm
Broyle Place
Chailey Place
Chailey Moat
Coneyboro Park
High House
Plashett Park

Barcombe
Ringmer
Chailey
Chailey
Barcombe
Newick
Ringmer

APPENDIX 6: MONITORING FRAMEWORK - *TBC*

DRAFT

Agenda Item No: 9.3 **Report No:** 148/17

Report Title: Draft Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

Report To: Cabinet **Date:** 13 November 2017

Cabinet Member: Cllr Tom Jones – Cabinet Member for Planning

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

Report By: Director of Strategy, Regeneration & Planning

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Purpose of Report: To seek Cabinet approval to progress the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies through to its formal submission to the Secretary of State and to seek approval for the arrangements for the Examination in Public process.

Officers Recommendation(s):

- 1 To approve the Draft Local Plan Part 2 for public consultation under Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations;
- 2 To authorise the Director of Strategy, Regeneration & Planning to update the Local Development Scheme (LDS) to reflect the new timetable for the production of the Local Plan Part 2 as set out in paragraph 2.6 of this report, and all other planning policy documents, and publish the updated LDS on the website when completed.

Reasons for Recommendations

- 1 To ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the Local Plan Part 1: Joint Core Strategy through the allocation of additional development sites and up-to-date development management policies to assist in the determination of planning applications.
- 2 To ensure that the Local Plan Part 2 is prepared in accordance with the published timetable.

Information

The recommendations above have been updated to ensure compliance with the regulatory consultation stages in local plan production. It should be noted that the Plan will come back to Cabinet for Council approval for the next round of public consultation (Regulation 19 for the Proposed Submission Plan).

3 Background

- 3.1** The Lewes District Local Plan Part 1: Joint Core Strategy (JCS) was adopted in 2016 and provides the planning policy framework to guide strategic growth across the district to 2030.
- 3.2** The Draft Lewes District Local Plan Part 2 follows the strategic objectives set out in the JCS, through the allocation of smaller scale sites for development and provides the detailed development management policies to inform the planning application process. As per the JCS it will cover the period to 2030 and replace the majority of the 'saved' policies from the 2003 Local Plan.
- 3.3** The Local Plan Part 2 will only apply to the area covered by the Lewes District Planning Authority (i.e. Lewes District *excluding* the area within South Downs National Park). The South Downs National Park Authority is preparing its own Local Plan, which once adopted, will supersede all existing planning policies for that area.
- 3.4** The Local Plan Part 2 will not include site allocations or locally specific development management policies within Newhaven, Peacehaven, Telscombe, Plumpton, Seaford or Ditchling, Streat, and Westmeston. These are designated neighbourhood plan areas and will therefore plan for their own levels of growth.
- 3.5** Local Plan Part 2 began in 2013, through a number of workshops involving Members and Town and Parish Councils. A 'call for sites' was also undertaken to ensure public participation in the sites to be considered for development.
- 3.6** Formal consultation took place in 2013/14 through the publication of 'Topic Papers' to obtain views on options for consideration in the development of Local Plan Part 2. The High Court Challenge on the JCS put a necessary pause on the progress of Local Plan Part 2, which now this has been addressed has begun in earnest. The table below sets out the revised timeframe to adoption and will be reflected in the updated LDS:

Stage of Local Plan preparation	Date
Draft Plan Consultation (Reg.18)	Nov 2017- Jan 2018
Pre-Submission Consultation (Reg.19)	Spring 2018
Formal Submission to Secretary of State	Summer 2018
Examination in Public	Autumn 2018
Adoption	Early 2019

4 Form and content of the Draft Local Plan Part 2

- 4.1** The full copy of the Draft Local Plan Part 2 is included at Appendix 1. The document provides the detail and follows the strategic vision of the JCS. It is fully compliant with the National Planning Policy Framework (NPPF) and the policies are formed on a strong, recent evidence base,

taking account of the responses to the previous consultations and those obtained from external stakeholders.

- 4.2** A Sustainability Appraisal (SA) has been prepared which incorporates the requirement for the plan to be subject to a Strategic Environmental Assessment (SEA). This considers the proposals set out in the plan against key sustainability issues and ensures compliance with national level planning policy.
- 4.3** A Habitat Regulations Assessment (HRA) has also been prepared to consider the likely significant effects of the plan on internationally designated nature conservation sites (Ashdown Forest, Lewes Downs and Castle Hill). This follows and responds to the HRA that accompanied the JCS, and also the updated HRA following the High Court Challenge, which confirmed the levels of growth set out were acceptable, without causing any undue impact.
- 4.4** The Plan has also been prepared in strict accordance with our “Duty to Co-operate” with our neighbouring authorities in preparing this plan which has informed the policy making process.

5 Proposed housing and employment allocations

- 5.1** The JCS set the level of housing (min 6,900 units) and employment growth across the district (min 74,000 sqm) across the district.
- 5.2** Part of this has already been delivered, some form part of the strategic allocations set out in the JCS (including a windfall allowance). The remainder falls to be identified through neighbourhood plans, and through smaller scale residential allocations in the Local Plan Part 2 outside of neighbourhood plan areas, namely the edge of Burgess Hill; North Chailey; South Chailey; and Barcombe Cross. In addition to the above, Local Plan Part 2 will also carry forward residential allocations from the 2003 Lewes District Local Plan.
- 5.3** No employment allocations are proposed in the Local Plan Part 2. This is because the evidence base confirms there is no quantitative need for additional sites and the modest qualitative can be met through the redevelopment of existing sites.
- 4.4** Core Policy 3 of the JCS sets out a requirement of 13 permanent pitches for Gypsy and Travellers to be delivered within the district up to 2030. This is apportioned to eight pitches within the SDNP and five to be found through Local Plan Part 2. No sites have come forward through the previous consultation exercises, and as such an additional call for sites will take place alongside the consultation period to inform future allocations within Local Plan Part 2.

6 Proposed development management policies

- 6.1** National planning policy has changed and been updated since the adoption of the 2003 Local Plan, through the publication of the NPPF. This sets out the Government's national planning policies, how they

should be applied locally, and all planning policy documents must be in accordance with it.

- 6.2** The NPPF includes a 'presumption in favour of sustainable development', requiring local plans to take a positive approach to new development, directing and managing new development in order to support economic, environmental and social progress.
- 6.3** Local Plan Part 2 includes the new suite of development management policies, against which all new development proposals will be considered. The draft policies have been prepared to be consistent with the requirements of the NPPF, and the strategic policies of the JCS. The proposed policies are additional and more detailed; therefore they do not repeat those set out in the NPPF or the JCS.
- 6.4** The proposed policies have to be framed more positively and be less restrictive than those within the 2003 Local Plan, to ensure compliance with the NPPF, whilst allowing for the protection of the environment as necessary to ensure successful place making. The main change in direction within the development management policies from the 2003 Local Plan are set out below.
- 6.5** Proposed Policy DM28 considers residential extensions inside and outside of settlement boundaries and ensures that such proposals do not cause harm to the wider area. The size restriction of the previous policy has been removed as it was too restrictive and was not compliant with the NPPF.
- 6.6** A new policy (Policy DM8) has been prepared to control the conversion of single residential units to houses of multiple occupation; picking up from comments expressed through the previous consultations.
- 6.7** In order to support the rural economy, new policies (DM9, DM10 and DM11) are proposed relating to farm diversification, small-scale employment development, and the redevelopment or intensification of existing employment sites within the countryside to ensure NPPF compliance.

7 Consultation proposals and next steps

- 7.1** The Draft Local Plan Part 2 will be published for consultation following agreement from Cabinet. The consultation period is legally required to be for a period of 6 weeks, however this will be extended by 2 weeks as it will run over Christmas/New Year. Any comments received will inform the next stages in preparation of the Draft Plan (set out at 2.8).
- 7.2** We will hold a briefing for all Members on the draft document prior to it being released for public consultation.
- 7.3** All statutory bodies and individuals or organisations that previously commented on the JCS, or have since commented on or asked to be informed of the progress of the Local Plan Part 2, will be directly notified. The consultation will also be publicised on the Council's web site and through District News, press releases, and working in partnership with

town and parish councils. Paper copies of the document will be made available in local libraries and at Southover House.

7 Financial Appraisal

- 7.1** The financial implications of publishing the Draft Local Plan Part 2 will be minimal, primarily consisting of the costs associated with printing and postage. These costs will be met by the 'Planning Policy – Structure and Local Plans' budget and are anticipated to be approximately £1,000.
- 7.2** The costs associated with submitting the document to the Secretary of State and the subsequent Examination in Public will be much more substantial. The cost of the Planning Inspector alone will be around £1,000 per day and further costs will be incurred through the hire of a venue for the Examination, the appointment of a Programme Officer, specialist, administration expenses, etc. The JCS costs were around £100,000.
- 7.3** The exact costs cannot be predicted until it is clear which issues the Inspector will wish to examine in more detail and the consequent length of the Examination in Public. The Council has included £40,000 in its 2017/18 General Fund Budget to cover these costs.

8 Legal Implications

- 8.1** To avoid the risk of the plan being found to be unsound, or a potential legal challenge, it is important to show that we have observed the procedural steps and requirements set out in the relevant regulations. These include the Town and Country Planning (Local Planning) (England) Regulations 2012, the Environmental Assessment of Plans and Programme Regulations 2004, the Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.2** The Reports and Assessments prepared in accordance with these Regulations will be published for consultation alongside the Draft Local Plan as background papers and with the Equalities Impact Assessment should be taken into consideration when making decisions with regard to the Draft Local Plan Part 2. The Council must also demonstrate how they have complied with the duty to co-operate created by the Localism Act 2011 and that the Draft Local Plan Part 2 Plan accords with the current National Planning Policy Framework and National Planning Policy Guidance.

9. Risk Management Implications

I have completed a risk assessment. The following risk will arise if the recommendations are not implemented and I propose to mitigate the risk as detailed below:

Risk	Mitigation
That there will be a delay in progressing the Local Plan Part 2 towards adoption meaning that	That the recommendations of this report are approved, ensuring that the Local Plan Part 2 is progressed

planning applications will continue to be determined in relation to national policies and the strategic policies of the JCS, rather than more detailed, up-to-date and locally derived policies.	to adoption in the shortest possible time period. Once adopted, planning applications can be determined using more detailed, locally derived policies.
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No new risks will arise if the recommendation is implemented.

10. Equality Screening

An Equality Impact Assessment has been carried out to determine how the implementation of the JCS spatial strategy and strategic policies would impact on different groups. This is included as a background paper to this report.

Background Papers

All Background Papers will be available from 7th November on the following webpage:

<http://www.lewes-eastbourne.gov.uk/planning-policy/local-plan-part-2-site-allocations-and-development-management-policies/>

- Local Plan Part 1: Joint Core Strategy
- Sustainability Appraisal of the Draft Local Plan Part 2
- Habitat Regulations Assessment – Draft Local Plan Part 2
- Summary of Consultation on the Local Plan Part 2 Topic Papers
- Local Plan Part 2 Topic Paper 1: Introduction
- Local Plan Part 2 Topic Paper 2: Housing
- Local Plan Part 2 Topic Paper 3: Employment
- Local Plan Part 2 Topic Paper 4: Infrastructure
- Local Plan Part 2 Topic Paper 5: Development Management Policies
- Equality Impact Assessment: Update Addendum 2016
- Equality and Fairness Establishing Relevance Report

Appendices

Appendix 1: Local Plan Part 2: Site Allocations and Development Management Policies – draft for approval

Agenda Item No: 9.4 **Report No:** 149/17
Report Title: Business Rate Revaluation Support Policy
Report To: Cabinet **Date:** 13 November 2017
Cabinet Member: Councillor Giles
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s)-
Name(s): Nick Ducatel
Post Title(s): Acting Functional Lead for Growth and Prosperity
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Tel No(s): 01323 415914

Purpose of Report:

To consider the proposed Discretionary Business Rate Revaluation Support Policy for those ratepayers adversely affected by the 2017 Business Rates Relief revaluation.

Officers Recommendation(s):

- 1 Approve the Discretionary Business Rate Revaluation Support Policy as set out in Appendix 1.
- 2 Grant the Director of Service Delivery and the portfolio holder for Finance delegated authority to review and, if necessary, amend the Business Rate Revaluation Support Policy at the end of March 2018 and each subsequent year during the operation of the scheme

1 Reasons for Recommendations

- 1.1 The Government expects local authorities to have in place arrangements to administer and award reliefs to ratepayers as quickly as possible. This report therefore recommends the Discretionary Business Rate Revaluation Support Policy is adopted for 2017/18 and subsequent years.

2 Introduction

- 2.1 In the March 2017 budget, the Chancellor of the Exchequer announced that £300 million was being made available to councils to support those

businesses most affected by the increases in their business rates bills as a result of the 2017 revaluation.

- 2.2** Whilst generally ratepayers are paying less overall in business rates because of the revaluation, there are still a number of businesses that individually have seen an increase in their rates bills.

3 Proposed Scheme

- 3.1** From analysis undertaken during the design of the scheme there are currently 2,900 commercial properties of which 2,053 small businesses (Rateable value of £15,000 or below) did not have an increase above 12.5%. The majority of businesses within this category have a zero rates liability as they are in receipt of 100% Small Business Rate Relief, or are receiving tapered relief.
- 3.2** There are a total of 847 medium to large businesses with rateable values between £15,000 and £200,000.
- 3.3** 730 ratepayers increases were below the threshold of 12.5%; or were either national or multi-national companies; or identified as sectors the Council does not propose to provide support.
- 3.4** From the evaluation and analysis undertaken the scheme is estimated to provide support to approximately 117 Lewes district businesses overall facing the most significant increases.
- 3.5** Via a consultation paper in March 2017, the government outlined how local schemes to distribute the relief should be designed.
- 3.6** Government was clear that councils should use their discretionary powers to deliver the reliefs and design their own schemes as they are best placed to judge the particular circumstances of their local ratepayers and direct the funding to where it's most needed.
- 3.7** The relief should be aimed at ratepayers occupying properties with a rateable value of up to £200,000 whose net rates payable have increased by more than 12.5% over the amount due in 2016/17.
- 3.8** The scheme can only support those businesses that have had an increase in their bills as a result of the revaluation, and not because of other reasons, for example, where the premises have been extended.
- 3.9** The recommended level of relief awarded in year 1 will be 80% of the difference between the 2016/17 and 2017/18 net rates bill of the eligible business
- 3.10** The proposed policy for the award of discretionary rate relief for those ratepayers adversely affected by the 2017 revaluation is set out in Appendix 1

The key features of the policy are as follows:

- Relief will be granted on application only
- Relief will be aimed to support ratepayers with a rateable value up to £200,000
- Support will only be given to those ratepayers facing an increase of more than 12.5%
- Relief will only be given to ratepayers who were in occupation on 31 March 2017 and after 01 April 2017
- All statutory reliefs and exemptions will be applied before any calculation for discretionary rate relief can be considered
- The relief is targeted to local businesses, not national or multi-national by nature

3.11 The council proposes to exclude the following categories of businesses / organisations:

- Medical services e.g. GP's surgeries and hospitals
- Financial services e.g. banks and pawnbrokers
- Public sector e.g. council buildings and schools
- Leisure sector e.g. gyms and health centres
- Professional services e.g. accountants and solicitors
- Other services e.g. letting agents and estate agents

4 Financial Appraisal

4.1 The £300 million will be allocated over 4 years and the allocations have been calculated based on the increases in net rateable values locally as a proportion of the increases in bills nationally.

4.2 The funding provided to Lewes District Council for the scheme through to 2020/21 is as follows:

Amount of Discretionary pot awarded (£000s)				
2017/18	2018/19	2019/20	2020/21	TOTAL
£235	£114	£47	£7	£403

4.3 These amounts represent the maximum amount that the council can award in relief for which it will be reimbursed by the government through a section 31 grant of the Local Government Act 2003.

4.4 The overall estimated cost of the scheme in year 1 for Lewes is £189,000 and will provide support to approximately 117 local businesses

that have faced large increases in the amount they have to pay (more than 12.5%).

4.5 It is considered prudent to retain £46,000 of the funding to cover eligible rate increases which may arise during the year to allow for changes in rateable value due to appeals.

4.6 The level of discount will be reviewed in years 2 to 4 as the funding reduces.

5 Consultation

5.1 Central Government expects billing authorities to consult with their major precepting authorities before adopting any discretionary relief support scheme.

5.2 Additionally we consulted with local ratepayers, Chamber of Commerce and the Federation of Small Businesses. The consultation ran for a period of 8 weeks and closed on 08 October 2017

5.3 There was broad agreement on the key principles of the scheme and it is proposed that no further changes are required to the scheme.

5.4 We recognise that there may be certain business sectors who will not qualify for relief. If this situation were to arise and where there is compelling evidence and justification for inclusion, we could amend the policy from year two onwards.

5.5 At the point the scheme goes live during November we will be contacting the businesses and asking them to apply before the end of the calendar year

6 Legal Implications

6.1 As a billing authority, the Council has power to make and implement a Discretionary Business Rate Relief Scheme across Lewes District under section 47 of the Local Government Finance Act 1988

6.2 Approval of the Scheme is an executive function and proper to be made by Cabinet

6.3 The provision of tax relief (including discretionary non-domestic rate relief) to businesses could constitute 'State Aid'. However, no business in receipt of this relief would infringe EU rules on State Aid where the total value of this relief, taken together with any other source of state funding, was less than 200,000 euros (approximately £177,000) in a rolling 3 year period. Ratepayers will be required to make a signed declaration

7 Risk Management Implications

7.1 There is a risk that, without a scheme in place before December 2017, the Council would be unable to award the relief within the current

financial year and this would not reduce the financial burden on businesses affected by the revaluation.

- 7.2** Whilst the scheme is not mandatory, failure to implement the policy to distribute the support to businesses could cause reputational damage to the council.
- 7.3** Modelling of the rating list has been undertaken to ensure that the proposed scheme can be met from the funding allocations. Any overspend would have to be met by the council and the major precepting authorities. Any overspend could also affect the level of service we can deliver in other areas of council activity.

8 Equality Screening

- 8.1** An Equalities and Fairness impact assessment has been completed and was submitted to the Equality and Fairness Planning Group for their comments. The Group has signed off the assessment with no further feedback or comments to add.
- 8.2** It is our view that the policy is robust and evidence shows no potential for discrimination. If, however, any issues are identified in the consultation, or during the first year of implementation, these will be reviewed and, if appropriate, changes will be made to the policy for subsequent years.

Background Papers

Business Rates Information Letter (4/2017): Spring Budget Update, issued by Department of Communities and Local Government

Equalities and Fairness Analysis Findings report

Consultation summary report

Appendices

Appendix 1: Draft Discretionary Business Rate Revaluation Support Policy

Lewes District Council Policy for the granting of the Discretionary Business Rates Relief

Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	May 2017	LM	Policy
2	May 2017	DA	Revisions
3	July 2017	LM	Revisions per ND
4	August 2017	LM	Revisions per ND
5	August 2017	LM	Further revisions ND
6	August 2017	LM	Further revisions ND

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Council's area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
 - Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme
 - The Council's general policy for granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs;
 - European Union requirements including provisions for State Aid; and
 - The Council's Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1st April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded.
- 2.5 The Council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by the Council, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
 - a. Discretionary Relief – Charities who already receive mandatory relief.
 - b. Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts **or** premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - c. Discretionary Relief – Granted under the Localism Act 2011 provisions;
 - d. Local Newspaper Relief (from 1st April 2017 for a period of two years);
 - e. Local Public House Relief (from April 2017 for a one year period);
 - f. Supporting Small Businesses Relief (from 1st April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and

- g. Discretionary Business Rates Relief Scheme (from 1st April 2017 for a period of up to four years)

2.7 This policy document solely covers the granting of awards under the Discretionary Business Rates Relief Scheme which covers a period from 1st April 2017 for up to four years. The decision to grant or not to grant discretionary relief is a matter purely for the Council. The Council's policy for granting other reliefs can be found on the Council's website www.lewes.gov.uk.

The Council's general approach to granting Discretionary Relief

2.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:

- a. That any award should support business, charities, organisations and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
- b. It should help and encourage business, charities, organisations, groups and communities to become self-reliant;
- c. Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
- d. Local businesses and organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
- e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which, without granting discretionary relief they would be unable to do;
- f. To assist the Council in delivering services which could not be provided otherwise;
- g. To enable the Council to determine the level of rate charge in comparison with the organisation's financial situation; and
- h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it;

2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.

2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The Council's approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to the Council using a particular methodology, but it has been keen to point out that this should have **no** bearing on the actual scheme adopted by the Council.

3.0 Effect on the Council's Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council and 10% by East Sussex County Council. This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to the Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies.
- 3.7 The funding is not provided equally over the four-year period but in the following approximate proportions:

Year 1 (2017/18) 58%

Year 2 (2018/19) 28%

Year 3 (2019/20) 12%

Year 4 (2020/21) 2%

- 3.8 Councils will be compensated for any relief granted up to the level of funding provided. This will be given under section 31 of the Local Government Act 2003. The Government has decided that any underspend cannot be 'vired' from one year to the next.
- 3.9 A key criteria of reimbursement will be that all Billing Authorities consult with major precepting authorities when formulating their schemes.
- 3.10 The financial effects to the Council of the Discretionary Business Rates Relief Scheme are shown in the following table

Amount of discretionary fund awarded (£000s) – Lewes District Council			
2017-18	2018-19	2019-20	2020-21
235	114	47	7

- 3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by the Council, 10% by the County Council and 50% by Central Government.

4.0 Discretionary Relief – EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)¹. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 4.4 Where the relief to any one business is greater than the De Minimis level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide the Council with sufficient information to determine whether these provisions are applicable in their case.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

5.0 Administration of Discretionary Relief – General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation²

Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by the Council both in hard copy and electronic format. The relevant application form is included within Appendix A of this policy. The Council will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Service Delivery Team and will be determined in accordance with this policy.
- 5.5 **The Council will provide this service and guidance free of charge. Ratepayers are encouraged to approach the Council direct and not pay for such services through third parties.**

Granting of relief

- 5.6 In all cases, the Council will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end;
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.

² The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main, be granted from 1st April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

Variation of a decision

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award – this will apply from the date of the increase in rate charge or the date determined by the Council as appropriate;
 - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Council's scheme of delegation allows for the Service Manager (or equivalent post) to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature will be subject to consultation with the S151 Officer of the Council, and / or the relevant Executive member prior to final determination.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 6.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Functional Lead. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Consultation

- 7.1 The Council has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31/3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
 - b. Any combined authority.
- 7.3 In the case of Lewes District Council only the major precepting authorities have been consulted namely:
- a. East Sussex County Council;
 - b. The Police and Crime Commissioner for Sussex; and
 - c. The East Sussex Fire and Rescue Service.

8.0 Decisions by the Council under this scheme

- 8.1 Decisions by the Council are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of the Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of the Council whether to award any relief under this scheme **cannot not take account** of the level of any funding.

Discretionary Business Rate Relief Scheme– the Council's policy for granting discretionary relief.

Applications for relief under this scheme

- 8.3 The Council is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 The Council has decided that relief under the scheme will be awarded using the following criteria:
- The scheme is designed to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
 - Relief will not be awarded where mandatory relief is granted;
 - Relief will only be granted to hereditaments whose Rateable Value at 1st April 2017 is up to £200,000;
 - In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
 - The rate liability of the ratepayer at 31st March 2017 after any reliefs and reductions; and
 - The rate liability of the ratepayer at 1st April 2017 taking into account any transitional relief or discretionary relief within this policy;
 - Relief will be awarded where the calculation in d. above would result in an increase of more than **12.5%**;
 - Relief will only be given to premises which are liable for occupied rates. No relief within this scheme will be granted for unoccupied premises;
 - Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017 and for each day subsequently.
 - Ratepayers taking up occupation after the 1st April 2017 will **not** be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- i. Relief will be targeted to local businesses and not those business that are national or multi-national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in the Councils area;
- j. The Council reserves the right to refuse where the ratepayer is in arrears with their rate liability;
- k. Relief may be awarded for more than one premises as long as **all** other criteria are met;
- l. Relief will **not** be awarded where:
 - i. mandatory relief is awarded; or
 - ii. Discretionary Rate Relief i.e. Top Up; or
 - iii. where the ratepayer has applied for a reduction under S44a of the Local Government Finance Act 1988; or
 - iv. Small Business Rate Relief or Rural Rate Relief
- m. Relief will **not** be awarded in respect of any hereditament which is used for:
 - **Medical Services** such as Ambulance Stations, GP's Surgeries, Hospitals, Pharmacies etc.; or
 - **Financial Services** such as Banks, Building Societies, ATM's, Pawnbrokers, Payday lenders, Bureau de change; or
 - **Public Sector Buildings** such as Cemeteries, Theatres, Leisure Centre, Civic sites, Council Offices, Fire & Police Stations, Libraries, Ministry of Defence Buildings, Schools and Universities (including Public, Academies and Private); or
 - **Leisure Sector** such as Gyms, Golf Courses, Health Centres, Leisure Centres, Bingo Halls, Amusement Arcades, Betting Shops, Bingo Halls, Sports Grounds; or
 - **Professional Services** such as Solicitors, Accountants, Financial Advisors, Insurance Agents; or
 - **Post Offices and Sorting Offices**; or
 - **Other Services** such as Estate Agents, letting agents, employment agents, Petrol Stations, Communication Stations, Social Clubs, Community Centres, Museums, Bus Stations, Scrap Metal and Breakers Yards, Sewerage Treatment Works, Electricity Plants, Brewery's and Docks.

Amount of Relief

- 8.5 The amount of relief is tapered and will be calculated as follows for 2017/18:
 - Where the increase calculated in paragraph 8.4D is 12.5% or less, no relief shall be given. Where the increase calculated in Paragraph 8.4D is more than 12.5%, the award granted shall be calculated as 80% of the increase. (For the sake of clarity, the increase Between 2016/17 liability and 2017/18 liability shall be ranted as in 8.4D. Where the increase is more than 12.5%, 80% of that increase shall be given as discretionary rate relief).

Relief from 2018/19 to 2020/21 will be decided by the Council in due course

- 8.6 The level of award may be varied at any time at the discretion of the Council.

Variation and amendment of relief under the scheme

- 8.7 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.
- 8.8 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief to be reported as soon as possible. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate, be revised or cancelled. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

Appendix A

Application Form for the Discretionary Business Rate Relief Scheme.

Agenda Item No: 9.5 **Report No:** 150/17
Report Title: Equality and Fairness Policy
Report To: Cabinet **Date:** 13 November 2017
Cabinet Member: Councillor Merry
Ward(s) Affected: All
Report By: Nazeya Hussain, Director of Regeneration and Planning
Contact Officer(s)-
Name(s): Pat Taylor
Post Title(s): Strategy and Partnerships Lead – Thriving Communities
E-mail(s): Pat.taylor@lewes-eastbourne.gov.uk
Tel No(s): 01323 415909

Purpose of Report:

To consider a new Equality and Fairness policy for adoption by Lewes District Council and proposed arrangements for ensuring the Council meets its duties under the Equality Act 2010.

Officers Recommendation(s):

- 1** That the Equality and Fairness Policy set out at Appendix A be adopted
 - 2** That the Equality and Fairness Policy be included in the Induction Pack for all new staff and Members
 - 3** That the proposed joint governance and procedures with Eastbourne Borough Council, set out in section 3 of this report, be approved
 - 4** That the current Equality Objectives set for 2012 to 2016 be extended until a review of these is completed and presented to Cabinet at its meeting on 5th February 2018.
-

Reasons for Recommendations

1 Legal Requirement

The council has statutory equality responsibilities, both as an employer and in the provision of the public services under the Equality Act 2010.

1.1 The council must have due regard to the Public Sector Equality Duty to

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it (for example by meeting specific needs; minimising difficulties faced or encouraging participation in public life); and
- foster good relations between people who share a protected characteristic and people who do not share it.

1.2 The protected characteristics covered by the Equality Duty are:

- age
- disability
- gender reassignment
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex (gender)
- sexual orientation.

1.3 Specific duties which came into force in 2011 require public bodies, such as the Council, to publish information which shows their compliance with the Equality Duty. The Equality and Human Rights Commission, which has a statutory responsibility to monitor compliance, has indicated that one of the things they would expect to see published on council websites is evidence of a clear approach to having due regard to the Equality Duty in policy and decision-making. Refreshing the Council's policy and arrangements for reviewing the design and delivery of Council services is a key step in ensuring the Council has an effective process for ensuring full compliance with the Public Sector Equality Duty.

1.4 The establishment of a shared governance structure and procedures with Eastbourne Borough Council for setting Equality Objectives and reviewing the delivery of Council functions will provide an effective way of ensuring consideration is given to how different people are affected by council policies and activities, and that our services are accessible to all and meet different people's needs.

Information

- 2** The proposed policy attached at Appendix A is broadly similar to the Council's previous Equality Policy 2012 – 2016. The policy, once adopted, will underpin the Equality Objectives and Action Plan which the Council has a duty to publish and which will be presented to Cabinet for approval early in 2018.
- 2.1** The proposed policy is intended as a clear, simple statement of how both Councils intend to deliver our services and conduct our business. It is designed as a set of guiding principles to help with decision making.
- 2.2** The policy follows the structure of the Lewes District Council policy adopted in 2012 and makes explicit the policy principles embedded in the Eastbourne Borough Council Equality and Fairness Strategy 2012 providing a clear statement of the values and principles which will underlie our work and services.
- 2.3** It sets out:
- the core values and principles the Councils are committing to
 - the reasons for the policy
 - the scope of the policy – what it applies to
 - the responsibilities of different people for implementing the policy
 - broad statements of policy covering
 - standards of behaviour
 - equality and fairness analysis
 - involvement and participation in service and policy development
 - contracts and grants
 - training
 - equality objectives and information
 - monitoring and reviewing

3 Shared governance and procedures

- 3.1** The Public Sector Equality Duty Technical Guidance states that a local authority may be open to challenge if it publishes no information in relation to one or more of the aims of the duty or to one or more of the relevant protected characteristics, or to one or more of its relevant functions.
- Both Lewes District Council and Eastbourne Borough Council now require an Equality and Fairness screening and analysis (EaFA) to be carried out with respect to all service and policy changes before decisions are made, including both those brought to Members for decision and those affecting staff and customers made by Heads of Service and Team Leaders. EaFA reports are checked by officers and sent to members of the two Councils' internal officer groups for approval.
 - It is proposed that an Equality and Fairness Planning Group spanning both Councils be established to ensure Council services, projects and policies have due regard to equality and fairness issues. The Group will

be chaired by the Chief Executive, and include an officer each from Legal Services, Human Resources, Corporate Services, plus the Strategy and Partnerships Lead covering PSED and performance lead, a representative of the union, and an Equality Champion from each of Strategy, Planning and Regeneration; Tourism and Enterprise; and Service Delivery. Heads of Service, Project Managers and other report authors will be invited to present their Equality and Fairness assessments to the Group.

- In addition, an Equality and Fairness Stakeholder Group (again spanning both Councils) will be established, building on the current Terms of Reference and membership of the Joint Transformation Programme Equality and Fairness Stakeholder Group with members from organisations in both Eastbourne and Lewes working on behalf of groups protected under the Equality Act by virtue of age, disability, ethnic origin, gender, sexual orientation and faith. It is proposed that meetings of the Stakeholder Group be chaired alternately by the Portfolio Holders responsible for Equality and Fairness in each Council. The Group's role would be to ensure that Lewes District Council and Eastbourne Borough Council fulfil their statutory duties in respect of all aspects of the Public Sector Equality Duty and that the views of stakeholders are taken into account in the development of policy and work programmes.

- 3.2** As part of its ongoing work to meet its duties under the Equality Act, and in light of changes made as a result of service transformation and integration, the Councils now need to plan a full programme of reviews assessing the impact on protected groups of its functions and services. A programme of reviews will be developed over the next few months, taking into consideration reviews already carried out as part of JTP, and prioritised on the basis of relevance and scale. This programme will be included in the Action Plan presented to Cabinet early in 2018.

4 Consultation

- 4.1** A draft version of the policy was shared initially with members of the two Council's internal officer groups and the JTP Equality and Fairness Stakeholder Group and one amendment incorporated as clarification in paragraph 1.

- 4.2** A consultation draft of the policy was then shared with a range of organisations in both local authority areas which promote the interests of groups protected under the Equality Act 2010:

- Seaford Seniors Forum
- Lewes District Seniors Forum
- Lewes Area Action Group
- Access in Seaford and Newhaven
- Peacehaven Area Accessibility Group
- SCDA Sompriti

- Eastbourne Cultural Involvement Group
- Eastbourne Disability Involvement Group
- Eastbourne Faiths Forum
- Eastbourne Seniors Forum
- Age Concern Eastbourne
- Possability People
- BourneOut LGBT

The consultation questionnaire is attached to this report as **Appendix B**.

4.3 A further three responses were received at this stage, all supportive of the policy, with one amendment proposed which has been incorporated in the policy now presented.

- Two respondents specifically requested access for members of voluntary organisations to any training organised by the Councils for staff and Members. The need for training for voluntary sector organisations will be considered in the development of the Council's Equality Objectives and Action Plan for 2018.
- One respondent commented on the need membership of the Stakeholder Group to cover gender as well as the protected characteristics listed in the consultation questionnaire.

Financial Appraisal

5 There are no additional financial costs associated with this report. The proposal to integrate governance and procedures for overseeing compliance with the Council's duties under the Equality Act is in line with the broader project to integrate Lewes District Council and Eastbourne Borough Council services to realise savings through the efficient use of resources.

Legal Implications

6 This report is designed to ensure the Council discharges its duties, as set out in the Equality Act 2010 and in line with the Public Sector Equality Duty Technical Guidance.

Lawyer consulted 03.10.17. Legal ref: 006733-LDC-OD

Risk Management Implications

7 The following risks will arise if the recommendations are not implemented:

- failure to comply with statutory obligations under the Equality Act 2010 to set and

- increased risk of incurring vicarious liability for acts of discrimination, harassment or victimisation in the event of litigation.

To mitigate these risks, it is proposed that

- the Equality Objectives set for 2012 to 2016 be extended until a review of these is completed and presented to Cabinet at its meeting on 5th February 2018, and
- awareness raising and training be delivered to new staff and to those responsible for decision making at all levels within the Council.

No new risks will arise if the recommendations are implemented.

Equality Screening

- 8 This report is designed to meet the Council's duties under the Equality Act. An Equality and Fairness Analysis is attached at Appendix C.

Background Papers

- 9 [Equality Act 2010](#)
- 10 [LDC Equality Policy 2012 - 2016](#) and [LDC Equality Objectives 2012 - 2016](#)

Appendices

11 Appendix A



Lewes District Council



Working in partnership with **Eastbourne Homes**

Equality and Fairness Policy

1. Introduction

For the purposes of this joint policy Lewes District Council and Eastbourne Borough Council will be referred to as 'the Councils'.

Values and Principles

The Councils are already committed to working within an environment where equality and fairness is integral to everything we do. We hold within our principles a commitment to valuing people and are able to demonstrate, through our work with community people and our workforce that this principle goes beyond a well-meaning statement.

All individuals living within our boundaries should have the opportunity to achieve their full potential and all those who live, work and visit our areas should feel welcome, valued, safe, respected and included.

We recognise that some groups experience stereotyping and unfair discrimination in society, and some groups are, or become, isolated through a number of barriers such as physical and mental disability, culture and language, deprivation and a lack of knowledge. The Councils are committed to challenging all forms of inequality and takes its obligations to promote equality of opportunity and foster good relations very seriously.

We value diversity and believe that people with different backgrounds, skills, attitudes and experiences bring fresh ideas and perceptions that enrich our local community.

2. Why do we need an Equality and Fairness policy?

This policy helps us to meet our statutory obligations set out in Public Sector Equality Duty ((PSED) also known as the general duty or the equality duty) under the Equality Act 2010. The PSED requires us, when we are carrying out our business, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it

There are nine protected characteristics covered by the PSED, which are:

Age	Disability	Marriage and Civil Partnership*
Pregnancy and Maternity	Gender Reassignment	Race
Religion or Belief	Sex (gender)	Sexual Orientation

For a wider definition of each of the above please see the glossary at appendix 1.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

3. Ownership and delivery of the policy

This Equality and Fairness Policy is the responsibility of all:

- Councillors
- Staff at all levels (permanent and temporary, including agency staff, apprentices and volunteers)
- Contractors and partners working on the Council's behalf
- Voluntary sector organisations funded by the Councils.

Our service users are required to comply with Section 3.2.1 of this policy when they are using services provided by the council (or partners or contractors acting on our behalf). Examples are people using or renting council premises, or attending council events.

3.1 Responsibility

Everyone listed in Section 3 above has a responsibility to further the objectives of this policy and to comply with it.

We know that we cannot progress equality and fairness without dedicating resources and time. We have put in place the means by which our employees can feel empowered to deliver, and/or enable activities to take place, that advance equality of opportunity and foster good relations among our communities. In order to give structure and meaning to our commitments and

ongoing work we have assigned specific resources and processes to the delivery of this policy.

- 3.1.1 *Corporate Responsibility:* A Cabinet Member in each Council and the Chief Executive have a shared corporate responsibility for the Council's equality and fairness agenda, both having Equality as part of their individual portfolios. They may delegate specific responsibilities to other members of the Corporate Management Team and Elected Members.
- 3.1.2 The Head of Service for Business Planning and Performance has specific responsibility for ensuring the Council's equality and fairness agenda is delivered at both a corporate and service delivery level and ensuring the Council complies with the PSED and the wider implications as set out in the Equality Act 2010. The Business Planning and Performance team is responsible for: setting policy direction; setting and agreeing corporate objectives; acting in an advisory and training role for service areas; monitoring progress; establishing and co-ordinating a process for equality and fairness analysis; effective quality checking and enablement of external validation; effective stakeholder involvement; preparing an annual progress report for Cabinet; preparing and updating guidance documents; ensuring the Council is complying with its publication obligations.
- 3.1.3 *Human Resources:* The Assistant Director for Human Resources and Organisational Development is responsible for ensuring the Council complies with the Public Sector Equality Duty in relation to the recruitment, training, development and support of Council staff.
- 3.1.4 *Financial:* The Councils have designated a corporate budget for progressing the equality and fairness agenda, engaging with local communities, and consulting on policies and how services are delivered, and for publishing results, in line with the specific duties outlined in the SED.
- 3.1.5 *Decision-making:* Statutory responsibility for ensuring equality becomes an integral part of everything the Council does, and achieving the public equality duties as set out in the Equality Act 2010 lies with the strategic decision making bodies of the Council. In order to maintain uniformity in approach and to oversee that the work undertaken to meet these duties is done appropriately and systematically, an officer group will be established to oversee the assessment of Council functions and policies; and an Equality and Fairness Stakeholder Group (EFSG) will be established to validate assessments and ensure the views of stakeholders are taken into account in the development of policy and work programmes.

3.2 Required standards of behaviour:

All Councillors and members of staff are expected to comply with the relevant Code of Conduct and Dignity at Work policy and all such policies affecting how the Council's workforce, and that of its contractors, should conduct themselves whilst at work. This means we are able to provide a safe and welcoming environment in which all individuals are valued,

included and respected. Discrimination, harassment and victimisation in any form are not acceptable.

- 3.2.1 *Consequences*: Incidents of discrimination, harassment and victimisation will be recorded and reported, in order that appropriate action can be taken to address them under the relevant council policies and procedures. This may include reporting those which constitute a criminal offence, as well as dealing with them under Disciplinary Procedures, a contract or a tenancy agreement.

3.3 Equality and Fairness Analysis

We will ensure that no policies, practices, projects or procedures impact less favourably on people who share protected characteristics, through a process of equality analysis. This will include giving consideration to the needs of people whose socio-economic status can be a significant barrier to equality of opportunity. The analysis will also ensure our services do not infringe people's human rights. We will collect and monitor appropriate equality-related data and review service delivery to ensure that they are accessible to all, free from bias and meet the diverse needs of the community.

3.4 Involving Disabled People

The Council is committed to involving disabled people at an early stage in decisions that affect them and will continue to apply the principles of the government's 'Disability Confident Committed Employer' scheme for recruitment.

The Council is also committed to minimising barriers restricting access to our premises, facilities, services, democratic processes and employment. To this end the Council will continue to engage with local groups about specific areas that matter to them and those that matter to the Council.

3.5 Widening participation

The Council will take positive steps, where possible, to address any gaps in participation and/or representation of people who share protected characteristics among our Councillors, workforce, service-users, consultees and partners, and to widen participation to include socially or economically disadvantaged people.

3.6 Balancing conflicting views

We will take proportionate steps to balance the rights of individuals where they appear to conflict, as sensitively as possible. We will also take steps to ensure people's human rights are not adversely affected. Individuals acting

on our behalf or using our premises or services must exercise freedom of expression in a way that is compatible with fostering good relations between people with different protected characteristics, eliminating unfair discrimination and advancing equality of opportunity. We will uphold these principles if it is necessary to adjudicate between competing interests.

3.7 Working with other organisations

We will strive to work with organisations and contractors who embrace equality, fairness and diversity. We will seek information on the equality and diversity practices of potential contractors and partner organisations, and take this into account when deciding to award contractors and grants. Wherever it is possible to do so we will work with local organisations that employ local people and who directly support our local economies.

3.8 Training

We will provide relevant equality, diversity and human rights training and learning opportunities to staff, volunteers and Councillors, to empower them to carry out their role in furthering the objectives of this policy.

3.9 The wider community

We will continue to build strong relationships with community groups and local organisations, contributing to community cohesion. As part of this process, we will promote equality of opportunity, and seek to foster positive attitudes and good relations between different groups of residents across the Councils' area.

4. Equality objectives and information

In accordance with our specific duties under the Equality Act 2010, the Council will set equality and fairness objectives and will publish annual equality information about our services and staff. We will also publish an annual progress report advising our communities of our progress against our objectives, enabling them to hold us to account. Our objectives will be specific and measurable and integrated into our service plans and quality improvement processes.

5. Monitoring and review

Responsibilities for monitoring and review of our Equality and Fairness Policy, Equality Objectives and Equality Information is set out at 3.1 above.

6. Contacts

Corporate: Head of Business Planning and Performance
 Strategy and Partnerships Lead for Thriving Communities
 Customer Communications and Engagement Lead

Equality terms glossary:

Advancing equality	The Equality Act 2010 states that this involves having due regard to the need to remove or minimise disadvantages suffered by persons who share a protected characteristic; meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and encourage persons who share a relevant protected characteristic to participate in public or in any other activity in which participation by such persons is disproportionately low.
Age	People of any age.
Assessing impact on equality	This involves looking at equality information and the outcomes of any engagement in order to understand the impact or potential impact of your decisions on people with different protected characteristics.
Civil partnership	Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters. (Only in relation to due regard to the need to eliminate discrimination).
Direct discrimination	<p>Direct discrimination occurs when a person treats another less favourably than they treat others because of a protected characteristic. Direct discrimination is generally unlawful but may be lawful in the following circumstance:</p> <ul style="list-style-type: none"> • In relation to protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person <p>A person experiencing less favourable treatment 'because of a protected characteristic' does not have to possess the characteristic themselves. For example, the person might be associated with someone who has the characteristic ('discrimination by association'); or the person might be wrongly perceived as having the characteristic ('discrimination by perception').</p>
Disability	A person who has a physical or mental impairment and that impairment has a substantial and long-term adverse effect on their ability to carry out 'normal' day to day activities. Some impairments are hidden, such as mental health problems, HIV, cancer, diabetes and epilepsy, but all are covered.
Disadvantage	This could include denial of an opportunity or choice. It is similar to 'detriment'. The question to answer is 'would a reasonable person complain about the service?' In other words an unjustified sense of grievance would not qualify as 'disadvantage'.

Due regard	Due regard requires consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence decisions reached by public bodies – such as how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services; and how they commission and procure services from others.
Engagement	A broad term, intended to cover the whole range of ways in which public authorities interact with their service users, employees and other stakeholders, over and above what they do in providing services or within a formal employment relationship.
Equality Act 2010	This brings together the majority of existing equality legislation into one place so that it is easier to use.
Equality Information	The information that you hold (or will collect) about people with protected characteristics, and the impact of your decisions and policies on them.
Equality Objectives	A requirement to prepare, set and publish objectives is one of the specific duties set out under the equality duty.
Equality outcome	The results that individuals or groups actually achieve and are able to benefit from. For example, equal pay between men and women.
Fostering good relations	The Equality Act 2010 states that having due regard to the need to foster good relations involves having due regard, in particular, to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.
Function	The full range of a public authority's activities, duties and powers.
Gender	The wide social roles and relationships that structure men's and women's lives. These change over time and vary between cultures.
Gender reassignment	A person who is proposing to go through, is undergoing, or has undergone a process (or part of a process) to change their gender. A reference to a transsexual person is a reference to someone who has the protected characteristic of gender reassignment.
General equality duty	The requirement to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; to advance equality of opportunity between people who share a protected characteristic and those who do not; and to foster good relations between people who share a protected characteristic and those who do not.
Harassment	Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Unwanted conduct covers a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical

	<p>gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.</p> <p>The word unwanted means essentially the same as 'unwelcome' or 'uninvited'. 'Unwanted' does not mean that express objection must be made to the conduct before it is deemed to be unwanted.</p>
Indirect discrimination	Indirect discrimination may occur when a service provider applies an apparently neutral provision, criterion or practice in a way that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic, and is not a proportionate means of achieving a legitimate aim.
Less favourable treatment	This would require a comparison to be made with how a service provider would have treated other service users or would have treated them in similar circumstances.
Legitimate aim	<p>Examples are:</p> <ul style="list-style-type: none"> • Ensuring that services and benefits are targeted at those who most need them; • The fair exercise of powers; • Ensuring the health and safety of those using the service provider's service or others, provided risks are clearly specified; • Preventing fraud or other forms of abuse or inappropriate use of services provided by the service provider; and • Ensuring the wellbeing or dignity of those using the service. <p>Although reasonable business needs and economic efficiency may be legitimate aims, a service provider solely aiming to reduce costs cannot expect to satisfy the test.</p>
Marriage	The legally recognised union of two people as partners in a personal relation. (Only in relation to due regard to the need to eliminate discrimination).
Maternity	The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breast feeding.
Pregnancy	The condition of being pregnant.
Proportionality	The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees. This means that all possible ways of achieving the aim have been investigated and it is not based on solely being the cheapest means – these are often more discriminatory.
Protected characteristic	The public sector equality duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also covers marriage and civil partnership, but not for all aspects of the duty.
Public functions	The Equality Act 2010 defines a public function as a function that is

	of a public nature for the purposes of the Human Rights Act 1998.
Race	A person of a particular racial group - includes nationality (including citizenship), colour, ethnic or national origins, including refugees and migrants and Gypsy and Travellers.
Reasonable adjustments	Service providers have an anticipatory duty to make reasonable adjustments for disabled people. When planning its services, a service provider will need to consider whether its practices indirectly discriminate against disabled persons. If a practice does discriminate, then the service provider must consider whether the practice can be justified.
Religion or belief	Any religion which has a clear structure and belief system, including a lack of religion. Belief covers any religious and philosophical belief, including a lack of belief (for example, atheism).
Sex	A person who is a man or a women.
Sexual orientation	A person who has a sexual orientation (sexual attraction) towards someone of the same sex, the opposite sex, or either sex.
Transgender	An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with 'trans'.
Transsexual	A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010.
Treating people more favourably	Complying with the equality duty may involve treating some people more favourably than others. For example, it may involve making use of an exception or the positive action provisions, in order to provide a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to older people to help them access information and services.
Taking account of disabled people's disabilities	The equality duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should take account of disabled people's impairments when making decisions about policies and services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

12 Appendix B - Equalities policy consultation questionnaire

We are developing an Equality Policy for Eastbourne Borough Council (EBC) and Lewes District Council (LDC). The policy, once adopted, will underpin the Equality Objectives which we have a duty to publish and plan to develop over the next few months with the aim of aligning the Objectives of both Councils and ensuring we meet the requirements of the Equality Act 2010.

The draft policy is intended as a clear, simple statement of how the Councils intend to deliver our services and conduct our business. It is designed as a set of guiding principles to provide a foundation for our service and policy development and help with decision making.

This draft policy is broadly similar to the current Lewes District Council policy adopted in 2012 and the policy principles embedded in the Eastbourne Borough Council Equality and Fairness Strategy 2012 to 2016 have been incorporated in this new draft policy.

Once this policy has been agreed, we will be in a position to begin work reviewing our Equality Objectives and developing Action Plans. We anticipate we will have a number of shared Objectives between the two Councils but will also need some additional objectives for each of the two Councils reflecting different needs. We will consult on these later in 2017 with a view to adopting the Objectives for 2018 to 2021 and Action Plan for 2018 early in 2018.

The draft policy covers:

- the core values and principles we are committing to
- the responsibilities of different people for implementing the policy
- standards of behaviour
- equality and fairness analysis
- involvement and participation in service and policy development
- contracts and grants
- training
- equality objectives and information
- monitoring and reviewing

We would be grateful for your views and comments on this draft Policy. If you wish to comment, please use the next page.

Consultation questions:

The draft policy

Do you agree with the policy overall?

If not, please tell us what you disagree with? (e.g. is there any policy statement you disagree with? Have we missed out any key policy statements which you think should be included?)

Proposed Lewes and Eastbourne Equality and Fairness Steering Group

The draft policy says that we will develop a shared Equality and Fairness Steering Group to review and validate our Equality and Fairness Analysis. We have been working with a stakeholder group to oversee the impact on equalities of our Joint Transformation Project integrating service delivery across both Eastbourne and Lewes District Councils and are considering extending the Terms of Reference of this group to cover our wider Equality and Fairness work.

The Group's role would be to ensure that Lewes District Council and Eastbourne Borough Council fulfil their statutory duties in respect of all aspects of the Public Sector Equality Duty and that the views of stakeholders are taken into account in the development of policy and work programmes.

This group includes representatives of groups protected under the Equality Act covering:

- Age
- Disability
- Race
- Sexual orientation
- Faith

Do you agree with the proposal to expand the remit of the current Lewes and Eastbourne JTP Equality and Fairness Steering group to cover our wider Equality and Fairness work? (Yes / No)

Please add any comments:

Do you agree with the proposed representation of protected groups and other stakeholders? (Yes / No)

Please add any comments:

If not, what other representatives do you think we need to include?

Thank you for taking the time to read the policy and comment.

Please send your comments on this form to equalities@eastbourne.gov.uk

13. Appendix C – Equality and Fairness Analysis

STRONGER together



Lewes District Council



Working in partnership with Eastbourne Homes

Equality and Fairness Analysis Findings report – Equality and Fairness Policy

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Person responsible for analysis	Pat Taylor	
Person responsible for policy development	Pat Taylor	
Policy area (or function)	Compliance with Public Sector Equality Duty	
Service area responsible for implementing the policy	All	
Originator (if not the Council)	n/a	
Is the policy proposed (new) or existing?	Proposed	
Is it an LDC/EBC policy or a partnership initiative?		Partnership
Key people involved in the policy development and its implementation	Business Planning and Performance officers; members of LDC and EBC internal officer groups responsible for overseeing Equality and Fairness, and of external EaFA Stakeholder Group	
Decision making bodies the policy will be referred to	Council, Cabinet, Cabinet Members, Heads of Service and Team Leaders	
Who is the responsible Director/Assistant	Nazeya Hussain	

Director?	
Date of first equality quality check (internal)	
Date of external equality stakeholder group	

The Public Sector Equality Duty

The public sector equality duty is made up of a 'general equality duty' which in turn is supported by 'specific duties'. The general equality duty is set out in section 149 of the Equality Act 2010 and came into force on 5th April 2011. The general equality duty sets out what is required of public authorities and the specific duties help public authorities comply with the statutory obligations.

As a summary, we must, in the exercise of our functions, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

These are commonly referred to as the three aims of the general duty.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act further states that the steps involved in meeting the needs of disabled persons that are different to the needs of persons who are not disabled include, in particular, steps to take account of a disabled persons' impairment.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

The duty also covers a 'person' who is not a public authority but who exercises public functions. We retain the responsibility for the 'person' having due regard to the three aims when delivering a service on our behalf. This should be written into their contract with us.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

Context and Scope

What is the purpose of the policy and why is it needed?

The Equality and Fairness Policy is needed to underpin the Councils' approach to ensuring that full consideration of equality and fairness is given in the development, design and delivery of all services and policies and in the recruitment and development of staff. The Policy sets the framework for the development of Equality and Fairness Objectives, as required under the Public Sector Equality Duty (2010) and Action Plans, and for the day to day consideration of equality and fairness in Council work.

In what context will it operate and who is it intended to benefit?

The Policy will apply to all the Council's activities and decision-making whether this is at Council or Cabinet level covering major service or policy development, or the interpretation of policy and procedures at a front-line operational level. It is intended to benefit all sectors of the community and specifically groups protected under the Equality Act 2010 who might otherwise be adversely affected by Council decisions and activities.

What are the expected outcomes/longer term benefits of the policy?

Equal access to services and opportunities provided by the Council for all residents and increased fairness, inclusion and participation in activities.

Information and Research

List all sources of information and relevant data that was obtained and considered in the assessment and include the groups you consulted with?

Equality Act 2010

Public Sector Equality Duty Technical Guidance

East Sussex in Figures

Equality Policy and Objectives 2012 – 2016 – Lewes District Council

Equality and Fairness Strategy and Objectives 2012 – 2016 – Eastbourne Borough Council

Were any gaps identified in this information and if so, what are these and what actions are being taken to address them?

There is no data on sexual orientation or gender re-assignment. This was previously included in data collection surveys and the Census, but was dropped in 2011 because of its sensitive nature and the perceived intrusiveness of questions on this.

Both Councils will need to ensure data collection within different service areas complies with good practice and is in line with national data collection.

Analysis and Assessment

What are the main findings, trends and themes arising out of the research and information you have gathered and any consultation you have carried out?

17.2% of Eastbourne residents are under 16 and 24.5% of Eastbourne residents are aged 65 and over, significantly higher than the average for England (17.9%). 17.4% of Lewes District residents are under 16 and 25% are aged 65 and over. Both groups, along with those aged 17-25 will be affected by policies and services which impact differently on their age groups.

Eastbourne has a significantly higher percentage of one person households (36.2%) compared with England and Wales (30.2%) and East Sussex (32.8%). This has implications for the provision of housing and of support services. The percentage of one person households is 30.2%, the same as the national average.

The concerns associated with an ageing population are particularly high in both local authority areas and the Councils need to ensure it works closely with health and care partners to reduce the risks associated with this, both through health and personal resilience work and in the provision of suitable housing and related support services to meet needs.

At the same time, both Councils need to identify more effective ways of engaging with young residents to increase their participation in the democratic process and in their local communities.

51.6% of Eastbourne residents and 51.4% of Lewes District residents are women, higher than the England average of 50.4% and likely to be associated with the older age profile in both areas. There is no representation on the Councils' external stakeholder group at present to cover either transgender or women's issues specifically. Whilst a number of staff and external stakeholder representatives on the internal officer group and Stakeholder Group proposed are women, it would be helpful to identify two additional representatives to join the Stakeholder Group, one each from organisations addressing the barriers which women face and those which transgender people face.

There is no data available covering sexual orientation and gender reassignment, but Government estimates that 5 to 7% of the population is Lesbian, Gay and Bisexual. A member of BourneOut LGBT sits on the Equality and Fairness Stakeholder Group and this will improve the focus on barriers faced by LGBT people in future consideration of Lewes District Council

policies and services.

87.4% of Eastbourne residents and 92.5% of Lewes District residents are White British and Northern Irish; 1% of Eastbourne residents and 0.8% of Lewes District residents are White Irish; 0.1% of residents in both Eastbourne and Lewes are Gypsy or Irish Traveller; and 5.6% of Eastbourne and 3.2% of Lewes residents are 'other White'. 2.8% of Eastbourne residents and 1.4% of Lewes residents are Asian / Asian British; and 0.8 % of Eastbourne residents and 0.4% of Lewes residents are Black / Black British. 1.8% of Eastbourne residents and 1.3% of Lewes residents are of Mixed Heritage; and 0.5% in Eastbourne and 0.3% in Lewes are 'other ethnic group'.

In terms of country of birth (2011 figures), 94.5% of Eastbourne residents and 95.9% of Lewes residents were born in Europe; 2.9% of Eastbourne residents and 1.6% of Lewes District residents were born in the Middle East and Asia, 1.5% of Eastbourne residents and 1.2% of Lewes District residents were born in Africa; 0.8% of Eastbourne residents and 0.9% of Lewes District residents were born in the Americas and the Caribbean; and 0.3% of Eastbourne residents and 0.4% of Lewes District residents were born in Antarctica and Oceania.

1,213 overseas nationals entered the UK in 2016 and were registered in Eastbourne for National Insurance. Of these 1,049 were from the European Union. 365 entered the UK in 2016 and were registered for National Insurance in Lewes District. Of these 278 were from the European Union.

Language is an issue for a significant number of households. Of Eastbourne's 45,012 households, 1,705 had no member with English as a main language, 237 had only members aged under 16 with English as a main language, and a further 1,333 had at least one member who did not have English as a main language. Of Lewes District's 42,181 households, 516 had no member with English as a main language, 112 had only members aged under 16 with English as a main language, and a further 925 had at least one member who did not have English as a main language.

Language support including translation, interpreting, related advocacy and English language training are clearly key to ensuring these households are able to participate fully in activities, services and employment. The Equality Policy and Objectives include an important focus on engagement with the full range of protected organisations, and this is particularly important in ensuring that households settling in Eastbourne and those who do not have English as a main language have access to the support they need. Both Councils have service agreements through the Sussex Translation and Interpreting Framework and with Vundu Language Services for translation and interpreting in relation to Council services.

59.6% of Eastbourne residents and 57% of Lewes District residents identified as Christian in the 2011 Census; 1.5% in Eastbourne and 0.6% in Lewes District identified as Muslim; 0.5% in Eastbourne and 0.5% in Lewes District as Buddhist; 0.4% in Eastbourne and 0.3% in Lewes District as Hindu; 0.2% in Eastbourne and 0.3% in Lewes District as Jewish; and 0.1% in Eastbourne identified as Sikh. 0.6% in both Eastbourne and Lewes identified themselves with other religions. 29% in Eastbourne and 32.5% in Lewes District said they had no religion. 8% in Eastbourne did not respond to the Census question asking about religion and 8.2% did not respond in Lewes District.

33.3% of Eastbourne residents and 28.7% of Lewes District residents aged 16 and over are single; 42.8% in Eastbourne and 49.6% in Lewes District are married; 0.4% in Eastbourne and 0.5% in Lewes are in a registered same-sex civil partnership; 3% in Eastbourne and 2.5% in Lewes are separated; 11.5% in Eastbourne and 10.2% in Lewes are divorced; and 9.1% in Eastbourne and 8.4% in Lewes are widowed.

There were 1,070 live births to Eastbourne residents in 2015 and 877 to Lewes residents.

Teenage pregnancy has reduced significantly across the country and in Eastbourne from 62 conceptions in 2010 to 36 in 2015, and in Lewes from 53 in 2010 to 29 in 2015.

21% of Eastbourne residents and 19.5% of Lewes residents had a long-term health problem or disability at the last Census in 2011. 11.3% in Eastbourne and 10.9% in Lewes were those whose day-to-day activities were limited a little, and 9.7% in Eastbourne and 8.7% in Lewes were those whose day-to-day activities were limited a lot. East Sussex County Council estimate the increase in people with a long-term limiting illness to increase in Eastbourne from 22,550 in 2015 to 23,557 by 2018 and 24,665 by 2021, and the increase in the number of disabled people from 18,413 in 2015 to 19,204 by 2018 and 20,204 by 2021. In Lewes ESCC calculate an increase in the number of those with a long-term limiting illness from 20,366 in 2015 to 21,338 in 2018 and 22,460 in 2021; and an increase in the number of disabled people from 16,598 in 2015 to 17,435 in 2018 and 18,415 in 2021.

15,064 Eastbourne residents (15.1%) were estimated to be affected by income deprivation in 2012 (2015 Indices of Deprivation) in Eastbourne. 10,894 Lewes District residents (11.1%) were estimated to be affected by income deprivation.

The establishment of a shared Equality and Fairness Stakeholder Group will deliver additional benefits to both Councils arising from engagement with a wider range of representatives.

Responses from consultation included a gap in training on equality and fairness for voluntary and community organisations and request that the Councils open any training arranged for their own staff to these organisations where possible.

<p>Which protected groups will it affect/benefit the most?</p> <p><i>Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more, 'L' less, or 'E' equal relevance. Highlight the finding.</i></p>	Age	M	E
	Disability	M	E
	Gender reassignment	M	E
	Marriage and civil partnership	M	E
	Maternity and pregnancy	M	E
	Race	M	E
	Religion or beliefs	M	E
	Sex	M	E
	Sexual orientation	M	E
<p>Which parts of the Public Sector Equality Duty are most relevant to the policy?</p>	1. Eliminate discrimination, harassment and victimisation	M	E
	2. Advance equality of opportunity	M	E
	3. Foster good relations	M	E

Please explain your reasons for the above assessments and how you have given consideration to the different needs of people and taken steps to minimise potential disadvantages and maximise equality of opportunity

By their nature, the Equality and Fairness Policy, governance and review arrangements are designed to ensure all protected groups are covered, and each of the PSED duties are taken into consideration. They set the basis for addressing all of these in the review of all Council functions and assessment of the impact of any service and policy changes.

Based on your findings is there a need to balance conflicting views or counter resentment and inaccurate perceptions, if so what will you do?

The policy is designed to ensure that all decisions made by the Councils relating both to policy, and practice take account of the impact these may have on groups protected by the Equality Act and others at risk of exclusion, such as those on very low incomes. The policy itself recognises that there may be limitations in some instances on what the Councils and their partners are able to do to overcome some of the barriers addressed and that a balanced view needs to be taken. The decision-making and review process is designed to include challenge from members of protected communities and to draw up actions to mitigate any potentially negative impacts where these are identified.

Action Planning

If you have identified specific areas that require action to promote equality, what steps are you going to take to ensure this work is carried out and completed?

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of specific representation of women's organisations or issues on Stakeholder Group	Identify an appropriate representative able to contribute on barriers that women face	Pat Taylor	None	31 March 2018	Representative invited to attend identified and agreed
Lack of training and sufficient understanding of equality issues in voluntary and community sector	Review training needs with 3VA and ensure training on equality and fairness is offered to the VCS	Pat Taylor	None	30 June 2018	Training courses identified and VCS members invited
Need to ensure data collection in service areas is in line with good practice and national data collection.	Review as part of Equality and Fairness Reviews of functions	Heads of Service	Non	31 st March 2021 as part of programme of EaF reviews	Consistent data collection and complete data covering protected groups in line with good practice

Outcome

Considering all the evidence and the potential or actual effect of the policy on equality, it is concluded that:

***1. No major changes are needed** – the policy is robust and evidence shows no potential for discrimination and all opportunities to advance equality and foster good relations between groups has been taken.

Quality Assurance

How will you implement any recommendations made through quality checking?	n/a
How will the issues covered in the action plan be monitored and reviewed and who will do this?	The Strategy and Partnerships Lead – Thriving Communities will identify representatives for the Equality and Fairness Stakeholder Group and will liaise with 3VA. She will work with the Functional Lead to ensure data collected is in line with good practice and national guidance
Who will sign off the action plan once all actions are completed?	Head of Business Planning and Performance
How will you share the results with stakeholders?	Ongoing through the Stakeholder Forum

Approval

Report Author	
Signed	
Dated	

Director/Assistant Director	
Signed	
Dated	

Please now send this report to EqualitiesEmail@lewes-eastbourne.gov.uk

For completion by the Business Planning and Performance Team:

Quality Checking

Initial quality check carried out by	Devan Briggs			
Report cleared for internal quality checking or returned to EaFA author for further action	Cleared	X	Returned to EaFA author for further action	
	Tick the box that applies			
Date sent to the internal equality checking group				
Record of comments/ recommendations made by this group				
Date comments sent back to EaFA author for inclusion in final draft report – where relevant				
Date final draft report received				
Final draft report cleared by (officer / date)				

Date of Equality and Fairness External Steering Group review	
Record of any comments/ recommendations made by this group	
Date comments/recommendations sent back to EaFA author for inclusion	
Date final EaFA received	
Final EaFA cleared by	
Date EaFA published on website	

Agenda Item No: 9.6 **Report No:** 151/17
Report Title: Asset Development: Newhaven Town Centre
Report To: Cabinet **Date:** 13 November 2017
Cabinet Member: Cllr Bill Giles
Cllr Andy Smith
Ward(s) Affected: Newhaven Valley
Report By: Nazeya Hussain, Director of Regeneration & Planning
Contact Officer(s)-

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Purpose of Report:

To provide an overview of the potential redevelopment of Newhaven town centre, as well as the scheme's role in successfully delivering the aims of the Newhaven Enterprise Zone.

Officers Recommendation(s):

- 1 To request the Director of Regeneration and Planning to develop a business case outlining the investment potential and opportunities for Cabinet to consider early in 2018.
- 2 To approve the allocation of funding of up to £1.2m from the property acquisition and development budget in respect of consultancy, professional fees, surveys and the planning application.
- 3 To undertake early public consultation with a range of stakeholders prior to submitting the detailed design for planning purposes.
4. To delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Resources, and the Strategic Property Board, to develop a detailed design for a mixed-use development scheme at Newhaven Town Centre, in readiness to submit a planning application.

5. To delegate authority to the Director of Service Delivery in consultation with the Director of Regeneration and Planning and the Portfolio Holder for Environmental Impact (and where appropriate the Chief Finance Officer and Assistant Director – Legal and Democratic Services) to progress the project through the Energy & Sustainability Joint Venture if they consider it appropriate and at an appropriate future stage to decide the project should be put forward to the JV Steering Board for inclusion as a Part 1 and/or Part 2 project.
 6. Delegate authority to award any of the contracts required in relation to recommendation 2 above to the Director of Regeneration and Planning; such delegation to include approval to a waiver of the Contract Procedure Rules (sought under CPR 2.4.1 (a)) for those appointments.
-

Reasons for Recommendations

- 1 Newhaven has substantial physical capacity for growth, including large brownfield sites in and around the waterfront and the town centre. The town is planning for 28% of all housing growth within the District over the lifetime of the Local Plan (ie. to 2030). Newhaven is also home to 40% of the district's B-Class employment space, and the designation of the Enterprise Zone emphasises the town's central role in delivering sustainable economic growth.
- 2 Newhaven town centre is one of the key redevelopment sites within the town and will be the anchor playing a critical role in delivering new housing and employment space. The redevelopment of the town centre links closely with delivery of the Newhaven Enterprise Zone that commenced in April 2017 and seeks to address a range of development barriers that are inhibiting effective investment delivery.
- 3 A commercial opportunity has now emerged for a mixed-use redevelopment of the Council's landholdings within the town centre. The proposed scheme will create new employment space, employment opportunities and has a strong fit with the ambitions for the Newhaven Enterprise Zone.

Information

4

Local Challenges and Opportunities

- 4.1 Historically, Newhaven has faced a number of challenges which have been well-documented elsewhere. However, in recent years, there has been significant investment in Newhaven and it is clear there is a real opportunity for growth.
- 4.2 Funding has been committed through the Greater Brighton City Deal and additional funding to improve flood defences in the town and build a new Port Access Road. Local Growth Funding has also acted as a catalyst for

the development of a major new business and industrial park at Eastside South and has facilitated the Council's purchase of the Railway Quay site adjacent to the new University Technical College.

Newhaven Enterprise Zone

- 4.3** Enterprise Zones are a central pillar of the Government's long-term plan to rebalance the economy. In total, the Government is investing £330 million to support Enterprise Zones to realise their potential as engine rooms of local economies.
- 4.4** There are now 48 Enterprise Zones across England (including Newhaven). To date¹, the 36 previously established Enterprise Zones have attracted more than 730 businesses, secured £2.6 billion of private sector investment and created over 30,000 local jobs. Enterprise Zones have been successful in attracting world class companies and their suppliers, as well as stimulating local business formation, clustering and growth.
- 4.5** The designation of 8 key sites in Newhaven as an Enterprise Zone is the next step in ongoing regeneration activities in the town and is a major proposal of regional significance. Having commenced in April 2017, the Enterprise Zone is forecast to create around 55,000m² of new commercial floorspace, refurbish a further 15,000m² of commercial floorspace and create / sustain around 2,000 jobs over the zone's 25-year lifespan.
- 4.6** The Council has been proactively planning for this with the securing of town centre lease in April 2016 and more recently acquiring the Railway Quay site in March 2017. Funding has been secured from Coast to Capital and there is further development at Eastside South with 7,733 sq metres of commercial space underway.
- 4.7** This proposed development would assist with meeting the commitments outlined in para 4.5.

Newhaven Town Centre

- 4.8** The town centre of Newhaven has experienced decline over a number of years. Whilst the presence of retail provision on the eastern side of the River Ouse has increased, the level of retail activity in the town centre has significantly diminished. In turn, this has led to an increase in the number of vacant units and a decrease in the level of activity and footfall experienced in the area.
- 4.9** In 2016, the Council bought back leases within the Newhaven Square area of the town centre and has commenced works to refurbish one of the blocks. Newhaven Square is a key part of the Council's property portfolio, and includes the former Co-op supermarket, the Seahaven

Swim & Fitness Centre and the Dacre Road multi-storey car park, as well as other retail units.

- 4.10** The Council has recognised that services which benefit the community are an important element of the town centre regeneration and has begun the refurbishment of accommodation for Citizens Advice Bureau, which will also help to generate footfall.
- 4.11** Since the Council bought the headlease back in, we have actively marketed the offer locally and nationally and as a result there has been significant interest in Newhaven Square with all but one of the properties on the Peacock's block being let, or with an agreement to let. The Council early intervention on securing the headlease town centre site, is to ensure high quality development proceeds in a timely manner.
- 4.12** While the renewed commercial interest in Newhaven Square is encouraging, it is not in itself sufficient to deliver the step change that is needed to regenerate the town centre and encourage new investment. Subsequently, the Council has worked with external support to develop a deliverable development strategy for the town centre.

Current Uses

- 4.13** Newhaven Square covers an area of around 1.22 hectares and comprises a mix of land uses, with the main focus being predominantly retail. However, shopping habits have changed and high streets up and down the country have struggled. For any development scheme to be successful in a high street location, there should be a mix of uses which will attract different types of footfall that will support primary or secondary activities. This approach also considerably de-risks development.

Site Constraints

- 4.14** The site has a number of constraints that are hindering development. These include:
- Lack of good quality retailers and national multiples generally within the Town Centre.
 - Poor signage into Newhaven Square from the High Street. Sightlines and focal points into the scheme all present dead or inactive frontages.
 - Poor signage and no retailer activity along the primary vehicular routes around the perimeter of the Town Centre.
 - Pedestrian routes are very disjointed with no clear flow around or through the Town Centre.
 - Poor quality car park which attracts low-level anti-social behaviour, such as vandalism and street-drinking, and which is not a welcoming or attractive asset within the town.

Development Opportunities

- 4.15** The proposal outlined at Appendix A involves a comprehensive redevelopment of the Town Centre from Seahaven Swim and Fitness Centre through to Dacre Road multi-storey car park.
- 4.16** Early designs demonstrate that by reconfiguring the existing layout, it would be possible to create:
- 14,000 sq ft of retail space, including an anchor retail store of 10,000 sq ft and new occupiers including an increased food and drink offer
 - A 1,750 sq ft extension to the leisure centre
 - 20,000 sq ft of commercial space
 - A 75 bed hotel
 - 90 residential flats
 - A new well-designed and lit car park of a total of total of 317 car parking spaces, including dedicated public and residential spaces.
 - A new public realm which focuses on high quality experience for local shopper and visitors
- 4.17** The Council has explored a range of options for the development including full demolition or refurbishment of the current assets. It is proposed that in order to achieve the step change required, and to ensure it is viable, we will work with the existing shell of the asset as much as possible as well as some new build.
- 4.18** The exact configuration of the space is subject to change and will be partly informed through the consultation process. To date, there has been informal consultation with Ward Councillors, Wave Leisure, Officers from Newhaven Town Council, the Enterprise Zone Programme Board, and the Strategic Property Board, resulting in broad support from each. It is recommended that informal public consultation is carried out prior to the submission of the detailed scheme for planning.
- 4.19** With the prime intention of rejuvenating the town for local residents, so that once again we have a diverse and strong offer of local services and shops in Newhaven, the Council has been gauging the level of interest that a development such as this would generate in the market. The response has been extremely positive and there has been significant interest. Proposed Heads of Terms have been exchanged with a national chain hotel operator who are keen to finalise the deal.
- 4.20** The proposed scheme is designed to regenerate the town centre and to give residents the facilities they need now and in the future. The hotel proposition would not only provide new accommodation for visitors to the town, but would also result in other food and drinks interest into the town centre and increase footfall. Gauging interest in pre-lets in this manner considerably de-risks the proposal and strengthens the investment case.

Regeneration Benefits

- 4.21** The redevelopment of Newhaven Square is expected to be a catalyst to generate interest in the wider town centre, which is something that existing businesses will benefit from.
- 4.22** The delivery of the Enterprise Zone is strongly supported by these redevelopment proposals. The scheme fits with the Council's aims for Newhaven, as well as Newhaven Town Council's ambition to revitalise the town centre. There is also a strong strategic fit at a regional level through the Greater Brighton City Region, Coast to Capital Local Enterprise Partnership and South East Local Enterprise Partnership.
- 4.23** Regeneration of the town centre will also have a positive impact on property valuations in the area and help to keep the property market buoyant as well as helping to attract inward investment.

5 Financial Appraisal

- 5.1** It is recommended that funding be allocated of up to £1.2m from the property acquisition and development programme in respect of consultancy, professional fees, surveys and the planning application.
- 5.2** It is also recommended that officers develop a business case outlining the investment potential and the opportunities for the Council to contribute to the development for Cabinet to consider early in 2018.
- 5.3** These costs and subsequent development costs can be financed by the Council borrowing against the future uplift in business rates forecast due to Enterprise Zone designation for the Town Centre.
- 5.4** In the short term an allocation of £1.2m will be internally borrowed and/or financed from capital receipts.

6 Legal Implications

- 6.1** The proposed consultancy contracts will need to be awarded in accordance with the council's Contract Procedure Rules with the particular process depending on the nature and value of each contract. A waiver is sought in relation to these to provide the Director of Regeneration and Planning the flexibility to award any of these contracts that are below the EU Threshold without a competition. The Energy & Sustainability Joint Venture was procured in compliance with the Contract Procedure Rules and so can be used in accordance with its terms without the need for a further competitive process.
- 6.2** Any disposal of land or lease will need to be undertaken in accordance with the requirements of paragraph 18 of the Contract Procedure Rules.

- 6.3** All transactions will be on market terms and so no issue of State Aid will arise.

[006790-LDC-CJEC 24.10.2017]

7 Risk Management Implications

- 7.1** The risk management implications will be determined through the options appraisal.

8 Equality Screening

- 8.1** An equality impact assessment will be carried out at the same time as the possible delivery options are determined.

9 Background Papers

- 9.1** None

10 Appendices

- 10.1** Appendix A: Development proposal

APPENDIX A SCHEME COMMENTARY

Principles of Development

The regeneration proposals combine several strands that will come together to create a place where people want to be and have a reason to visit. The scheme will be primarily focused around local residents and their convenience needs.

- The introduction of uses and facilities to accommodate everyday needs.
- Utilise the airspace for development above ground level.
- Introduce a variety of uses that will act as the catalyst for further growth and investment within the town centre.
- “Soften” the existing environment and make a more attractive place to be
- Create inward investment into the “place” and infrastructure
- Create local jobs
- Create residential to help meet the demands identified
- Create a mixed use urban environment to accommodate uses that both complement and provide a safe environment 24/7

Scale of the aspirations

The town centre requires a vision that will pull together a number of strands/components that when combined form a cohesive and comprehensive approach. This is achievable with the ownerships currently within the Council’s control. However, this should be considered as the first phase catalyst of a longer-term objective with the “ripple effect” advancing other sites that have been identified as potential later phases.

It is hoped that the provision of new facilities in terms of health and leisure will also potentially assist in bringing forward some of the consented residential sites to the eastern side of the estuary.

Re-Use

Where possible the scheme will look to re-use the existing buildings and “cut and carve” or sleeve new structure through them to facilitate development within the airspace above.

Accessibility

One of the key strands of the new proposal is to encourage visitors and to improve the existing pedestrian scheme. This will be achieved by;

1. Improving pedestrian links and permeability both within the town centre and with the surrounding areas.
2. Evaluating the existing traffic movements in the town centre .
3. Identifying pedestrian “desire lines” and converting these to pedestrian priority.
4. Create new public realm nodes with high quality finishes, improved lighting and soft landscaping.

5. Soften the architecture on the approaches to the central areas – e.g. from Chapel St – introduce glazing to the new health hub/ provide a new glazed façade to the pool as part of the reworking of the leisure centre – this will provide transparency and activity to the approach.
6. Consider this as the first stage of a longer-term masterplan for the area – the design solution is to be mindful of other adjacent sites that may be advanced at a future date, and how the approach can be integrated and expanded to the wider geographical area.

Uses

The regeneration proposal will include multiple uses;

- Retail and restaurants
- Residential
- Leisure
- Commercial uses
- Car parking

Massing and Scale

The proposal will increase the scale of development within the town centre. It will comprise a series of stepped components that will follow the sloping nature of the site. This is illustrated in the section drawing overleaf.

Residential

The residential content of the scheme is arranged in four separate buildings which provide the flexibility to provide different forms of tenure and occupation across the site.

The new buildings will provide around 90 one and two-bedroom apartments.

“Gardens in the sky”

One of the keys to the success of the residential scheme will be the creation of roof gardens. These spaces will create green lungs of space within what is currently a very hard urban environment. These spaces will introduce soft focal points.

0.8 acre of new green space will be introduced into the town centre as part of the scheme.

Being elevated, the gardens will be disconnected from the lower level traffic noise of South Way. This is already noticeable if you stand on the roof of the existing multi-storey car park. This will be further reinforced with acoustic barriers/attenuation along the road frontage – these will be designed as “living walls” so the green surface encloses the space and soften the perimeters. The photographs opposite illustrate the effect on living walls.

These gardens will create a series of quiet green spaces that will offer a safe environment with natural 24/7 surveillance from residents.

Green roofs are part of “Climate Proof Construction” – they will contribute significant environmental benefits that align with the Enterprise Zone ethos of “marine, clean and green”

- *Improved air quality/purification* - One exciting benefit of having green roofs is in the reduction of carbon from the air, which helps to improve air quality and make local air better to breathe. The plants in a green roof filter particulate matter from the air and convert CO₂ into oxygen.
- *Water management* - Green roofs create less surface water run-off and will help in water management across the proposed development. A green roof absorbs rain water by the water buffering in the plants, substrate and drainage layer. This delays the discharge of rainwater to the sewage system, purifies the rainwater, and water also evaporates through the plants. This all helps to stabilize the groundwater level, reduces the peak load on the sewage system and helps to reduce the risk of flooding.
- *Biodiversity* - Well designed green spaces and habitats will attract a wide variety of wildlife including birds, bees, butterflies and other insects. Provision of suitable nesting sites and boxes will positively encourage wildlife. These areas can also be used as a stepping stone by mobile species on their way to other areas This will improve the biodiversity



- *Extended Roof Lifespan* - A green roof protects the roofing material from external influences such as the sun, rain, wind and temperature fluctuations and doubles or triples the life.
- *Reduces the ambient temperature* - Plants absorb sunlight, 50% is absorbed and 30% reflected; so, this helps to create a cooler and more pleasant climate. For the indoor climate this means that the air conditioning doesn't have to work so hard, which in turn means energy savings. And this too has an extra positive effect on the climate in the immediate vicinity of the buildings.
- *Reduces ambient noise outside and inside* - A green roof acts as a sound barrier to your building. It absorbs sound and thus provides a quieter environment, both inside and outside your building.
- *More social interaction, less vandalism* - Working or living in a green environment brings people together. A green environment gives a higher perceived and user experience. This has a positive effect on social cohesion in neighbourhoods. Areas with more greenery suffer less hinder from aggression, violence and vandalism.

These areas will be provided with well-considered lighting solutions to offer views by both day and night.

The surrounding photographs illustrate how successful gardens can be created in the sky



Leisure

The development team will be working closely with Wave Leisure to provide an improved leisure offer for Newhaven. The Seahaven pool is a well-used facility with regular users from Seaford and from along the coastal strip. Wave believe there is scope to provide an expanded dry-side facility to serve local residents.

There are significant issues with the existing building in terms of condensation, water ingress and an asbestos roof. The pool site has been included within the development site and will be combined with a new residential building in the airspace above. The objective is to remove the existing roof and replace it with a new flat roof that will serve a dual purpose of creating a transfer deck to enable

residential to be built in the airspace above. The pool will then be refurbished as part of the development.

Car Parking

The existing car park is unwelcoming and will be demolished. A new car park will be constructed providing a total of 317 spaces over four levels. This will be excavated along the northern part of the site to provide larger more efficient footprints .

The new residential accommodation will be allocated one space per unit, plus an additional 237 Public spaces. The new car park will be designed to be well light and airy and adopt “secure by design” principles for safety.

The proposed uses across the site will require a good level of car parking.



Commercial

A number of commercial uses are proposed within the scheme and discussion are underway with a number of prospective tenants. The aim is to pre-let this accommodation prior to submitting a planning application.

Hotel

A new 75 bed hotel is proposed that will be located within the heart of the new scheme - a concept sketch for the hotel is included overleaf. Detailed discussions are underway with a national hotel operator – and Heads of Terms for occupation are to be concluded shortly. The accommodation will also include a food and beverage offer within the hotel. The hotel will provide a significant number of local employment opportunities.



Existing View Along South Way

Concept Sketch for the Hotel
Viewed along South Way

Agenda Item No: 9.7 **Report No:** 152/17

Report Title: New Affordable Housing Technical Note: Supplementary Planning Document (SPD)

Report To: Cabinet **Date:** 13 November 2017

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

Ward(s) Affected: All wards outside the National Park

Report By: Anthony Howell, Strategic Policy Officer

Contact Officer(s)-

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Purpose of Report:

For Members to authorise the publication of the draft Affordable Housing Supplementary Planning Document (SPD) for public consultation with the local community and other stakeholders for an 8 week period.

Officers Recommendation(s):

- 1 To approve the Affordable Housing SPD for publication for an 8 week consultation period to receive representations and comments.
- 2 To delegate authority to the Director of Strategy, Regeneration & Planning and in consultation with the Lead Cabinet Member to make minor amendments before the commencement of the consultation period.

Reasons for Recommendations

- 1 There is an ongoing and increasing need for the provision of affordable housing in the Lewes District, as rent costs and the price of home ownership rises.
 - 2 There are challenges regarding the delivery of affordable housing. A significant proportion of affordable housing is delivered through the planning system. The Affordable Housing SPD will provide the Council with a policy reference point with weight during negotiations, better enabling the Council to deliver much needed affordable dwellings.
 - 3 The SPD builds upon and provides more detailed advice and guidance on Core Policy 1 and Core Policy 2 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016). This will provide developers and housing providers with a useful reference point, making the planning process more efficient and effective.
-

Information

1 Introduction

- 1.1 There is an ongoing need for the provision of affordable housing in the Lewes District. Census data (East Sussex in Figures) demonstrates that overall, households within the District experienced a decrease in home ownership from 2001 to 2011, both in percentage of all households and number. The number of households renting in the private sector doubled over the period, with the percentage of households privately renting almost doubling. The increasing reliance on the private rented sector is likely to cause the cost of renting to increase and hinder those on relatively lower incomes to access housing in this sector. The Lewes District Local Plan Part 1 – Joint Core Strategy (2016) explains that long term pressures of housing supply and affordability remain.
- 1.2 A significant proportion of affordable housing is delivered through the planning system. As part of planning permissions, Local Plan policy requires that applicants for housing developments make a contribution towards the delivery of affordable housing, either onsite or elsewhere in the District.
- 1.3 To provide a detailed explanation in support of the implementation of Core Policy 1 and Core Policy 2 of the Local Plan, and in reference to changes in national policy and updated information on development viability, Lewes District Council is preparing a new Affordable Housing Supplementary Planning Document to set out the position relating to affordable housing contributions sought from development.
- 1.4 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.5 The Affordable Housing SPD will provide detailed explanation in support of the implementation of Core Policy 1: Affordable Housing, and Core Policy 2: Housing Type, Mix and Density of the Lewes District Local Plan Part 1 – Joint Core Strategy 2010 - 2030 (adopted 2016). It contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.6 Before the new SPD can be adopted, it is required to be published for consultation with the local community and other stakeholders. It is proposed that public consultation on the draft SPD should take place for an 8 week period between late November 2017 and late January 2018, in line with the principles set out in the Statement of Community Involvement. The draft Affordable Housing SPD is provided as Appendix A.

2. Background

- 2.1 The Lewes District Local Plan Part 1 – Joint Core Strategy contains Core Policy 1: Affordable Housing, which required a district wide target of 40% affordable housing from developments of 10 or more dwelling units. For developments of less than 10 units, affordable housing would be sought according to a stepped target which begins at 3 units. The level of affordable housing contribution may be determined on a site

by site basis where justified by market and/or site conditions, where the local planning authority is satisfied by robust financial viability evidence that development would not be financially viable at the relevant target level.

2.2 However, in November 2014 the Government published a Written Ministerial Statement (WMS) whereby developments of less than 11 units would be exempt from affordable housing contributions. The WMS also stated that in designated rural areas (i.e. the National Park part of the Lewes District), local planning authorities may choose to apply a lower threshold of 5 units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of commuted sums. The Government restated this position in May 2016 through the Planning Practice Guidance. This means that Core Policy 1 could no longer be implemented as it was originally intended and contributions could only be sought from developments of 11 units or more, and from developments of 6 or more in designated rural areas in the form of a commuted sum.

2.3 The Affordable Housing SPD presents Lewes District Council's position regarding affordable housing, explaining the type of affordable housing to be sought, the indicative values used to calculate commuted sums, how any commuted sum payments will be calculated, takes account of the changes to the contribution thresholds, and also explains the considerations which will be taken into account when assessing the viability of development.

2.4 The Affordable Housing document previously took the form of a Policy Guidance. The Policy Guidance was consulted on from 1 September to 13 October 2016, and from 2 February to 2 March 2017. From these consultations, and with reference to the upcoming consultation for the Lewes District Local Plan Part 2, it is now thought that adoption of the Affordable Housing document as a Supplementary Planning Document would provide the Council with a detailed approach to compliance with policy, carrying weight during negotiations, enabling a more efficient planning system and contributing to the efforts of the Council to deliver much needed affordable homes.

3. Approach to Affordable Housing Contributions

3.1 National Planning Guidance is clear that planning obligations, including those in the form of affordable housing contributions, should not prevent development from coming forward.¹

3.2 In order to take account of development viability, the Affordable Housing SPD divides the District into 'High Value' and 'Low Value' Market Areas, based on research by the District Valuation Service and which reflects the disparity between house prices and impacts on the viability of development.

3.3 Since the introduction of the national thresholds, an affordable housing contribution will be required where a development results in the creation of 11 or more residential units, and 6 or more in designated rural areas (for developments of 6 – 10 units the contribution will be in the form of a commuted sum). The strong presumption is that the affordable housing contribution will be delivered onsite, unless offsite provision or

¹ DCLG. (Revision date: 19 May 2016). Planning obligations. (Paragraph: 004; Reference ID: 23b-004-20150326). <https://www.gov.uk/guidance/planning-obligations>. Last accessed on 17/07/17.

a financial contribution (commuted sum) in lieu of onsite provision can be robustly justified.

3.4 Through Core Policy 1, the starting point for affordable housing contributions is set at 40% on developments of 11 or more units, in both 'High Value' and 'Low Value' Market Areas. For example, for a development of 15 residential units, the affordable housing contribution would be 6 affordable units (40% x 15 units = 6 units).

3.5 Where evidence proves this level of contribution will not result in a viable development, the contribution can be negotiated to a level that will enable the development to be viable.

3.6 The New Affordable Housing SPD sets out:

- Policy requirements for the delivery of affordable housing on all residential development sites;
- Type and standard of affordable housing that is likely to be sought;
- Assessment of financial viability of the development;
- Calculation of any commuted sum payments;
- Delivery agencies for the affordable housing.

4. Planning Application Process

4.1 The SPD provides a detailed summary of the stages involved in seeking affordable housing contributions, from the pre-application stage through to submission and determination of a planning application.

4.2 Applicants are encouraged to undertake pre-application discussions to discuss financial viability to deliver the affordable housing requirements. During these discussions, regard will be made to:

- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
- The location and character of the site;
- The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
- The current availability of affordable housing in the local area when measured against demand for such accommodation; and
- Any updated national policy and/or guidance to be implemented.

4.3 If a developer considers that the mandatory requirements of the affordable housing policy cannot be met on a particular site, the representation must be justified in an evidenced and 'open-book' financial viability assessment and supporting statement, including all necessary information to demonstrate and justify residual values. If the

independent opinion of a viability expert is required to corroborate the evidence, this cost will be at the expense of the applicant.

5. Commuted Sum

- 5.1 If it is not possible to deliver affordable housing onsite or offsite, or if the required contribution results in a percentage of an affordable unit to be delivered, then a commuted sum payment will be considered. The SPD sets out how commuted sums will be calculated.
- 5.2 The SPD sets out an affordable housing payment table, which identifies the required financial contribution per square metre for different types and sizes of development, arranged by market value area. This is used to calculate the total financial contribution required to contribute to affordable housing.
- 5.3 Further analysis and a comparison of developments whereby market housing with affordable housing is provided, and market housing with no affordable housing provision but with a commuted sum provided, is set out in the relevant background papers. The background papers indicate that the value of a development to a developer is higher when they provide no affordable housing and instead pay a commuted sum, than if they provide 40 per cent affordable housing onsite (with a commuted sum for 0.4 of a unit).

6. Delivery

- 6.1 The Homes and Communities Agency (HCA) is responsible for registering and regulating providers of social housing. The HCA maintain a Statutory Register of Providers of Social Housing, which lists private (both not for profit and for profit) and local authority providers. However Lewes District Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in the Lewes District. Affordable housing should be delivered by one of the housing providers which have a strong stake within the area. The choice of housing provider should be agreed upon by the developer with the Council.
- 6.2 For all planning applications where an affordable housing requirement has been agreed, applicants will be required to sign a Section 106 Agreement. The purpose of the agreement is to ensure that the affordable housing complies with the Council's housing and planning policies, to help ensure that the affordable housing is offered to those local people most in need and to require that it is retained as affordable housing in the future.

7. Consultation

- 7.1 It is proposed that public consultation on the draft Affordable Housing SPD should take place for an 8 week period between late November 2017 and late January 2018.
- 7.2 Consultation on the SPD will follow the principles set out in the Statement of Community Involvement.
- 7.3 Following the consultation period, a summary of representations will be prepared and any revisions to the Affordable Housing SPD will be presented to Cabinet for endorsement and then Full Council for approval.

7.4 Lewes District Council was statutorily obligated to undertake a five week consultation on the New Affordable Housing Technical Note: Supplementary Planning Document Screening Report (see Appendix B) with the three statutory consultees of Natural England, Historic England, and the Environmental Agency. This consultation took place between 21 August and 25 September 2017. Neither of the three organisations have provided comments.

8 Conclusion

8.1 A New Affordable Housing Technical Note: Supplementary Planning Document has been drafted to provide detailed explanation in support of the implementation of Core Policy 1: Housing and Core Policy 2: Housing Type, Mix and Density of the Lewes District Local Plan Part 1 – Joint Core Strategy. Specifically, the SPD has been drafted in reference to affordable housing contributions. The SPD reflects changes in national policy and development viability in the Lewes District.

8.2 Before the Affordable Housing SPD can be adopted, it requires public consultation. This is proposed to take place in accordance with the consultation principles set out in the Statement of Community Involvement. Following consultation, comments will be considered and adoption is anticipated for Spring 2018.

8.3 Cabinet are requested to authorise consultation with the local community and other stakeholders on the draft Affordable Housing SPD for an 8 week period between late November 2017 and 22 January 2018.

Implications

9 Financial Appraisal

9.1 There are no financial implications to the Council as a direct result of this report. The cost of the consultation and publication of the Affordable Housing SPD will be met from the service budget.

10 Legal Implications

10.1 The Affordable Housing SPD has been prepared in order to comply with Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.

10.2 Regulation 12 requires that before the SPD is adopted, a statement setting out details of those consulted when preparing the SPD together with a summary of the main issues raised, must be prepared. Any relevant issues raised during the consultation will need to be addressed in the SPD. (Date of Legal Advice: 31 July 2017 - Legal Ref: 6543 –LDC-JCS).

11 Risk Management Implications

11.1 The District Council's reputation and ability to facilitate housing development may be hindered if the SPD is seen by developers as overly stringent. However, the SPD states that the Council recognises there will be variation in circumstances, and will assess each development on a site-by-site basis. The SPD has been drafted with a focus on discussions and collaboration rather than taking a prescriptive approach.

12 Equality Screening

- 12.1 An Equalities and Fairness Impact Assessment has been undertaken. The assessment demonstrates that the Affordable Housing SPD is unlikely to have any significant impact on equalities and fairness.

13 Background Papers

- Lewes District Local Plan Part 1 – Joint Core Strategy (2016)
- Affordable Housing – Commuted Sum Comparison – 11 dwellings
- Commuted sum comparison
- Equalities and Fairness Impact Assessment

14 Appendices

Appendix A: New Affordable Housing Technical Note: Supplementary Planning Document

Appendix B: New Affordable Housing Technical Note: Supplementary Planning Document Screening Report

Lewes District Council

New Affordable Housing Technical Note: Supplementary Planning Document

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1. Introduction

Background

- 1.1 Historically, the District of Lewes has experienced relatively high property prices. This persists to the present day, even when considering the District's location within the South East region. These circumstances are acknowledged in Spatial Policy 1 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016)¹ (the Core Strategy), which sets a housing delivery target of 345 net additional dwellings per annum. This equates to a minimum of 6,900 new homes to be developed over a 20 year period from 2010 to 2030. The Core Strategy² also recognises the need for more affordable homes, stating: 'Improving the amount and availability of affordable housing, both rented and shared ownership, is a priority due to relatively high house prices, below average wages, and continued in-migration.'
- 1.2 A number of continuing as well as newly arising circumstances will affect the Lewes District:
- Median household incomes are slightly higher than the England and Wales average, and the East Sussex average³;
 - Median and mean incomes are slightly lower than the Southeast average;
 - The percentage of households with income below 60 per cent of the national median income is higher than the Southeast average⁴;
 - There is variation between wards concerning the number of households considered as in poverty due to having income below 60 per cent of the national median⁵; and
 - From April 2017, a number of changes to benefits have taken effect placing extra strain on residents and services provided by Lewes District Council.
- 1.3 Lewes District Council is attempting to improve the provision of affordable homes following the adoption of Core Policies 1 and 2 of the Core Strategy. These Core Policies seek to address the key issues of delivering the homes and accommodation needed within the District, and ensuring the housing growth requirements are accommodated in the most sustainable way. To address these issues, in reference to the Planning Practice Guidance⁶, the Council will implement Core Policy 1 with a target of 40 per cent affordable housing on the site of new developments of 11 or more residential units. In designated rural areas (i.e. the National Park part of Lewes District), affordable housing, or financial contributions towards the provision of future affordable housing in the form of a commuted sum, will be sought on developments of 6 or more residential units. These requirements extend to the provision of affordable housing across the District regardless of localised property values.
- 1.4 Core Policy 1 explains that the affordable housing requirement may exceptionally be determined on a site by site basis where justified by market and/or site conditions. Where this is the case, and where replacement affordable units are not being provided by the

¹ LDC. (May 2016). Lewes District Local Plan Part 1 - Joint Core Strategy. (P.48).

http://www.lewes.gov.uk/Files/plan_Adopted_JCS_with_front_cover.pdf

² Ibid. (P.29).

³ LDC. (January 2014). Affordable Housing Needs Assessment 2013 – 2018. (P.12).

http://www.lewes.gov.uk/Files/plan_Affordable_Housing_Needs_Assessment.pdf

⁴ Ibid.

⁵ Ibid.

⁶ DCLG. (Revision date: 19 May 2016). Planning obligations. (Paragraph: 031, Reference ID: 23b-031-20161116). <https://www.gov.uk/guidance/planning-obligations>. Last accessed on 17/07/17.

developer on another site agreed with the Council, it will be necessary to secure the due affordable contribution in the form of a commuted payment.⁷

- 1.5 The Council is committed to the fundamental principle of planning obligations. Such obligations should not be used to 'buy' a planning permission nor should they be used as a method to tax a developer. Therefore, any development which is unsuitable in planning terms cannot be made acceptable by applying developer contributions to the scheme. Planning obligations cannot be sought or used to mitigate an existing problem in the area. They can only be sought against a future need that would be created by the proposed development.

Purpose of this document

- 1.6 A Supplementary Planning Document (SPD) is a planning policy document that builds upon and provides more detailed advice or guidance on the policies in a Local Plan. SPDs are material planning considerations in the determination of planning applications.
- 1.7 The purpose of this Supplementary Planning Document (SPD) is to provide an explanation of how the Council's affordable housing policy, as set out in the Core Strategy, is to be implemented. This includes advice concerning the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.
- 1.8 The policy guidance relates to the Lewes District. It specifically refers to the areas within the Lewes District Council Planning Authority boundary, including the Low Weald to the north of the South Downs National Park and the coastal area to the south, and the Lewes District Council Housing Authority area covering the whole District. The areas covered correspond to the South Downs National Park boundary and are displayed in Appendix A of this technical note.
- 1.9 The document should be read in conjunction with Core Policy 1 and Core Policy 2 of the Core Strategy, and other relevant documents including the [National Planning Policy Framework](#) and the [Planning Practice Guidance](#), when considering making a planning application within the District. This document should be used as a guidance tool from the earliest stages of the development process of any site, including during purchase negotiations and the preparation of development schemes.
- 1.10 This technical note is intended to instruct the Local Planning Authority, developers, agents, landowners and other stakeholders in relation to:
- Policy requirements concerning delivery of affordable housing on all residential development sites;
 - Type and standard of affordable housing that is likely to be sought;
 - Calculations of any commuted sum payments;
 - The planning process, including assessment of financial viability of the development;
 - Delivery agencies for the affordable housing.

⁷ LDC and SDNPA (December 2011). Affordable Housing and CIL Viability Study. (P.xi).
http://www.lewes.gov.uk/Files/plan_AH_CIL_viability_study.pdf

- 1.11 The document has been developed to be sufficiently flexible enough to accommodate changes to national and local policy. The document will be reviewed regularly and in reference to changes to national policy, local policy and local evidence.

Status of this Supplementary Planning Document

- 1.12 This draft Affordable Housing SPD has been prepared for consultation with the local community and other stakeholders.
- 1.13 Once adopted, the Affordable Housing SPD will be a material consideration in the determination of planning applications.

Consultation

- 1.14 The Draft Affordable Housing SPD will be subject to consultation with key stakeholders including local developers, affordable housing providers, the local community and other interested parties between **late November 2017 and late January 2018.**
- 1.15 The SPD can be viewed and commented on via the Council's online consultation webpage, which can be accessed via the Lewes District Council website [Have Your Say](#). Representations can also be submitted by email or via post.

Email: ldf@lewes.gov.uk

Planning Policy
Southover House
Southover Road
Lewes
BN7 1AB

- 1.16 Following the 8 week consultation period, the Council will consider and summarise the representations received. These will be an important source of information which will be used to refine the SPD in preparing the final version. This will be formally adopted by the Council and used to assist in the evaluation of planning applications.

2. **Definitions**

2.1 If any of the definitions set out below are updated within the National Planning Policy Framework, or if any of the definitions not included in the National Planning Policy Framework are updated by the relevant organisation, the updated definitions will supersede those set out in this New Affordable Housing Technical Note.

2.2 The National Planning Policy Framework⁸ defines the following as:

Affordable housing

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing

Owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency (HCA).

Affordable rented housing

Let by local authorities or private registered providers of social housing to households who are eligible for social rented housing.

Affordable Rent

Subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing

Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing, may not be considered as affordable housing for planning purposes.

Starter homes

The Housing and Planning Act 2016⁹ defines a Starter Home as a new dwelling which is available for purchase by qualifying first-time buyers at least 23 years old and under the age of 40, and is to be sold at a discount of at least 20 per cent of the market value. Starter Homes are to be sold for less than the price cap of £250,000 outside of Greater London and £450,000 inside Greater London.

⁸ DCLG. (March 2012). National Planning Policy Framework. (P.50).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁹ Housing and Planning Act 2016. (2016). Part 1: New Homes in England; Chapter 2: Starter Homes.

<http://www.legislation.gov.uk/ukpga/2016/22/enacted>

Serviced Plots

The Homes and Communities Agency¹⁰ defines Serviced Plots as “shovel ready” sites with planning permission, where plots or parcels are laid out and the land is ready for construction. Access is provided and each plot or parcel has utilities/services provided to the plot/parcel boundary.’

2.3 Reference is often made to ‘low cost housing’ when the term affordable housing is used. It is important to note that such housing may not fall within the above definitions, and therefore would not qualify towards the policy target of affordable homes.

2.4 The expectation is that affordable rents will be restricted to no more than the Local Housing Allowance rate due to affordability, although some specialist accommodation may justifiably be higher.

¹⁰ HCA. (June 2015). Custom Build Serviced Plots Loan fund Prospectus – Continuous Market Engagement. (P.3).https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437275/CBSP_Prospectus_-_CME_full.pdf

3. Policy Guidance

- 3.1 Lewes District Council expects all developments, including those contributing affordable housing, to be delivered in line with national and local policies. The relevant policies include:

The National Planning Policy Framework and Planning Practice Guidance

- 3.2 Since the revocation of the South East Plan, the scale of future housing growth needs to have due regard to the policies set out in the National Planning Policy Framework and the Planning Practice Guidance. The key policy reference of the National Planning Policy Framework¹¹ is paragraph 47, which states that Local Plans should meet the full objectively assessed need for market and affordable housing as far as is consistent with other policies of the Framework. In light of this, Lewes District Council and the South Downs National Park Authority (SDNPA) worked in partnership with other authorities from the Sussex Coast Housing Market Area to produce a Duty to Co-operate Housing Study. For Lewes District, this study identifies a need to deliver between 9,200 – 10,400 net additional dwellings over the plan period (equivalent to 460 – 520 dwellings per annum).¹²

The Community Infrastructure Levy

- 3.3 The regulations regarding the Community Infrastructure Levy give full relief from paying the levy on the portions of the chargeable development intended for affordable housing. The District has no affordable housing requirement on developments of 5 (net) or less dwellings within the National Park (Designated Rural Area), and 10 (net) or less dwelling units which have a maximum combined gross floorspace of no more than 1,000 sq m, elsewhere in the District. This reflects the national policy position on this matter and also the Council's own evidence that demonstrates on schemes of 1 or 2 net additional dwellings the ability to bear both the cost of CIL and a commuted payment towards affordable housing could impact upon the viability of the scheme.

Vacant Building Credit¹³

- 3.4 Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, and where this results in an overall increase in floorspace in the proposed development, the developer can be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. Further information is available from the [Planning Practice Guidance - Planning obligations](#) webpage.

¹¹ DCLG. (March 2012). National Planning Policy Framework. (Pp.12-13).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

¹² LDC. (May 2016). Lewes District Local Plan Part 1 - Joint Core Strategy. (Pp.44-45).
http://www.lewes.gov.uk/Files/plan_Adopted_JCS_with_front_cover.pdf

¹³ DCLG. (19 May 2016). Planning Practice Guidance: Planning obligations.
<https://www.gov.uk/guidance/planning-obligations>

Local policy

- 3.5 For the avoidance of doubt, in the event of any future change in Government policy that requires alternative thresholds, levels of types of affordable housing to be provided by development, the resulting national policy position will supersede the relevant part(s) of Core Policy 1 below, where necessary.

Box A: Core Policy 1 - Affordable Housing^{14, 15}

Key Strategic Objective:

- To deliver the homes and accommodation for the needs of the district and ensure the housing growth requirements are accommodated in the most sustainable way.
1. A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units. For developments in designated rural areas affordable housing, or financial contributions towards, will be sought on developments of 6 or more according to the stepped target and threshold below:

**Table 1: Affordable Housing Targets/Thresholds
(in designated rural areas)**

Affordable Housing Target/Threshold	
Scheme Size (Units)	Affordable Housing
6 - 8	2*
9 - 10	3*
11+	40%

***Commuted sum financial payment**

2. The affordable housing requirement may exceptionally be determined on a site by site basis where justified by market and/or site conditions. The target levels will be expected to be provided by all developments of 11 or more and 6 or more in designated rural areas (net) dwelling units (including conversions and subdivisions) unless the local planning authority is satisfied by robust financial viability evidence that development would not be financially viable at the relevant target level. Such evidence will be required to be submitted with the planning application to justify any reduced levels of affordable housing provision proposed for assessment using an open-book approach and may be subject to independent assessment (e.g. by the Valuation Office Agency or equivalent).

¹⁴ LDC. (May 2016). Lewes District Local Plan Part 1 - Joint Core Strategy. (Pp.81-86).

http://www.lewes.gov.uk/Files/plan_Adopted_JCS_with_front_cover.pdf

¹⁵ LDC. (May 2016). Latest on Core Policy 1 Affordable Housing. <http://www.lewes.gov.uk/corestrategy/>

3. The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.
4. Affordable housing units will be integrated throughout the development site, be indistinguishable in design and materials from the market housing on the site and remain affordable in perpetuity.

The strong presumption is that affordable housing will be provided on the development site. In exceptional circumstances, the local planning authority may, at its discretion, consider accepting in lieu an off-site contribution on another suitable serviced site provided by the developer in the first instance or a financial contribution of broadly equivalent value. In such circumstances the local planning authority will have particular regard to the need to develop mixed and balanced communities and will need to be persuaded that the affordable housing cannot satisfactorily be provided on the development site itself. In the National Park the focus will be on the provision of affordable housing to ensure that the needs of local communities in the National Park are met.

Where sites are allocated in a Development Plan Document a different affordable housing requirement may be specified (either higher or lower), taking into consideration any site specific factors that may affect financial viability and/or the wider planning benefits of the development of that site.

The local planning authority will monitor the delivery of affordable housing through the Authority Monitoring Report. In the event of persistent under delivery against this policy target and the Housing Strategy annual target the Council will review the targets and thresholds of this policy. In the event of a fall of 10% or more in East Sussex average house prices (Land Registry House Price Index June 2011 baseline) the local planning authority will review the thresholds and targets of this policy.

Due to the largely rural nature of the district, Rural Exception Sites for local needs affordable housing outside the planning boundary of rural settlements will continue to be considered according to the requirements of Policy RES10 carried forward from the Lewes District Local Plan 2003.

- 3.6 At the time of adoption, South Downs National Park Authority was developing new policy in relation to affordable housing thresholds and percentages required for the SDNPA area. As and when this policy is consulted on and adopted by SDNPA, any variation in policy from the Core Strategy will supersede the text set out in Box A: *Core Policy 1 - Affordable Housing* above, with reference to the SDNPA area.

Box B: Core Policy 2 – Housing Type, Mix and Density¹⁶

Key Strategic Objectives:

- To deliver the homes and accommodation for the needs of the district and ensure the housing growth requirements are accommodated in the most sustainable way.
- To conserve and enhance the high quality and character of the district's towns, villages, and rural environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements.
- To maximise opportunities for re-using suitable previously developed land in urban areas and to plan for new development in the highly sustainable locations without adversely affecting the character of the area.

In order to deliver sustainable, mixed and balanced communities, the local planning authority will expect housing developments (both market and affordable) to:

1. Provide a range of dwelling types and sizes to meet the identified local need, based on the best available evidence. This need will generally include 1 and 2 bedroom homes for single person households and couples with no dependents. Account will also need to be given to the existing character and housing mix of the vicinity and, where appropriate, the setting of the National Park and its Purposes and Duty.
2. Provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. This need will include accommodation appropriate for the ageing population and disabled residents.
3. Reflect the site context including the character of the surrounding area, site accessibility, and the size and type of dwellings needed in the locality, to achieve densities in the region of 47 to 57 dwellings per hectare for the towns and 20 to 30 dwellings per hectare for the villages. Higher or lower densities may be justified by the specific character and context of a site. Densities to be achieved on strategic sites are indicated in the capacity and development principles of each strategic allocation in the Core Strategy. Densities to be achieved on non-strategic allocated sites will be similarly identified in the development principles that accompany each site allocation in the relevant subsequent DPD.
4. Where appropriate, the local planning authority will identify sites and local requirements for special needs housing (such as for nursing homes, retirement homes, people with special needs including physical and learning disabilities, specific requirements of minority groups etc) in a Site Allocations and Development Management Policies DPD and/or the SDNPA Local Plan.

¹⁶ LDC. (May 2016). Lewes District Local Plan Part 1 - Joint Core Strategy. (Pp.86-89).
http://www.lewes.gov.uk/Files/plan_Adopted_JCS_with_front_cover.pdf

Development Site Standards and Characteristics

- 3.7 A particular site's characteristics and the development as a whole should be reflected in the affordable housing mix of dwelling tenure, type and size. The Council's planning team will advise on the exact tenure, type and size split on each site through pre-application discussions.
- 3.8 It is expected that affordable housing provided onsite will be subject to the same standards and be indistinguishable from the open market housing. The provision of onsite affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall development. The Council recognises that pepper-potting may not be possible on development sites consisting of 25 dwellings or less. For developments consisting of more than 25 dwellings, discussions are required between the Council and the applicant/developer on a site-by site basis. It is expected that the nationally described space standards, as set out in Section 6 of this Affordable Housing Technical Note, will also be adhered to.
- 3.9 Within flatted developments it is accepted that management and other requirements could mean floors, wings or whole blocks will generally be designated for affordable or market housing, or that on larger developments affordable housing is likely to be provided in small clusters around the development. Any such management issues will be taken into consideration in order to arrive at a consensus which is beneficial to the provision of affordable housing.
- 3.10 The housing should comply with all relevant design and quality codes and standards as set out by the Homes and Communities Agency or other associated national bodies, as well as any corresponding local guidance and specifications.

Delivery of Affordable Housing Provision

- 3.11 Information gathered from the Council's Housing Register provides an indication of the need for each dwelling type. With reference to this, the Council will expect the affordable housing units within each development to be provided in line with the following dwelling mix:
- 1 bedroom: 50 per cent;
 - 2 bedrooms: 30 per cent;
 - 3 bedrooms: 15 per cent; and
 - 4+ bedrooms: 5 per cent.
- 3.12 Housing proposals will be expected to make efficient use of land in accordance with Core Policy 2 of the Core Strategy. Any proposal that appears to have an artificially low density as a possible measure to avoid the required thresholds for affordable housing will be scrutinised and may be refused planning permission, where it fails to make efficient use of land and provide appropriate levels of affordable housing.
- 3.13 Affordable housing should be delivered by one of the housing providers which have a strong stake within the area. The choice of housing provider should be agreed upon by the developer with the Council.

- 3.14 It is expected that the majority of new affordable housing delivered in line with this SPD will be delivered without the aid of a grant. The price to be paid by the housing provider or other private sector body to the developer will therefore need to be an amount that delivers the housing as affordable housing without the input of social housing grant.
- 3.15 The provision of affordable housing will be subject to a Nominations Agreement between the Council and the housing provider. A copy of the template of a Nominations Agreement will be attached as part of the Section 106 Agreement template. This will be made available at the moment the planning application is made.

Timeline

- 3.16 The Council expects delivery of affordable housing to be considered by the developer as a priority contribution, after the provision of essential development prerequisites, such as highways requirements and flood storage provision, for example.
- 3.17 The Council expects 50 per cent of affordable housing dwellings to be completed by the time no more than 25 per cent of the open market dwellings are occupied, and 100 per cent of affordable housing dwellings to be completed by the time no more than 50 per cent of the open market dwellings are occupied. The Council is willing to negotiate the timeline to agree upon a phasing plan.

4. Policy Obligations

Application of Policy

- 4.1 The requirement for affordable housing applies to all developments that would result in net additional residential units being provided within the C3 Planning Use Class.
- 4.2 The criteria for determining whether the use of particular premises should be classified within the C3 Use Class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:
- A single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
 - Designed or adapted for residential purposes – containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house.¹⁷
- 4.3 For clarity, the affordable housing policy applies to sheltered, extra care and assisted living residential development in the same way as it does to general dwelling houses, where each residential unit is designated within the C3 Planning Use Class. It also applies to conversions and subdivisions where there is a net residential gain of 11 or more dwelling units and 6 or more in designated rural areas. The affordable housing requirements do not apply to developments designated within the C2 Planning Use Class.

Prioritisation of Affordable Homes

- 4.4 The strong presumption is that the policy of affordable housing will be delivered on all developments of 11 or more dwelling units and 6 or more in designated rural areas (i.e. the National Park part of Lewes District). Therefore, there is a firm expectation that affordable housing will be provided on the development site, where provision could reasonably be made under the terms of the policy without making the development non-viable. The policy is not intended to operate in a way that renders development non-viable and thereby reduces development coming forward. Section 7 of this Affordable Housing Technical Note explains how viability issues will be considered, so that where it is demonstrated that development would not be viable with the contribution required under the policy, the level of contribution can be reduced or waived to ensure that development remains viable.
- 4.5 The priority for Lewes District Council is to increase the number of affordable homes within the District, and ideally developers will build the correct number and mix of affordable dwellings in accordance with Core Policies 1 and 2. However, where this is not possible the Council will work to a four tier system of general principles, weighted towards the independently assessed financial viability of each of the following options. The Council recognises there will be variation in circumstances, and will assess each development on a site-by-site basis. The four tiers are:
- I. The Council's onsite preferred mix;
 - II. An onsite alternative mix to be agreed upon by the Council and the relevant developer(s);
 - III. A level of affordable housing onsite which is less than the specified threshold;

¹⁷ DCLG. (November 2012). Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation. (Pp.2-6).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5678/1759707.pdf

IV. A commuted sum.

- 4.6 In some circumstances the Council may be willing to negotiate with the applicant/developer the acceptance of a serviced plot as payment in kind with a commuted sum of relatively lower value. This will be commensurate to the value of the commuted sum which would otherwise be calculated and paid to the Council in the absence of acceptance of the serviced plot. The value of serviced plots for each dwelling type will be based on those displayed in *Table 2: Affordable Housing Commuted Sum Payment Table* of this document.

Payment and Allocation of Commuted Sums

- 4.7 If, following negotiations between Lewes District Council and the applicant, the outcome is that a commuted sum is to be paid to the Council, the commuted sum will be based on the size of the dwellings as agreed between the Council and the applicant during the planning application stage. The sum to be paid will be calculated based on the size of the internal floor area of the proposed dwellings, on a per square metre (sq m) basis. The methodology used to calculate the contribution per square metre is set out in Appendix B.
- 4.8 The Council is aware that during pre-application discussions, applicants/developers may assert that affordable housing would be undeliverable on a development site, before submitting a formal planning application. In some circumstances it will be agreed between the Council and the applicant/developer that a commuted sum will be paid to the Council, in lieu of the affordable housing which would have been built. The commuted sum to be paid will be based on the dwelling type and size of the affordable housing which the Council deems would be most suited to the current housing needs on that particular development site, following discussions with the applicant/developer.
- 4.9 The commuted sum to be paid and the payment schedule will be reflected in the Section 106 Agreement. For developments within the District which are not in designated rural areas, the expectation is that the commuted sum will be paid prior to the commencement of the development and this will also be reflected in the Section 106 Agreement. However, Lewes District Council recognises the potential for economic conditions to change. With reference to this, the Council may agree to an alternative payment schedule. More information regarding [Section 106 Agreements](#) is available from the Council website.
- 4.10 The Planning Practice Guidance¹⁸ states that in designated rural areas affordable housing and tariff style contributions may be sought from developments of between 6 and 10 units, in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty. Decisions concerning the payment of commuted sums for developments in designated rural areas will be based on national policy and local evidence, in consultation with the Planning Authority. The payment schedule will be outlined in the Section 106 Agreement.
- 4.11 The Planning Practice Guidance¹⁹ states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (sq m). If the number of dwellings to be

¹⁸ DCLG. (Revision date: 19 May 2016). Planning obligations. (Paragraph: 031, Reference ID: 23b-031-20161116). <https://www.gov.uk/guidance/planning-obligations>. Last accessed on 17/07/17.

¹⁹ Ibid.

built on a development site is below the threshold regarding the number of units required to contribute affordable housing, but has a combined gross floorspace of more than 1,000 sq m, the Council expects that either affordable housing units will be built on the development site, or a commuted sum will be paid to the Council. The number of affordable units to be built on the development site or the commuted sum to be paid, will apply to the total development site in line with the thresholds as stated in Core Policy 1 of the Core Strategy, i.e. 40 per cent affordable housing or the equivalent commuted sum will be sought from the applicant/developer.

- 4.12 In circumstances where a development consists of 10 units or less, but it is determined that a commuted sum is to be paid to the Council due to the development exceeding a combined gross floorspace of 1,000 sq m, the commuted sum to be paid will be calculated based on the size of the gross internal floor area of the proposed dwellings on a per sq m basis, as specified by the Royal Institution of Chartered Surveyors at September 2015²⁰. The calculation includes integral garages, and excludes ancillary uses such as sheds, greenhouses and adjacent garages.
- 4.13 The Council will have a maximum of 10 years from the date of payment to spend the commuted sum. After this time any unspent money will be refunded. The details of which will be stipulated in the Section 106 Agreement. Where a financial contribution is secured via a Section 106 Agreement, the contribution will be 'ring-fenced' and used to meet the Council's affordable housing objectives.
- 4.14 In order to maximise the benefits derived from deployment of any commuted sums in addressing the affordable housing needs of the District, the Council will prioritise expenditure on a one-for-one basis. Where this is not possible, the Council will look to maximise the number of units to be built.
- 4.15 The intention will be to spend any commuted sums within the close geographical proximity to where the commuted sum was generated, but may be spent anywhere in the District. In some circumstances, commuted sums may be pooled and used to enable the provision of affordable housing, as determined by the Council.
- 4.16 The Council will maintain a record of all commuted sums received and will monitor how the sums are spent.

Planning Obligations - Section 106 Agreements

- 4.17 A planning obligation (Section 106 Agreement) is a legal agreement or undertaking between the Council and an applicant/developer, executed as a deed, to restrict the use of the land or to do any of the things listed in section 106(1) of the Town and Country Planning Act 1990. The Council will require the Section 106 Agreement to be executed by all those with an interest in the land and the obligations will generally be binding against all those party to the agreement and their successors in title. An obligation requires the applicant/developer to provide either a financial contribution, physical infrastructure or a management plan in relation to their development proposal, and otherwise restricts what can be done with land following the granting of planning permission. Planning obligations

²⁰ Royal Institution of Chartered Surveyors. (18 September 2015). Gross Internal Floor Area (GIFA) and International Property Measurement Standard (IPMS) for Offices.
<http://www.rics.org/uk/knowledge/bcis/about-bcis/forms-and-documents/gross-internal-floor-area-gifa-and-ipms-for-offices/>

are now mainly used to deliver site-specific mitigations that may be required to make the development acceptable in planning terms.

- 4.18 A Section 106 Agreement will be drawn up by the Council, which forms the legal framework in order that the applicant/developer delivers affordable housing onsite, offsite, or contributes financially through a commuted sum payment or serviced plots. The purpose of a Section 106 Agreement is to secure affordable housing in perpetuity for local people most in need, and at prices and rents which remain affordable.
- 4.19 For all planning applications that require affordable housing, the affordable housing will be secured through the signing of a Section 106 Agreement. This relates to all sites above the stated thresholds. Guidance notes on the submission of [Heads of Terms](#) for Section 106 Agreements are available from the Council website.

Mortgagee in Possession Clauses

- 4.20 In consultation with the applicant/developer the Council will look to support Mortgagee in Possession Clauses which have a time period of three months or less.

5. **Commuted Sums**

- 5.1 In accordance with Core Policy 1, and in reference to the Planning Practice Guidance²¹, an affordable housing contribution is sought from residential developments of 11 or more and 6 or more in designated rural areas (i.e. the National Park part of Lewes District) which involve a net gain in the number of units onsite. The Council recognises that occasionally it may be difficult to provide affordable homes within the smallest developments, and therefore on such sites a commuted sum based on the associated threshold of affordable housing may be accepted towards improving the provision of affordable housing offsite.
- 5.2 A commuted sum will only be applicable to developments where delivery onsite is assessed as unviable and is agreed by the Council, or where a financial contribution in lieu of a percentage of a unit is required (i.e. less than 1 whole unit). The Council will use the *Affordable Housing Commuted Sum Payment Table* below to calculate the commuted sum payments.
- 5.3 The size of any affordable housing will be agreed between the Council and the applicant/developer during the application stage. If, following the submission of a planning application, the applicant/developer subsequently asserts that the affordable housing component of the development is unviable, a commuted sum may be sought. The commuted sum will be based on the size of the affordable housing which it was originally agreed would be built. However, if no agreement in terms of size can be reached, the commuted sum to be paid will be based upon the average (mean) internal dwelling size of all dwellings across the development site.

Commuted Sum Calculation

- 5.4 The Council's approach to calculating the offsite financial contribution, the commuted sum, is to base the calculation on the cost of providing affordable housing on another site without subsidy. The financial contribution is based on the development cost within an equivalent development to construct affordable housing.
- 5.5 The basis for calculating the cost to the developer of onsite provision will be the Affordable Housing Commuted Sum Payment Table, which is arranged by market value area, housing type and the Council's expected space standards for affordable housing sizes. Where the policy results in a percentage of a unit to be provided, this percentage can be calculated in monetary terms using the Payment Table.
- 5.6 The method calculates the commuted sum by assessing the average market sales value of housing. The serviced plot value is then subtracted. Of the remaining development costs forty per cent of this is calculated, and then divided by the Council's expected dwelling size (internal floor area by square metre), to arrive at the contribution per square metre (sq m). Appendix B of this Affordable Housing Technical Note provides further explanation of the methodology used to construct the Affordable Housing Commuted Sum Payment Table.
- 5.7 In using the Payment Table, the commuted sum for each unit will be calculated based on the internal floor area (sq m) of the development. This will be multiplied by the 'contribution per

²¹ DCLG. (Revision date: 19 May 2016). Planning obligations. (Paragraph: 031, Reference ID: 23b-031-20161116). <https://www.gov.uk/guidance/planning-obligations>. Last accessed on 17/07/17.

sq m' cell in the Payment Table. If the calculation required relates to a percentage of a unit, then a percentage of this sum will be calculated.

5.8 For the purposes of affordable housing provision and based on an independent assessment, Lewes District Council has chosen to divide the District into two value market areas. These areas reflect the dwelling prices across the District, which affect the residual site values and the financial viability of delivering affordable housing on sites within these market value areas. Appendix A contains a map displaying the High and Low Value Market Areas. Developments located within either the High Value Market Area or the Low Value Market Area are required to deliver the associated targets for affordable housing. The commuted sums for dwellings of various sizes and located in both of these market areas are summarised in Table 2: Affordable Housing Commuted Sum Payment Table.

Table 2: Affordable Housing Commuted Sum Payment Table * **

Lewes District - High Value Market Area

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	79	93
MV completed unit (MV)	£120,000	£170,000	£220,000	£265,000	£330,000
Serviced Plot Value per unit (SPV)	£11,072	£26,602	£42,131	£64,441	£89,207
MV - SPV = Development Costs	£108,928	£143,399	£177,869	£200,559	£240,793
40% of Development Costs	£43,571	£57,359	£71,147	£80,224	£96,317
Contribution per sq m	£1,117	£1,147	£1,166	£1,015	£1,036

Commuted Sum Values	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
MV completed unit (MV)	£375,000	£425,000	£250,000	£275,000	£310,000
Serviced Plot Value per unit (SPV)	£101,398	£117,108	£80,815	£61,846	£57,225
MV - SPV = Development Costs	£273,602	£307,892	£169,185	£213,154	£252,775
40% of Development Costs	£109,441	£123,157	£67,674	£85,262	£101,110
Contribution per sq m	£1,032	£1,035	£1,353	£1,218	£1,176

Table 2 continued:

Lewes District - Low Value Market Area

Commuted Sum Values	Studio Flat	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	79	93
MV completed unit (MV)	£105,000	£150,000	£215,000	£210,000	£230,000
Serviced Plot Value per unit (SPV)	£517	£12,529	£38,613	£25,742	£18,845
MV - SPV = Development Costs	£104,483	£137,471	£176,387	£184,258	£211,155
40% of Development Costs	£41,793	£54,988	£70,555	£73,703	£84,462
Contribution per sq m	£1,072	£1,100	£1,157	£933	£908

Commuted Sum Values	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
MV completed unit (MV)	£250,000	£280,000	£225,000	£250,000	£275,000
Serviced Plot Value per unit (SPV)	£13,446	£15,083	£63,224	£44,255	£32,598
MV - SPV = Development Costs	£236,554	£264,917	£161,776	£205,745	£242,402
40% of Development Costs	£94,622	£105,967	£64,710	£82,298	£96,961
Contribution per sq m	£893	£890	£1,294	£1,176	£1,127

* Unit sizes taken from Table 1 - Minimum gross internal floor areas and storage (m²) - Technical housing standards – nationally described space standard (DCLG, March 2015; P.5).

** Figures rounded to nearest £.

5.9 The Council will review the Affordable Housing Commuted Sum Payment Table, to reflect any changes in economic viability over the lifetime of the Core Strategy. This will ensure that commuted sums remain financially viable for all relevant development types, and that affordable housing contributions will not compromise residential development in the foreseeable future. Monitoring is explained in section 9. *Monitoring* of this document.

5.10 The following worked examples demonstrate how to calculate the commuted sum for a proposed development, if onsite delivery of the affordable housing is assessed as being unviable, or where a commuted sum for a percentage of a unit is required.

Box C: Worked example for commuted sum payment in lieu of delivery of affordable housing units

Development: Net delivery of 15no 2 bedroom houses within the High Value Market Area, each with an internal floor area of 80 square metres.

Policy requirement of 40 per cent affordable housing: $0.40 \times 15 = 6$ affordable units

Delivery:

- (1) Onsite delivery of 6 affordable units, appropriately arranged on the site; or
- (2) If justified as unviable to deliver 6no 2 bedroom houses onsite, and if tiers I to III as set out in paragraph 4.5 are assessed as undeliverable and it is agreed by the Council, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 6no 2 bedroom houses at £1,015 per sq m.

The financial contribution would be calculated as:

$$6 \text{ units} \times 80 \text{ sq m} \times \text{£1,015} = \text{£487,200}$$

Box D: Worked Example for commuted sum payment for a percentage of an affordable unit

Development: Net gain of 12no 2 bedroom flats within the Low Value Market Area, each with an internal floor area of 65 square metres.

Policy requirement of 40 per cent affordable housing: $0.40 \times 12 = 4.8$ affordable units.

Delivery:

- (1) Onsite delivery of 5 affordable units, appropriately arranged on the site; or
- (2) Onsite delivery of 4 affordable units and a commuted sum for 0.8 (80 per cent) of a 2 bedroom flat, calculated from the Affordable Housing Commuted Sum Payment Table at £1,157 per sq m.

The financial contribution would be calculated as:

$$0.8 \text{ units} \times 65 \text{ sq m} \times \text{£1,157} = \text{£60,164}$$

- (3) If justified as unviable to deliver the affordable units on site, use the Affordable Housing Commuted Sum Payment Table to calculate the sum payment for the full quota of 4.8no 2 bedroom flats at £1,157 per sq m.

The financial contribution would be calculated as:

$$4.8 \text{ units} \times 65 \text{ sq m} \times \text{£1,157} = \text{£360,984}$$

Indicative values of commuted sums to be paid are displayed in Appendix C.

Application of Commuted Sums where affordable housing provision is not suitable

5.11 In the following instances it may not be considered appropriate to deliver affordable housing units onsite. In these instances, the Council may alternatively seek either a commuted sum or offsite provision:

- Where the policy requirement results in a percentage of less than one whole unit being provided. A commuted sum will be required for this percentage of a unit. Commuted sum payments will be calculated using the Payment Table which is explained in this SPD. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing;
- Where the development consists of a flatted development, including new build and conversion or refurbishment of existing buildings, where it would not be possible on technical or architectural grounds to provide a separate entrance and access areas for the affordable housing separate from that fitted for housing provided at full market rates. This will be independently assessed and verified;
- Where the development consists of a high value flat or similar development with high service charges, which would affect the overall affordability of housing. The relevant housing provider will assess whether the housing is affordable.

6. Expected Standards

Space Standards

- 6.1 The Council's expected space standards for affordable housing, taken from the DCLG document *Technical housing standards – nationally described space standard*²² are set out in Table 3: Expected gross internal floor areas and storage (m²).
- 6.2 The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m²). The Gross Internal Areas in Table 3 will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Table 3: Expected gross internal floor areas and storage (m ²)					
Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

- 6.3 Where possible, the Council will always seek 2 bedroom flats able to house 4 persons, where viable.

²² DCLG. (March 2015). Technical housing standards – nationally described space standard. (P.5). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421515/150324_-_Nationally_Described_Space_Standard_Final_Web_version.pdf

Quality of Design, Materials and Construction

- 6.4 Development schemes should be designed with a view to reducing any ongoing management, maintenance and repair costs. Developments should also make use of good quality materials. This will reduce the risk of properties no longer being kept in good condition, falling into disrepair or blighting the area in the future. Designs which do not accommodate the long-term maintenance requirements, or use of low quality materials will not be acceptable to the Council.
- 6.5 The expectation is that homes will be built to Level 2 of the Accessibility Standard²³ where possible, and will comply with requirement M4(2) of *Approved Document M: access to and use of buildings, volume 1: dwellings*²⁴. Further information regarding building regulations is set out in the Department for Communities and Local Government's [Approved Documents](#).

²³ DCLG. (August 2013). Housing Standards Review: Illustrative Technical Standards Developed by the Working Groups. [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230251/2 - Housing Standards Review - Technical Standards Document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230251/2_-_Housing_Standards_Review_-_Technical_Standards_Document.pdf)

²⁴ DCLG. (March 2016). Approved Document M: access to and use of buildings, volume 1: dwellings. [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015 with 2016 amendments V3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf)

7 Planning Application Process for Residential Developments

7.1 The key stages involved in processing the affordable housing requirements for residential development schemes are set out below. Further information regarding the planning application process, including pre-application advice and how to make an application is available from the Council's [Planning Application Process](#) webpage.

Step 1 – Pre-application Discussions

7.2 The Council encourages all applicants (whether developers, land agents or individuals) to undertake pre-application discussions with the Council's Planning and Housing Officers to discuss any proposed residential developments. In order to deliver the requirements of the housing policy, it will be essential to discuss the financial viability of the scheme at an early stage, and particularly if the prospective applicant believes that viability may be compromised as a result of the Council's affordable housing policy. Appendix D provides advice regarding the information applicants should consider in their financial viability appraisals of development schemes for affordable housing.

7.3 The affordable housing policy will be applied in line with *Core Policy 1* and *Core Policy 2* of the *Core Strategy*. This will involve taking into account other planning considerations which may affect the affordable housing to be provided. Regard will be made to:

- The viability of development, considering the need and cost of supporting infrastructure on and off the site and any unavoidable and necessary site remediation to resolve environmental hazards;
- The location and character of the site;
- The tenure of affordable housing and type of dwelling units required in relation to the housing needs and the viability of specific developments;
- The current availability of affordable housing in the local area when measured against demand for such accommodation; and
- Any updated national policy and/or guidance to be implemented.

Step 2 – Financial Viability Assessment of the Development

7.4 When assessing the financial viability of a residential development the applicant should refer to the considerations listed in Appendix D of this Affordable Housing Technical Note, unless there are any justified overriding factors. The Council recommends using an independent viability expert to assist in assessing the viability of the proposed development. Applicants may use their own viability assessment toolkit to assess financial viability, for which their figures should be independently verified by a qualified valuation officer or an organisation that is a full member of the Royal Institute of Chartered Surveyors (RICS), prior to the submission of the application. Should any such viability assessment assert that a development is unviable, the Council will, if necessary, commission an independent viability expert to scrutinise the assessment. The cost of any such assessment will be paid by the applicant.

7.5 If an applicant/developer considers that the mandatory requirements of the Council's policy in respect of affordable housing cannot be met on a particular site, then any such representation must be justified in an evidenced and 'open-book' Viability Assessment and supporting statement, including all necessary information to demonstrate and justify residual values. These should be provided by the applicant/developer to the Council during

the pre-application discussions. The Council will therefore need to receive all the required figures for the Viability Assessment, including a Residual Valuation prior to the application being validated for consideration. This will prevent unnecessary delays to applications being decided. If the application is submitted without a satisfactory Viability Assessment, then it is likely that the application will be recommended for refusal.

Step 3 – Open Book Approach with Lewes District Council

- 7.6 The 'open book' approach detailed above will allow any reduced or amended affordable housing contribution to be assessed and agreed prior to the submission of a formal planning application. In this way data which the applicant may regard as commercially sensitive will remain outside the public domain. This approach will also assist in the efficient consideration of the planning application.
- 7.7 If the Council is required to seek an opinion from an independent viability expert, then this cost will be borne by the applicant. A liability notice to pay the viability expert fees will be issued by the Council, from which there will be a four week period for the Council to receive payment from the applicant. If this payment is not received the application cannot be progressed. The independent viability expert will consider the financial impact of the cost of the affordable housing on the overall viability of the development. In making this assessment, the viability expert will build in an assumed acceptable developer profit level. If the provision of affordable housing in line with the Council's policy is proven to affect the overall viability of the development, the viability expert will calculate the total viability shortfall cost: the additional sum required to make the development viable for the developer with onsite affordable housing provided.

Step 4 - Next Steps if the site is assessed as unviable

- 7.8 If it is agreed that the requirements of the Council's affordable housing policy will render a site unviable, the Council's Planning and Housing Officers will work with the applicant/developer until overall delivery is considered viable. The Council's general preferences, in line with the overall provisions of Core Policy 1, are set out in order of priority in paragraph 4.5. Listed below, in sequential order, are options the Council will work through with the applicant/developer on a site-by-site basis to ensure viability. This provides further elaboration of the options discussed in the Core Strategy:

- An amended mix of affordable tenures to deliver in full the required quota of affordable homes on the application site;
- Delivery in full of the required quota of affordable homes on an alternative suitable and serviced site elsewhere within Lewes District, completion of such homes to be achieved within a similar time line to that established for the affordable housing originally proposed for the application site;
- A reduction in the number of affordable homes to be delivered on the application site;
- A commuted sum equivalent in value to the cost to the developer of onsite provision. All commuted sums collected by the Council will be used to help deliver new and additional affordable housing. As stated above, commuted sums will need to be spent by the Council within 10 years from the date of payment;
- Support for an application to the HCA for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that HCA policy is not to award grant funding to schemes subject to the provisions of a Section

106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;

- An application to the Council for grant funding to deliver in full the required quota of affordable homes on the application site. It should be noted that the Council does not award grant funding to developments subject to the provisions of a Section 106 Agreement, other than in the most exceptional of circumstances. The Council reserves the right to reject this option if to do so would adversely impact upon the time taken to determine the application;
- To abandon the requirement for affordable housing to be provided or funded as a consequence of the development. This option will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options detailed above are viable.

7.9 Applicants/developers should be aware that alternatives to onsite provision can only proceed with the agreement of the Council. Offers of alternative arrangements or provision will not automatically be accepted by the Council without working through the options listed in paragraph 7.8 above.

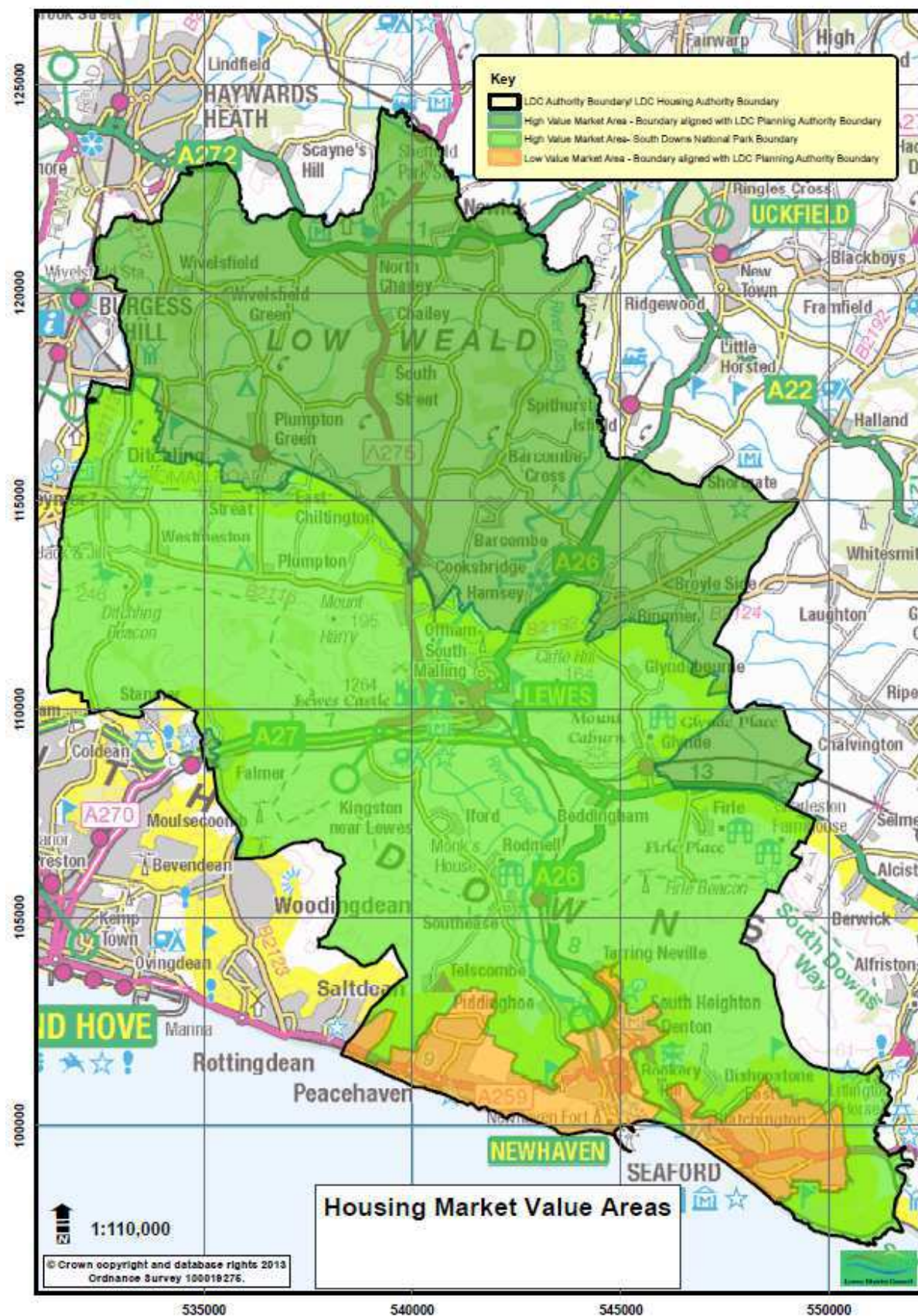
8. Delivery Organisations

- 8.1 The Homes and Communities Agency (HCA) is responsible for registering and regulating providers of social housing. HCA maintain a Statutory Register of Providers of Social Housing (the register), which lists private (both not for profit and for profit) and local authority providers. HCA upload a monthly spreadsheet of current registered providers which lists the names, registration numbers, registered office addresses, type of provider, registration date and legal entity. HCA also publish a list of registrations and de-registrations to the register each month. The Registered Provider information is available from the [Homes and Communities Agency](#) website.
- 8.2 Lewes District Council is willing to work with housing providers which are not registered with HCA as well as those housing providers which are registered with HCA, in order to maximise the opportunities to provide affordable housing in Lewes District.
- 8.3 Whilst Lewes District Council works with some affordable housing providers more frequently than others, the Council does not maintain a formal list of affordable housing preferred partners. However, the Council can provide a list containing a number of partners it has previously worked with which provide and manage homes, if requested. Developers would normally contact providers themselves in order to make the necessary arrangements.
- 8.4 In all instances, the Council will expect to be granted nomination rights to all tenures of affordable housing, to enable the Council to support those people registered on the Housing Register. The Council will make use of such nomination rights in line with its prevailing Allocations Policy. Further information relating to nominations is available from the Council's [Housing Allocations Policy](#) document.

9. Monitoring

- 9.1 As stated in Core Policy 1, the local planning authority will monitor the delivery of affordable housing through the Authority Monitoring Report. In the event of persistent under delivery against this policy target and the Housing Strategy annual target, the Council will review the targets and thresholds of the policy.
- 9.2 In the event of a fall of 10 per cent or more in East Sussex average house prices (Land Registry House Price Index June 2011 baseline) the local planning authority will review the targets and thresholds of this policy guidance.
- 9.3 The delivery of affordable housing will also be monitored and reported in the quarterly monitoring report to Scrutiny and Cabinet which reports progress towards the objectives in the Council Plan 2016 to 2020.

Appendix A: Map of High and Low Value Market Areas



Appendix B: Commuted Sum Methodology

- I. **Unit Size - m²:** These figures are taken from the Department for Communities and Local government document *Technical housing standards – nationally described space standard*, which sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. The standards require that dwellings provide at least the gross internal floor area and built-in storage area set out in Table 3 of this Affordable Housing Policy Guidance.
- II. **Market Value (MV) completed unit:** The Market Value completed unit was assessed by the District Valuation Service (DVS) in Summer 2016, and is based on the average sales values for open market values in both high value and low value market areas. Each type of dwelling in each of the MV areas has been independently assessed and is based on information including Land Registry data and detailed market sales research across all regions of the District.

The District has been split into two areas as follows:

Low Value Market Area: Peacehaven, Newhaven and Seaford along the coast.

High Value Market Area: The rest of the District north of these three coastal areas.

Research has indicated the following average market values:

Unit Type	Approx. Size – Sq m	High Value £	Low Value £
Studio Flat	39	120,000	105,000
1 bed Flat	50	170,000	150,000
2 Bed Flat	61	220,000	215,000
2 Bed House	79	265,000	210,000
3 Bed House	93	330,000	230,000
4 Bed House	106	375,000	250,000
5+ Bed House	119	425,000	280,000
1 Bed Bungalow	50	250,000	225,000
2 Bed Bungalow	70	275,000	250,000
3+ Bed Bungalow	86	310,000	275,000

- III. **Serviced Plot Value per unit:** The Serviced plot value per unit for each type of dwelling was assessed by the District Valuation Service (DVS) in Summer 2016 and is calculated by taking average sales values for open market values in both low value and high value market areas, and then deducting the developments costs for delivering the units to show the residual land value calculated as a serviced plot value.
- IV. **Development Costs:** The Development Costs used in the Affordable Housing Commuted Sum Payment Table are based on information provided by the District Valuation Service (DVS) in Summer 2016 and are set out in the tables below. The Development Costs used in the calculations of commuted sums are calculated by subtracting the Serviced Plot Value (SPV) from the Market Value (MV) (Development Value).

High Value Market Area: Development Costs Studio Flat (39 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£60,333.00
Site infrastructure & Other Works	£6,033.30
External Works	£3,016.65
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£2,081.49
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£5,550.64
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£2,623.76
Professional Fees	£194.27

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£2,400.00

<u>Developers Profit (17.5%)</u>	£21,000.00
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<u>Total Development Cost</u>	£107,333.10
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Residual Land Value

Gross	£12,666.90
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Development Value:	£120,000.00
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Acquisition Costs (Net)	£12,445.23
Holding Cost (Land interest)	-£1,373.60

Serviced Plot Value:	£11,071.62
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MV - SPV = Development Costs	£108,928.38
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High Value Market Area: Development Costs 1 Bed Flat (50 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£77,350.00
Site infrastructure & Other Works	£7,735.00
External Works	£3,867.50
Demolition/ Site clearance	£0.00

S106 Cost / unit:	£2,500.00
Contingency	£2,668.58
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£7,116.20
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£3,329.24
Professional Fees	£249.07

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,400.00

<u>Developers Profit (17.5%)</u>	£29,750.00
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<u>Total Development Cost</u>	£139,565.58
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Residual Land Value

Gross	£30,434.42
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Development Value:	£170,000.00
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Acquisition Costs (Net)	£29,901.82
Holding Cost (Land interest)	-£3,300.32

Serviced Plot Value:	£26,601.50
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MV - SPV = Development Costs	£143,398.50
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High Value Market Area: Development Costs 2 Bed Flat (61 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£94,367.00
Site infrastructure & Other Works	£9,436.70
External Works	£4,718.35
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,255.66
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£8,681.76
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£4,034.72
Professional Fees	£303.86

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing @	£4,400.00

<u>Developers Profit (17.5%)</u>	£38,500.00
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<u>Total Development Cost</u>	£171,798.06
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Residual Land Value

Gross	£48,201.94
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Development Value:	£220,000.00
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Acquisition Costs (Net)	£47,358.41
Holding Cost (Land interest)	-£5,227.03

Serviced Plot Value:	£42,131.37
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MV - SPV = Development Costs	£177,868.63
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High Value Market Area: Development Costs 2 Bed House (79 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£98,197.00
Site infrastructure & Other Works	£14,729.55
External Works	£4,909.85
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,535.09
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£9,426.91
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£4,370.50
Professional Fees	£329.94

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,300.00

<u>Developers Profit (17.5%)</u>	£46,375.00
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<u>Total Development Cost</u>	£191,273.85
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Residual Land Value

Gross	£73,726.15
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Development Value:	£265,000.00
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Acquisition Costs (Net)	£72,435.94
Holding Cost (Land interest)	-£7,994.89

Serviced Plot Value:	£64,441.06
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MV - SPV = Development Costs	£200,558.94
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High Value Market Area: Development Costs

3 Bed House (93 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£115,599.00
Site infrastructure & Other Works	£17,339.85
External Works	£5,779.95
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,161.56
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£11,097.50
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,123.31
Professional Fees	£388.41

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,600.00

<u>Developers Profit (17.5%)</u>	£57,750.00
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<u>Total Development Cost</u>	£227,939.59
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Residual Land Value

Gross	£102,060.41
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Development Value:	£330,000.00
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Acquisition Costs (Net)	£100,274.35
Holding Cost (Land interest)	-£11,067.46

Serviced Plot Value:	£89,206.89
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MV - SPV = Development Costs	£240,793.11
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High Value Market Area: Development Costs

4 Bed House (106 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£131,758.00
Site infrastructure & Other Works	£19,763.70
External Works	£6,587.90
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,743.29
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£12,648.77
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,822.35
Professional Fees	£442.71

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£7,500.00

<u>Developers Profit (17.5%)</u>	£65,625.00
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<u>Total Development Cost</u>	£258,991.71
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Residual Land Value

Gross	£116,008.29
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Development Value:	£375,000.00
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Acquisition Costs (Net)	£113,978.14
Holding Cost (Land interest)	-£12,579.98

Serviced Plot Value:	£101,398.17
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MV - SPV = Development Costs	£273,601.83
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High Value Market Area: Development Costs 5 Bed House (119 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£147,917.00
Site infrastructure & Other Works	£22,187.55
External Works	£7,395.85
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£5,325.01
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£14,200.03
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Finance Costs

Bank Base Rate	
Funding Facility Interest Rate	
Compounding Frequency	
Site Acquisition	
Building Costs	£6,521.39
Professional Fees	£497.00

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£8,500.00

<u>Developers Profit (17.5%)</u>	£74,375.00
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<u>Total Development Cost</u>	£291,018.83
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Residual Land Value

Gross	£133,981.17
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Development Value:	£425,000.00
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Acquisition Costs (Net)	£131,636.50
Holding Cost (Land interest)	-£14,528.96
Serviced Plot Value:	£117,107.54

MV - SPV = Development Costs	£307,892.46
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High Value Market Area: Development Costs

1 Bed Bungalow (50 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£75,850.00
Site infrastructure & Other Works	£11,377.50
External Works	£3,792.50
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£2,730.60
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£7,281.60
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£3,403.77
Professional Fees	£254.86

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

<u>Developers Profit (17.5%)</u>	£43,750.00
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<u>Total Development Cost</u>	£157,540.83
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Residual Land Value

Gross	£92,459.17
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Development Value:	£250,000.00
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Acquisition Costs (Net)	£90,841.14
Holding Cost (Land interest)	-£10,026.30

Serviced Plot Value:	£80,814.84
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MV - SPV = Development Costs	£169,185.16
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High Value Market Area: Development Costs

2 Bed Bungalow (70 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£106,190.00
Site infrastructure & Other Works	£15,928.50
External Works	£5,309.50
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,822.84
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£10,194.24
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£4,716.28
Professional Fees	£356.80

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

<u>Developers Profit (17.5%)</u>	£48,125.00
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<u>Total Development Cost</u>	£204,243.16
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Residual Land Value

Gross	£70,756.84
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Development Value:	£275,000.00
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Acquisition Costs (Net)	£69,518.60
Holding Cost (Land interest)	-£7,672.89

Serviced Plot Value:	£61,845.70
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MV - SPV = Development Costs	£213,154.30
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High Value Market Area: Development Costs

3 Bed Bungalow (86 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£130,462.00
Site infrastructure & Other Works	£19,569.30
External Works	£6,523.10
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,696.63
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£12,524.35
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,766.29
Professional Fees	£438.35

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£6,200.00

<u>Developers Profit (17.5%)</u>	£54,250.00
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<u>Total Development Cost</u>	£244,530.02
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Residual Land Value

Gross	£65,469.98
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Development Value:	£310,000.00
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Acquisition Costs (Net)	£64,324.25
Holding Cost (Land interest)	-£7,099.59

Serviced Plot Value:	£57,224.67
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MV - SPV = Development Costs	£252,775.33
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Low Value Market Area: Development Costs
Studio Flat (39 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£60,333.00
Site infrastructure & Other Works	£6,033.30
External Works	£3,016.65
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£2,081.49
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£5,550.64
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate

Compounding Frequency

Site Acquisition	
Building Costs	£2,623.76
Professional Fees	£194.27

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£2,100.00

<u>Developers Profit (17.5%)</u>	£18,375.00
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<u>Total Development Cost</u>	£104,408.10
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Residual Land Value

Gross	£591.90
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Development Value:	£105,000.00
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Acquisition Costs (Net)	£581.54
Holding Cost (Land interest)	-£64.19

Serviced Plot Value:	£517.35
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MV - SPV = Development Costs	£104,482.65
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Low Value Market Area: Development Costs
1 Bed Flat (50 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£77,350.00
Site infrastructure & Other Works	£7,735.00
External Works	£3,867.50
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£2,668.58
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£7,116.20
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£3,329.24
Professional Fees	£249.07

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£3,000.00

<u>Developers Profit (17.5%)</u>	£26,250.00
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<u>Total Development Cost</u>	£135,665.58
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Residual Land Value

Gross	£14,334.42
-------	------------

Development Value:	£150,000.00
---------------------------	--------------------

Acquisition Costs (Net)	£14,083.57
Holding Cost (Land interest)	-£1,554.43

Serviced Plot Value:	£12,529.14
-----------------------------	-------------------

MV - SPV = Development Costs	£137,470.86
-------------------------------------	--------------------

Low Value Market Area: Development Costs
2 Bed Flat (61 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£94,367.00
Site infrastructure & Other Works	£9,436.70
External Works	£4,718.35
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,255.66
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£8,681.76
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£4,034.72
Professional Fees	£303.86

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,300.00

<u>Developers Profit (17.5%)</u>	£37,625.00
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<u>Total Development Cost</u>	£170,823.06
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Residual Land Value

Gross	£44,176.94
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Development Value:	£215,000.00
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Acquisition Costs (Net)	£43,403.85
Holding Cost (Land interest)	-£4,790.56

Serviced Plot Value:	£38,613.28
-----------------------------	-------------------

MV - SPV = Development Costs	£176,386.72
-------------------------------------	--------------------

Low Value Market Area: Development Costs
2 Bed House (79 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£98,197.00
Site infrastructure & Other Works	£14,729.55
External Works	£4,909.85
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,535.09
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£9,426.91
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate

Compounding Frequency

Site Acquisition	
Building Costs	£4,370.50
Professional Fees	£329.94

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,200.00

<u>Developers Profit (17.5%)</u>	£36,750.00
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<u>Total Development Cost</u>	£180,548.85
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Residual Land Value

Gross	£29,451.15
-------	------------

Development Value:	£210,000.00
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Acquisition Costs (Net)	£28,935.76
Holding Cost (Land interest)	-£3,193.69

Serviced Plot Value:	£25,742.06
-----------------------------	-------------------

MV - SPV = Development Costs	£184,257.94
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Low Value Market Area: Development Costs
3 Bed House (93 sq m) 93 sq m

Development Costs:

Building Costs

Estimated Building Cost	£115,599.00
Site infrastructure & Other Works	£17,339.85
External Works	£5,779.95
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,161.56
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£11,097.50
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,123.31
Professional Fees	£388.41

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,600.00

<u>Developers Profit (17.5%)</u>	£40,250.00
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<u>Total Development Cost</u>	£208,439.59
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Residual Land Value

Gross	£21,560.41
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Development Value:	£230,000.00
---------------------------	--------------------

Acquisition Costs (Net)	£21,183.10
Holding Cost (Land interest)	-£2,338.02

Serviced Plot Value:	£18,845.08
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MV - SPV = Development Costs	£211,154.92
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Low Value Market Area: Development Costs
4 Bed House (106 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£131,758.00
Site infrastructure & Other Works	£19,763.70
External Works	£6,587.90
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,743.29
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£12,648.77
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,822.35
Professional Fees	£442.71

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

<u>Developers Profit (17.5%)</u>	£43,750.00
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<u>Total Development Cost</u>	£234,616.71
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Residual Land Value

Gross	£15,383.29
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Development Value:	£250,000.00
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Acquisition Costs (Net)	£15,114.08
Holding Cost (Land interest)	-£1,668.17

Serviced Plot Value:	£13,445.91
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MV - SPV = Development Costs	£236,554.09
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Low Value Market Area: Development Costs
5 Bed House (119 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£147,917.00
Site infrastructure & Other Works	£22,187.55
External Works	£7,395.85
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£5,325.01
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£14,200.03
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£6,521.39
Professional Fees	£497.00

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,600.00

<u>Developers Profit (17.5%)</u>	£49,000.00
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<u>Total Development Cost</u>	£262,743.83
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Residual Land Value

Gross	£17,256.17
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Development Value:	£280,000.00
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Acquisition Costs (Net)	£16,954.18
Holding Cost (Land interest)	-£1,871.26

Serviced Plot Value:	£15,082.92
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MV - SPV = Development Costs	£264,917.08
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Low Value Market Area: Development Costs

1 Bed Bungalow (50 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£75,850.00
Site infrastructure & Other Works	£11,377.50
External Works	£3,792.50
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£2,730.60
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£7,281.60
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£3,403.77
Professional Fees	£254.86

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£4,500.00

<u>Developers Profit (17.5%)</u>	£39,375.00
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<u>Total Development Cost</u>	£152,665.83
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Residual Land Value

Gross	£72,334.17
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Development Value:	£225,000.00
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Acquisition Costs (Net)	£71,068.32
Holding Cost (Land interest)	-£7,843.94

Serviced Plot Value:	£63,224.38
-----------------------------	-------------------

MV - SPV = Development Costs	£161,775.62
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Low Value Market Area: Development Costs
2 Bed Bungalow (70 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£106,190.00
Site infrastructure & Other Works	£15,928.50
External Works	£5,309.50
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£3,822.84
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£10,194.24
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£4,716.28
Professional Fees	£356.80

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,000.00

<u>Developers Profit (17.5%)</u>	£43,750.00
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<u>Total Development Cost</u>	£199,368.16
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Residual Land Value

Gross	£50,631.84
-------	------------

Development Value:	£250,000.00
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Acquisition Costs (Net)	£49,745.78
Holding Cost (Land interest)	-£5,490.53

Serviced Plot Value:	£44,255.25
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MV - SPV = Development Costs	£205,744.75
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Low Value Market Area: Development Costs

3 Bed Bungalow (86 sq m)

Development Costs:

Building Costs

Estimated Building Cost	£130,462.00
Site infrastructure & Other Works	£19,569.30
External Works	£6,523.10
Demolition/ Site clearance	-

S106 Cost / unit:	£2,500.00
Contingency	£4,696.63
Planning Fees / unit	£500.00
Land Survey / unit	£500.00

<u>Professional Fees</u>	£12,524.35
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Finance Costs

Bank Base Rate
Funding Facility Interest Rate
Compounding Frequency

Site Acquisition	
Building Costs	£5,766.29
Professional Fees	£438.35

Sale Costs

Legal Fees	£600.00
Sale Fees/Marketing	£5,500.00

<u>Developers Profit (17.5%)</u>	£48,125.00
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<u>Total Development Cost</u>	£237,705.02
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Residual Land Value

Gross	£37,294.98
-------	------------

Development Value:	£275,000.00
---------------------------	--------------------

Acquisition Costs (Net)	£36,642.32
Holding Cost (Land interest)	-£4,044.28

Serviced Plot Value:	£32,598.04
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MV - SPV = Development Costs	£242,401.96
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- V. **40% of Development Costs:** This is calculated by multiplying the Development Costs (MV – SPV) in the Affordable Housing Commuted Sum Payment Table by 0.4 (40 per cent).

The commuted sum calculation is based on 40 per cent of development costs, rather than 100 per cent of development costs, as the likelihood is that the relatively lower level of commuted sum sought by the Council is more appropriate for developers. As a comparison, registered providers expect to pay developers approximately 60 per cent of the market value for dwellings. Consequently, the developer potentially loses out on 40 per cent of the market value in each case. The Council will seek a level of commuted sum that is 40 percent of the development costs. This is less of the market value than the developer would forego by selling the dwelling to a registered provider.

- VI. **Contribution per sq m calculation:** This is calculated by dividing the *40% of Development Costs* for each type of dwelling in the Affordable Housing Commuted Sum Payment Table by the *Unit size m²* of the dwelling displayed in the Payment Table. This provides the contribution per sq m the Council expects to receive for each dwelling type, irrespective of the size of the dwelling. Applicants/developers should multiply the size of the dwelling which was scheduled to be built by the contribution per sq m for that particular dwelling type.

Appendix C: Commuted Sums: Indicative Values

Lewes - High Value Area - 40% Affordable * **

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	79	93
For 0.5 units	£21,786	£28,680	£35,574	£40,112	£48,159
1 unit	£43,571	£57,359	£71,147	£80,224	£96,317
2 units	£87,143	£114,719	£142,295	£160,447	£192,634
5 units	£217,857	£286,797	£355,737	£401,118	£481,586
10 units	£435,714	£573,594	£711,475	£802,236	£963,172

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£54,720	£61,578	£33,837	£42,631	£50,555
1 unit	£109,441	£123,157	£67,674	£85,262	£101,110
2 units	£218,881	£246,314	£135,348	£170,523	£202,220
5 units	£547,204	£615,785	£338,370	£426,309	£505,551
10 units	£1,094,407	£1,231,570	£676,741	£852,617	£1,011,101

Lewes - Low Value Area - 40% Affordable * **

Commuted Sums	Studio Flat	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House
Unit Size - m ²	39	50	61	79	93
For 0.5 units	£20,897	£27,494	£35,277	£36,852	£42,231
1 unit	£41,793	£54,988	£70,555	£73,703	£84,462
2 units	£83,586	£109,977	£141,109	£147,406	£168,924
5 units	£208,965	£274,942	£352,773	£368,516	£422,310
10 units	£417,931	£549,883	£705,547	£737,032	£844,620

Commuted Sums	4 Bed House	5+ Bed House	1 Bed Bungalow	2 Bed Bungalow	3+ Bed Bungalow
Unit Size - m ²	106	119	50	70	86
For 0.5 units	£47,311	£52,983	£32,355	£41,149	£48,480
1 unit	£94,622	£105,967	£64,710	£82,298	£96,961
2 units	£189,243	£211,934	£129,420	£164,596	£193,922
5 units	£473,108	£529,834	£323,551	£411,490	£484,804
10 units	£946,216	£1,059,668	£647,102	£822,979	£969,608

* Commuted Sums based on *Unit Size - m2* provided in this table.

** Figures rounded to nearest £.

Appendix D: Considerations for Residential Development Financial Viability Appraisals

VIABILITY ASSESSMENT TEMPLATE	
This template lists the variables that will be required by the applicant/developer to access in order to undertake a viability assessment of a residential scheme.	
Revenue	
Schedule of units and areas (GIAs)	Schedule of accommodation with the gross internal areas (GIA) of all units to be built expressed in sq metres.
Private Values with evidence	Market Value of all units with supporting evidence.
Affordable Values with evidence	Affordable Values of all units with supporting evidence.
Ground Rent Value if any	Most flats are sold on a long lease with a ground rent payable, the value of which should be included.
Commercial Value with evidence if relevant	Market value of all commercial units with supporting evidence.
Gross Development Value (GDV)	The total Value of all units to be built as part of the scheme.
Development Costs	
Residual Land Value of the scheme; or	The value that the relevant scheme can afford to pay for the site; or
Market Value of the site	The Market Value of the site with supporting evidence.
Stamp Duty Land Tax and fees	All fees etc. paid on site acquisition including Stamp Duty Land Tax, agent and legal fees.
Construction costs including:	
Base Construction Costs	Build costs of all units assessed using BCIS rates, by a Quantity Surveyor or quotes received from a builder.
Externals	All external costs including access roads, landscaping services to the property etc.
Abnormals	Any additional cost including demolition, remediation, additional costs due to poor ground conditions etc.
Other Costs	Any other relevant costs incurred.
Contingency	A percentage uplift to cover any unforeseen build costs.
Professional and planning Fees	All planning fees paid to the local authority, planning consultants and fees paid to architects engineers etc in respect of design etc.
Section 106 Contributions/Community Infrastructure Levy (CIL)	Any section 106 or CIL financial contributions that are required for the scheme by the local authority.
Marketing Fees	Fees paid for marketing the units including brochures, advertising, show homes etc.
Sale Fees	Fees paid to agents and solicitors for the sale of the units.
Finance Costs including arrangement fees	Finance costs charged by a bank etc for borrowing the money in order to undertake the development. The finance should be calculated by means of a cash flow but a scheme programme is to be included to show build and sales periods.
Profit on Private and Affordable Housing	The required profit expressed as a % of the Gross Development Value (GDV) of the scheme to reflect the risk.

Reference should also be made to the Department for Communities and Local Government Viability webpage (March 2014): [Viability - GOV.UK](http://Viability-GOV.UK)

Appendix E: Other Key Policies, Documents and Sources of Information

Approved Documents (building Regulations)

[Approved Documents](#). 2016. Department for Communities and Local Government.

Core Policy 3 (Gypsy and Traveller Accommodation)

Core Policy 3 is located in the Lewes District Local Plan Part 1 - Joint Core Strategy. May 2016. Lewes District Council. Pages 89-92. [Lewes District Local Plan part 1](#)

Housing Allocations Policy

[Housing Allocations Policy](#) (August 2014). Lewes District Council.

National Planning Policy Framework

[National Planning Policy Framework](#) (March 2012). Department for Communities and Local Government.

Planning Portal

Further information regarding planning and building regulations, and planning applications is available from the [Planning Portal](#).

Planning Practice Guidance

The Department for Communities and Local Government have published this web-based resource to bring together planning practice guidance for England. [Planning Practice Guidance](#)

Policy RES10

Information relating to [Policy RES10](#), which was carried forward from the Lewes District Local Plan (2003) is available from the Lewes District Council website.

Section 106 Agreements

Information relating to [Section 106 Agreements](#) can be found on the Lewes District Council website.

Site Allocations and Development Management Policies DPD

Information relating to [Site Allocations and Development Management Policies DPD](#) can be found on the Lewes District Council website.

South Downs National Park Authority Local Plan

Information relating to the [South Downs National Park Authority Local Plan](#) can be found on the South Downs National Park Authority website.

Spatial Policy 1 (Provision of housing & employment land)

Spatial Policy 1 is located in the Lewes District Local Plan Part 1 - Joint Core Strategy. May 2016. Lewes District Council. Pages 48-51. [Lewes District Local Plan part 1](#)

Spatial Policy 2 (Distribution of housing)

Spatial Policy 2 is located in the Lewes District Local Plan Part 1 - Joint Core Strategy. May 2016. Lewes District Council. Pages 51-56. [Lewes District Local Plan part 1](#)

The Building regulations 2010

[The Building Regulations 2010](#). 2010. HM Government.

The Homes and Communities Agency

The [Homes and Communities Agency](#) is responsible for increasing the number of new homes that are built in England including affordable homes and homes for market sale or rent, and for regulating social housing providers.

Appendix B

Lewes District Council

New Affordable Housing Technical Note:

Supplementary Planning Document (SPD)

Screening Report

July 2017

Contents

1. Introduction
2. Affordable Housing SPD
3. Strategic Environmental Assessment
4. Conclusion

Appendices

Appendix A - Assessment of the Affordable Housing SPD against the SEA Criteria

Appendix B - Sustainability Appraisal of the Lewes District Local Plan Part 1

1. Introduction

- 1.1 Lewes District Council is preparing an Affordable Housing Supplementary Planning Document (SPD) to explain the Council's position relating to affordable housing contributions sought from development, partly as a result of changes in national policy and up to date information on development viability in the Lewes District.
- 1.2 The Affordable Housing SPD will not create new policy; it will provide additional information to the implementation of the Lewes District Local Plan Part 1 – Joint Core Strategy – Core Policy 1: Affordable Housing, and Core Policy 2: Housing Type, Mix and Density.
- 1.3 SPDs may occasionally be found to give rise to significant effects which have not been formally assessed in the context of a higher level planning document. Therefore, local authorities need to screen their SPDs to ensure that legal requirements for Strategic Environmental Assessments (SEA) are met where there are impacts which have not been covered in the appraisal of the parent plan or where an assessment is required by the SEA Directive.
- 1.4 Sustainability Appraisal (SA) is a tool that is used to improve the sustainability of Development Plan Documents (DPDs). It uses a range of sustainability objectives and indicators to test whether the plans, policies and proposals can deliver sustainable development. SA can be viewed as a yardstick against which the social, economic and environmental effects of the plan can be tested.
- 1.5 Lewes District Council does not believe that a SEA is likely to be required for the purposes of the Affordable Housing SPD as outlined in this report, and sets out the assessment on which the Council's screening opinion is based.

2. Affordable Housing SPD

- 2.1 The Affordable Housing SPD has been produced to explain the position relating to affordable housing contributions sought from developments, further prompted by changes in national policy and up to date information regarding development viability in the Lewes District.
- 2.2 The Affordable Housing document previously took the form of a Policy Guidance. The Policy Guidance was consulted on from 1 September to 13 October 2016, and from 2 February to 2 March 2017. From these consultations, and with reference to the upcoming consultation for the Lewes District Local Plan Part 2, it is now thought that adoption of the Affordable Housing document as a Supplementary Planning Document would provide the Council with a detailed approach to compliance with policy, carrying weight during negotiations, enabling a more efficient planning system and contributing to the efforts of the Council to deliver much needed affordable homes.
- 2.3 The purpose of the Affordable Housing SPD is to provide a detailed explanation in support of the implementation of Core Policy 1 and Core Policy 2 from the Lewes District Local Plan Part

1 – Joint Core Strategy 2010 - 2030 (adopted 2016). The SPD contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs.

- 2.4 Core Policy 1 of the Lewes District Local Plan Part 1 requires a district wide target of 40% affordable housing from developments of 10 or more dwelling units. For developments of less than 10 units, affordable housing will be sought according to a stepped target which begins at 3 units. The level of affordable housing contribution may be determined on a site by site basis where justified by market and/or site conditions, where the local planning authority is satisfied by robust financial viability evidence that development would not be financially viable at the relevant target level.
- 2.5 However, in November 2014 the Government published a Written Ministerial Statement (WMS) whereby developments of less than 11 units would be exempt from affordable housing contributions. The WMS also stated that in designated rural areas (i.e. the National Park part of the Lewes District), local planning authorities may choose to apply a lower threshold of 5 units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of commuted sums. The Government restated this position in May 2016 through the Planning Practice Guidance. This means that Core Policy 1 could no longer be implemented as it was originally intended and contributions could only be sought from developments of 11 units or more, and from developments of 6 or more in designated rural areas in the form of a commuted sum.
- 2.6 The Affordable Housing SPD explains the type of affordable housing to be sought, the indicative values used to calculate commuted sums, how any commuted sum payments will be calculated, takes account of the changes to the contribution thresholds, and also explains the considerations which will be taken into account when assessing the viability of development.

3. Strategic Environmental Assessment

- 3.1 This screening process ascertains whether the Affordable Housing SPD gives rise to significant environmental effects, using the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004¹.
- 3.2 Paragraph 10 of the aforementioned SEA Directive only requires SEA for plans which 'determine the use of small areas at a local level' or, which are 'minor modifications' to plans, when these are determined to be likely to cause significant environmental effects. Therefore the criteria for determining the likely significance of effects as listed in SEA Directive 2001/42/C Schedule 1 of the Environmental Assessment of Plans and Programmes

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (2004). Schedule 1: Criteria for Determining the Likely Significance of Effects on the Environment. <http://www.legislation.gov.uk/ukxi/2004/1633/schedule/1/made>

Regulations 2004 have been reviewed to determine whether the exception applies to the Affordable Housing SPD.

3.3 Appendix A sets out the assessment of the contents of the Affordable Housing SPD against the SEA criteria. Following this assessment, Lewes District Council believes the results of the assessment clearly demonstrate that the SPD does not require a SEA. The SPD merely provides further guidance on existing policies from documents which have already been subject to SEA.

3.4 The results of the Appraisal for Core Policy 1: Affordable Housing, and Core Policy 2: Housing Type, Mix and Density, are summarised below. The social and economic effects of the policies that the SPD relates to have been considered against relevant sustainability objectives.

Policy	Commentary
Core Policy 1: Affordable Housing	This policy is likely to maximise affordable housing delivery, increasing the amount of affordable housing currently delivered, without impacting on overall housing delivery. The policy is seen as highly positive as affordable housing will be delivered in the towns of the District - the areas which are recognised as most deprived. This policy is also likely to increase affordable housing delivery in the rural areas of the District that the Strategic Housing Market Assessment recognises is home to high prices and high home ownership, which prevents those from lower incomes accessing these parts of the District. Environmental impacts resulting from this policy are likely to be limited as it is primarily concerned with types of housing, rather than the overall number of dwellings.
Core Policy 2: Housing Type, Mix and Density	The objective of this policy is to deliver the homes and accommodation for the needs of the District and ensure the housing requirements are accommodated in the most sustainable way. This policy will have a positive impact as it will allow the flexibility to respond to the needs of the local community, maximise opportunities for re-using suitable previously developed land and to plan for new development in highly sustainable locations without adversely affecting the character of the area. This should ensure development that is appropriate for the different parts of the District. This policy is seen positively as it encourages a range of dwelling type and size that fits in with the local character of the area, meeting the needs of the community. The flexibility of this policy means that the environmental impacts are likely to be limited as development will come forward at a density appropriate to a site's environment.

3.5 Lewes District Council was statutorily obligated to undertake a five week consultation on this New Affordable Housing Technical Note: Supplementary Planning Document Screening Report with the three statutory consultees of Natural England, Historic England, and the Environmental Agency.

3.6 This statutory consultation took place between 21 August and 25 September 2017. Neither of the three organisations have provided comments.

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4. Conclusion

- 4.1 The Affordable Housing SPD does not constitute a modification to a plan. Based on the assessment in Appendix A, and the Sustainability Appraisal used to demonstrate how sustainable development has been incorporated into planning policy documents for the Lewes District Local Plan Part 1, it has been demonstrated that the Affordable Housing SPD does not produce significant environmental effects.

Appendix A - Assessment of the Affordable Housing SPD against the SEA criteria²

Schedule 1 Criteria	
The characteristics of the Affordable Housing SPD, having regard, in particular to:	
(1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The policy for the affordable housing comes from the Lewes District Local Plan Part 1 Joint Core Strategy 2010 - 2030 (adopted May 2016). The SPD provides additional detail on the implementation of this policy, particularly in light of changes in Government guidance which only allows affordable housing contributions to be sought from developments of 11 units or more. It does not set new policy. The policy framework is set in the Lewes District Local Plan Part 1, which has been subject to SEA.
(1b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Affordable Housing SPD will provide additional guidance on the implementation of policy and will be a material consideration in the determination of planning applications. It is influenced by other higher tier plans rather than influencing other plans itself. The SPD could have minor impacts on the detail of how housing priorities are implemented though plans and programmes such as the Housing Strategy. The SPD will not form part of the Development Plan.
(1c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Affordable Housing SPD provides additional detail on the implementation of Core Policy 1 and Core Policy 2, which were subject to SEA. The SPD contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs. Therefore it has no relevance to the integration of environmental considerations. It does however have social and economic considerations in relation to sustainable development. The SPD will help promote the aim for sustainable development by providing clear and consistent guidance on the provision of affordable housing.
(1d) environmental problems relevant to the plan or programme, and	The Affordable Housing SPD is relevant to the affordable housing contributions that should be sought from development. The SPD does not set the principle of development and should not introduce new or add to any existing problems. The document aims to ensure affordable housing is well integrated and meets local needs.

² The Environmental Assessment of Plans and Programmes Regulations 2004 (2004). Schedule 1:Criteria for Determining the Likely Significance of Effects on the Environment. <http://www.legislation.gov.uk/ukxi/2004/1633/schedule/1/made>

(1e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The nature of the Affordable Housing SPD has no direct impact on the implementation of Community legislation. The principle of development is considered through the Lewes District Local Plan Part 1, which has been subject to SEA.
Characteristics of the effects and of the area likely to be affected, having regard, in particular to:	
(2a) the probability, duration, frequency and reversibility of the effects;	The Affordable Housing SPD contains advice relating to the standards required of the range of residential sites in order to deliver the affordable housing necessary to meet local needs. It does not set the principle of development. No adverse effects on environmental interests resulting from the implementation of the SPD have been identified.
(2b) the cumulative nature of the effects;	There is unlikely to be any adverse cumulative effects.
(2c) the trans-boundary nature of the effects;	There are no trans-boundary effects.
(2d) the risks of human health or the environment (for example, due to accidents);	Any risks to human health or the environment are negligible. It is considered that there may be improvements to human health and environment due to affordable housing being developed to meet needs, including being of the appropriate size, location and quality. There will be a positive contribution to wellbeing.
(2e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers the areas within the Lewes District Council Planning Authority boundary, including the Low Weald to the north of the South Downs National Park and the coastal area to the south, and the Lewes District Council Housing Authority area covering the whole District. This area covers approximately 292 sq km and has a population of around 101,000 (ONS mid-year estimates 2016). The SPD will affect those applying for planning permission for housing on sites accommodating 11 or more units and 6 or more in designated rural areas. It will also impact on housing providers and will have an indirect effect on future occupants of affordable housing.
(2f) the value and vulnerability of the area likely to be affected due to: (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use; and	The Lewes District covers an area with a wide variety of characteristics. The SPD will not lead to exceeding of environmental standards or the intensification of land use. The area likely to be effected will be guided by individual planning applications. The appropriateness of those locations will be guided by policies within the Lewes District Local Plan Part 1, which has been subject to SEA.

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<p>(2g) the effects on areas or landscapes which have a recognised national, Community or protection status</p>	<p>The Affordable Housing SPD has no effect on areas or landscapes which have a recognised national, Community or protection status. Impacts on such areas will be considered through the application of other Lewes District Local Plan Part 1 policies which have been subject to SEA.</p>
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Appendix B - Sustainability Appraisal incorporating SEA of the Lewes District Local Plan Part 1

Appraisal of Core Policy 1 – Affordable Housing³

Objectives				Explanation
	S	M	L	
1.Housing	++	++	++	The draft policy sets out a flexible district-wide target of 40% on schemes of 10 or more units, which was recommended by the Affordable Housing Viability Assessment. It also allows for affordable housing to be delivered on smaller schemes. This approach is therefore likely to maximise affordable housing delivery, increasing the amount of affordable housing currently delivered, without impacting on overall housing delivery. The flexibility that this policy affords means that it will be able to respond to changes in the economy, resulting in a positive impact over the course of the plan period.
2.Deprivation	++	++	++	This approach is likely to maximise the amount of affordable housing delivered in the towns of the district, the areas which are recognised as most deprived. As such, the policy is seen as highly positive in respect of this objective. The approach is also likely to increase affordable housing delivery in the rural areas of the district that the SHMA recognises is home to high prices and high home ownership which prevents those from lower incomes accessing these parts of the district.
3.Travel	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the option
4.Communities	?	?	?	It is unknown whether the draft policy would have an impact on the indicators for this objective. Some comments received during consultation on the Emerging Core Strategy suggested residents wanted more affordable housing and so an increase in delivery would be seen as having a positive impact on community satisfaction. However, some residents were not as receptive to the idea of affordable housing in their areas and so the expected increase in delivery may have a negative impact.
5.Health	0	0	0	It is not thought that that this policy would have a direct impact on this objective.
6.Education	0	0	0	It is not thought that that this policy would have a direct impact on this objective.
7.Land Efficiency	0	0	0	The affect of this policy on this objective cannot be fully quantified as it depends on the ultimate location of affordable housing delivery and not directly on different threshold and/or target levels.
8.Biodiversity	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy.
9.Environment	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy.
10.Waste	0	0	0	It is not thought that that this policy would have a direct impact on this objective.
11.Water	0	0	0	It is not thought that that this policy would have a direct impact on this objective.

³ Lewes District Local Plan. Part 1: Joint Core Strategy – Proposed Submission Document Sustainability Appraisal (Incorporating a Strategic Environmental Assessment) Focussed Amendments. (May 2014). Pp.284-285. http://www.lewes.gov.uk/Files/plan_SA_FA.pdf

[Type text]

Objectives				Explanation
	S	M	L	
12.Energy	0	0	0	It is not thought that that this policy would have a direct impact on this objective.
13.Air Quality	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy.
14.Flooding	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy.
15.Coastal Erosion	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy.
16.Economy	+	+	+	It is possible that an increase in affordable housing may help to support the local economy as people on lower incomes can afford to live and work in the district. This would provide a customer base for certain businesses which would also have less of a difficulty in recruiting and retaining staff.
17.Tourism	0	0	0	It is not thought that that this policy would have a direct impact on this objective.

Appraisal of Core Policy 2: Housing Type, Mix and Density⁴

Objectives				Explanation
	S	M	L	
1.Housing	+	+	+	The policy will have a positive impact as it would allow the flexibility to respond to market driven forces as well as the needs of the local community as they change throughout the plan period. This should ensure that development comes forward that is appropriate for the different parts of the district. The policy does not require developments to be built to Lifetime Homes standards and thus may deliver homes that are not appropriate for the whole community even though such standards are encouraged. However, such an approach imposes few barriers to development (for example added requirements/costs for developers) meaning that build rate should not be negatively impacted.
2.Deprivation	+	+	+	As the SHMA details, it is important to avoid creating concentrations of disadvantage by allowing a certain type of home to dominate an area that encourages a singular socio-economic group to locate. Thus the flexible policy is seen positively as it encourages a range of homes to be provided over the plan period. However, as the policy only encourages new homes to be built to Lifetime Homes standards, it may exclude some sectors of the community from accessing the housing market based on physical capabilities. However, this approach would not add to the cost of developing housing (including affordable housing), which could become a barrier to new development, particularly in deprived parts of the district where developers' margins may be tighter.
3.Travel	0	0	0	The effect of this objective depends on the location of new housing development rather than the effect of the policy.

⁴ Lewes District Local Plan. Part 1: Joint Core Strategy – Proposed Submission Document Sustainability Appraisal (Incorporating a Strategic Environmental Assessment) Focussed Amendments. (May 2014). Pp.285-287. http://www.lewes.gov.uk/Files/plan_SA_FA.pdf

[Type text]

Objectives				Explanation
	S	M	L	
4.Communities	+	+	+	The policy is likely to meet the needs of the community by providing a range of dwelling type and size, that fits in with the local character of the area, therefore improving community satisfaction. The flexibility of the policy will enable local communities, should they choose to produce a neighbourhood plan, to have locally set policies on this issue if desired. As the option would not force developers to provide new homes to a lifetime homes standard, it would not satisfy parts of the community who require such properties.
5.Health	?	?	?	The approach encourages development which meets the Lifetime Homes standard, therefore does not require developers to meet the standard. It is likely that this policy will lead to an increase in homes meeting this standard (which would reflect the needs of older people and those with physical impairment), however it is uncertain.
6.Education	0	0	0	It is not thought that the options would have a noticeable impact on this objective.
7.Land Efficiency	++	++	++	The flexible approach set out in the policy will allow for the land to be developed efficiently while still respecting the local environment
8.Biodiversity	0	0	0	The affect of this objective depends on the location of new housing development rather than the types of homes being delivered.
9.Environment	++	++	++	The flexibility of the policy ensures that development will come forward at a density appropriate to a site's environment.
10.Waste	0	0	0	It is not thought that the options would have a noticeable impact on this objective.
11.Water	0	0	0	It is not thought that the options would have a noticeable impact on this objective.
12.Energy	0	0	0	It is not thought that the options would have a noticeable impact on this objective.
13.Air Quality	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy options.
14.Flooding	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy options.
15.Coastal Erosion	0	0	0	The affect on this objective depends on the location of new housing development rather than the effect of the policy options.
16.Economy	0	0	0	It is not thought that the options would have a noticeable impact on this objective.
17.Tourism	0	0	0	It is not thought that the options would have a noticeable impact on this objective.

Agenda Item No: 9.8 **Report No:** 153/17

Report Title: Appointment of Members and Officers to Outside Bodies - Insurances and Indemnities

Report To: Cabinet **Date:** 13 November 2017

Cabinet Member: Councillor Giles

Ward(s) Affected: All

Report By: Catherine Knight, Assistant Director of Legal and Democratic Services

Contact Officer(s)-

Name(s): Catherine Knight
Post Title(s): Assistant Director of Legal and Democratic Services
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Tel No(s):

Purpose of Report:

To ensure that members and officers are fully protected against personal liabilities when properly carrying out roles to which they have been appointed by the Council.

Officers Recommendation(s):

- 1 That the Council reviews the scope of its insurance provision and, if necessary, extends it to provide cover for those members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future; and
- 2 That the Council should provide a comprehensive indemnity in the terms permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 for members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future.

1. Reasons for Recommendations

The appointment of council members and/or officers to senior roles with outside bodies has increased recently. To ensure they are appropriately protected against personal liability when acting in those external roles, it is necessary to review the provision of insurance and indemnity cover available to them.

2. Information

2.1 There is statutory protection against personal liability for members and officers whilst they are performing their council roles, providing they act within their powers and in good faith.

2.2 This statutory protection does not exist when members and officers act on outside bodies, so the issue of personal liability on outside bodies is one which needs to be considered.

2.3 Where the Council has been invited to nominate a member or officer for appointment, the formality of the appointment itself remains with the outside body and so in these circumstances a first step should be to find out what provision by way of insurances and protection the outside body is providing for those persons nominated to it.

2.4 Where the Council itself is making the appointment to the outside body then it has the power itself to provide the relevant members and officers with insurance and/or an indemnity to cover any personal liabilities. This is helpful because, for example, although the circumstances in which it might happen are rare, it is at least possible for members or officers who are appointed as directors of companies to be held responsible for a company's liabilities. Appointments of members and officers to non-corporate organisations (unincorporated associations), which have unlimited liability, carry greater risk of personal costs/liability.

2.5 The Council's insurances have in the past been sufficient to provide cover for both officers and members when they have been acting on outside bodies by way of appointment by the Council.

2.6 With the advent of more innovative ways of working the Council is setting up and appointing members and officers to a range of new external bodies, in particular local authority companies. In order to make certain that members and officers who are appointed to these roles are fully covered, it is suggested that two things should happen:

- i) The Council reviews the scope of its insurance provision and, if necessary, extends it to provide cover for those members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future.

There may be occasions where insurance cover does not provide adequate protection. For this reason government has seen fit to pass legislation which explicitly enables a local authority to provide an indemnity to any of their members or officers for any action of, or failure to act by, that member/officer whilst acting in the outside role to which they have either been nominated or appointed by, at the request of, with the approval of or for the purposes of the Council.

- ii) The Council should therefore provide a comprehensive indemnity in the terms permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 for members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future.

2.7 It is emphasised that such protection, whether by way of insurance or other indemnity, will only protect members and officers whilst they are acting in good

faith.

2.8 No indemnity may be provided in relation to any act or failure to act which:

- constitutes a criminal offence. (Also in the event of a finding of guilt of part or all the charges the indemnity shall provide for a claw-back of sums paid out by the authority or insurer); or
- is the result of fraud or other deliberate wrongdoing or recklessness of the part of that member or officer.

3. Financial Appraisal

The Council's existing Officials Indemnity policy is sufficient to cover officers and members in most appointments to not-for-profit outside entities. The Council reviews the adequacy of its cover at least annually; no unusual premium movements are anticipated. In instances involving appointments to, for example, a newly formed housing company, the Council's Officials' Indemnity policy is not applicable; such a housing company would require its own Directors', Trustees', and Officers' Liability policy and the cost of the same is borne by the company, not the Council. The cost of such a policy would, while the company's annual income is up to £250,000, be less than £1,000 annually.

4. Legal Implications

These are set out in the body of the report.

Lawyer consulted 03.10.17. Legal ref: 006731-JOINT-CK

5. Risk Management Implications

In the absence of suitable indemnity cover, a Council member or officer appointed by the Council to an outside body may, as an individual, have to meet the costs or other financial consequences of any legal action taken against them when acting in that external role. The Council's own indemnity or insurance cover could only be called upon if the indemnity protection offered by the external body was somehow inadequate.

As indicated in the report, there are certain types of conduct that, for reasons of public policy, would not be covered by any insurance or indemnity offered by the external body or the Council itself, such as fraud, recklessness and bad faith.

6. Equality Screening

There are no equalities issues associated with this report.

7. Background Papers

None

8. Appendices

None

Agenda Item No: 9.9 **Report No:** 154/17

Report Title: Lewes Local Lottery

Report To: Cabinet **Date:** 13 November 2017

Cabinet Member: Councillor Merry

Ward(s) Affected: All

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Bill McCafferty
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Purpose of Report:

To set out the proposals for a Lewes Local Lottery that will enable local good causes to raise additional income.

Officers Recommendation(s):

- 1 That Cabinet delegate to the Director of Service Delivery in consultation with the Lead Cabinet Member to implement a Lewes Local Lottery in line with the proposals in the Report including:
- 2 that a minimum of 60% of proceeds go to good causes in Lewes,
- 3 that an External Lottery Manager is appointed
- 4 That the lottery is an on-line weekly draw with tickets of £1 tickets.

Reasons for Recommendations

- 1 A Lewes Local Lottery presents an opportunity for the council to support local good causes in raising additional income.

Information

- 2 Local lotteries are now being run by several councils, including Aylesbury Vale, Portsmouth and Mendip. Eastbourne Borough Council are in the process of implementing a local lottery

Lotteries have long been a way of smaller organisations raising income. They are regulated by the Gambling Act 2015. There are different types of lotteries; the one being proposed is a 'large society lottery/local authority lottery'.

In all cases, lotteries have to deliver a minimum of 20% of proceeds to good causes. This report recommends that a minimum of 60% of proceeds would go to good causes in Lewes.

3 Proposed form of lottery

One overriding issue regarding the form of the lottery is that it will have to be online and so would require a remote society lottery operating licence. This is due to the costs of distribution and sales in any other way. The lottery will be able to be accessed via desktop, mobile and tablet.

The suggested model would operate at two levels:

Lewes lottery – operating council wide with profits generated distributed through existing mechanisms to local good causes. Players selecting this option would not specify a group to benefit from the proceeds and the funding would be distributed by the Council to existing council funded commitments.

Specific Lewes good causes – this version enable groups to ‘sign-up’ to take part in the lottery specifically raising the 50% share for their good cause. By signing up they will have their own web page for the lottery helping them engage with players and raising income. Players buying tickets through specific web pages would know that the profits are for that specific good cause. This option removes a hurdle for groups who might struggle otherwise to take part in their own lotteries for example, holding licences and setting up the necessary infrastructure.

4 Delivery Options

There are two options for the delivery of the lottery, either in-house or through an External Lottery Manager (ELM).

- In-house – This option would necessitate creating new posts to administer the lottery. This has not been fully costed, but would likely be in the region of £75k. This would include the recruitment of a lottery manager, the necessary Gambling Commission licence and the purchase, or development, of the software to enable a lottery to run.
- External Lottery Manager – This option would see a partnership with an existing deliverer of lotteries. Effectively buying in the skills and expertise necessary. The ELM would deliver all aspects of the lottery, from taking ticket payment, prize management and licensing and would share with the Council and the good causes the role of marketing.

The Council would be the licence holder and control the good causes joining the scheme. A draft set of criteria for acceptance into the scheme is at Appendix A.

The suggested model would operate at two levels

Lewes lottery – operating council wide with profits generated distributed through existing

mechanisms to local good causes. Players selecting this option would not specify a group to benefit from the proceeds and the funding would be distributed by the Council to existing council funding commitments.

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5 Ticket pricing

Investigations have identified two ELMs, with the main difference being their ticket pricing. Provider A offers a product with a ticket price of £1, whereas Provider B’s offer is a lottery with a ticket price of £2.

The start-up costs of Provider A are c£3,000 and Provider B c£5,000. Both offer a similar prize structure but with differing percentage splits to the operator, LDC and good causes. Provider B offers a matched jackpot prize, if won, to the good cause the player opted for.

The ticket price will obviously have an effect of the number of tickets sold. Research by The Leadership Factor in June 2013 suggests that there is a significant drop off in sales, up to 69%, if a ticket is priced at £2 compared to a ticket priced at £1.

6 Ticket Price, Proceeds apportionment and Prizes

Based on the recommendations in this report the Lewes Lottery structure would operate as set out below:

- Ticket price £1 per week
- Draw once a week
- Two modes of operation – specific good cause or no specific good cause

Proceeds apportionment				
	Specific Good Cause		No Specific Good Cause	
	% allocation	£allocation per ticket	% allocation	£allocation per ticket
Specific Good Cause	50	£0.50	-	-
Prizes	20	£0.20	20	£0.20
Lewes Good Causes	10	£0.10	60	£0.60
ELM	17	£0.17	17	£0.17
VAT	3	£0.03	4	£0.03
Total	100	£1.00	100	£1.00

7 Number Selection and Prizes

Players can purchase tickets, either on a monthly recurring basis or a 3/6/12 month payment upfront, on line by either setting up a Direct Debit or using a payment card.

Players have to register, giving their name, address, date of birth and email address.

Players choose six numbers or can have them selected randomly. To win the jackpot the player must match both the numbers and sequence as draw. Players can also win prizes if the ticket matches the sequence of the first or last two, three, four or five numbers drawn. Bolt on 'raffle' type prizes are possible with this model.

The jackpot is an insured prize and it is a guaranteed pay out of £20,000 per winner, even if more than one person wins; the jackpot is not shared or rolled-over.

Number selection and Prize structure		
	Winning odds	£prize
6 numbers	1:1,000,000	£20,000
5 numbers	1:55,556	£1,000
4 numbers	1:5,556	£100
3 numbers	1:556	£10
2 numbers	1:50	3 free tickets

Set out below is a player modelling analysis. It shows that, over a year,					
Ticket price	Number of players	Tickets bought per week	Number of weeks	Gross return	Received by good causes
£1	500	1	52	£26,000	£15,600
£1	1,000	1	52	£52,000	£31,200
£1	1,500	1	52	£78,000	£46,800
£1	2,000	1	52	£104,000	£62,400
£1	2,500	1	52	£130,000	£78,000

Day-to-day management of the lottery will be conducted by the ELM. This includes processing new players, contacting winners, distributing prizes and income for good causes. The ELM will send newsletters to all good causes signing up and will help the Council publicise the lottery and support its take-up. Apart from some officer time, set-up and marketing costs the lottery will be self-funding.

8 Gambling

Lotteries are the most common form of gambling activity across the world and are considered to be a low risk form of gambling when it comes to problem gambling. The Lewes lottery mitigates against the risks of problem gambling by:

- Being only playable by pre-arranged sign-up and non-cash methods
- There being no instant gratifications or reward in taking part
- Being fully compliant with the Gambling Commission's licensing code of practice, which includes self-exclusion and links with support organisations
- Due to these factors it is believed that the Lewes lottery will not significantly increase

problem gambling and that the benefits to good causes outweigh the possible negative issues.

9 Financial Appraisal

There would be one-off set-up costs of £3,000 for the External Lottery Manager plus the first year licence fees of £1,301. Thereafter there will be an annual licence fee of £1,042 a year. The Council can decide how much it wished to spend on marketing, but a figure of £2,000 in year one should be sufficient.

10 Legal Implications

10.1 Lotteries are illegal unless they fall into one of the categories specifically permitted by law. The relevant law is contained in the Gambling Act 2005 (“the Act”). The Act has three licensing objectives which are preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable people from being harmed or exploited by gambling.

10.2 A local authority may run a lottery to raise funds to cover anything for which it has the power to incur expenditure, for example, local community projects, arts centres or parks and leisure facilities. Although all lotteries must deliver a minimum of 20% of proceeds to good causes and the recommendation is that 60% of proceeds will go to good causes in Lewes.

10.3 All local authority lotteries must be licensed by the Gambling Commission under the Act and must adhere to the rules and guidance set out therein regarding the running and reporting of a local lottery

10.4 The designated lead officer will work with the ELM to ensure the necessary licences are in place before the lottery commences. All ELM’s must hold an operating licence issued by the Gambling Commission and it is the responsibility of the Council to ensure they do so. Having a ELM does not absolve the Council from its responsibilities for ensuring that the lottery is conducted in such a way as to ensure that it is lawful and fully complies with all licence conditions and codes of practice/guidance.

10.5 The agreement with the proposed ELM constitutes a services agreement for the purposes of the Contract Procedure Rules but, due to the low estimated contract value, does not require the Designated Officer to obtain a certain number of quotes before award. This decision can be made by the Accountable Officer.

10.6 This Report was seen by legal on 9 October 2017 IKEN 6740-MW-LEWES

11 Equality Screening

11.1 An Equality and Fairness Analysis has been undertaken and has been sent to the Steering Group for consideration.

Background Papers

12 None

Appendices

13 A – Draft criteria for acceptance into the Lewes Local Lottery.

Draft Criteria for acceptance into the Lewes Local Lottery

Set out below are the draft criteria to be used in deciding whether or not to allow organisations to become part of the Lewes Local Lottery.

The organisation must:

- Provide community service within Lewes District Council's geographic area, which are of benefit to Lewes residents
- Have a formal constitution or set of rules
- Have a bank account with at least two unrelated signatories
- Operate with no undue restrictions on accessing the services provided
- Actively market the lottery
- Provide the Council with such documentation as the Council needs

And be

- A constituted group with a volunteer management committee that meets on a regular basis. By basis we mean at least three times a year; or
- A registered charity; or
- A Community Interest Group

We will not accept organisations that:

- Promote a particular religious or political belief
- Aim to distribute a profit
- With no established management committee or board of trustees, unless a Community Interest Group

The Council will reserve the right to admit any organisation on whatever grounds it thinks fit.

The Council will reserve the right to end an organisation's participation in the lottery for any reason it thinks fit.

Agenda Item No: 9.10 **Report No:** 155/17
Report Title: Draft Lewes Tourism Strategy 2018-2021
Report To: Cabinet **Date:** 13 November 2017
Cabinet Member: Cllr Tony Nicholson
Ward(s) Affected: All
Report By: Philip Evans, Director of Tourism and Enterprise
Contact Officer(s)-
Name(s): Phil Evans
Post Title(s): Director of Tourism and Enterprise
E-mail(s): philip.evans@eastbourne.gov.uk
Tel No(s): 01323 415411

Purpose of Report:

To update the Strategic Tourism Vision and Action Plan (2018 to 2021) and to recognise the opportunities for joint working for tourism services between Lewes DC and Eastbourne BC

Officers Recommendation(s):

- 1 To approve the implementation of the updated Strategic Tourism Vision and Action Plan (Paragraph 2, including Sections 2.1 to 2.8 below)
- 2 To note that the Director of Tourism and Enterprise may include as part of the 2018/19 budget setting process specific amounts to fund the activities set out in the updated Vision and Action

Reasons for Recommendations

- 1 To build on the success of the former three year Strategic Tourism Vision and Action Plan (2015-2018). This document is aimed to provide a summary of work priorities and is not intended to replace but rather to complement and update previous policies and to take into consideration the joint working arrangements within Council Departments that Lewes and Eastbourne have agreed.

Information

- 2 The Strategic Tourism Vision and Action Plan was published three years ago and it set out LDC plans to ensure the District remains a vibrant and attractive destination for future visitors. This Tourism Strategy, as well as building on the priorities already identified, will also act as an interim document that takes full account of the Joint Transformation process and its implications for the delivery of tourism services. It will seek to optimise the opportunities created through

Eastbourne and Lewes working more closely together and supporting any areas of work that strengthen the local visitor economy either through the Tourism and Enterprise (T and E) Department or working with other Council services that impact on tourism.

Priorities and Themes:

Six main priorities were identified in the former document and these have been used to help inform policies. A number of successful outcomes have been, or are continuing to be, achieved.

The Action Plan was built around the following themes:

2.1 Visitor Information Provision

How key information about the District's visitor offer is collected and disseminated to visitors and residents alike.

The joint management of Tourist Information Centres has been widely regarded as an improvement and the service has won first place in a regional tourism awards scheme. The five existing jointly-branded South Downs National Park (SDNPA) visitor information points continue to be successfully used across the district and this branding is being further rolled out in the Information Centres. The exterior of Lewes TIC has been re-painted for the 2017/18 season.

2.2 Online Destination Marketing

How the District and its tourism assets are promoted and marketed to both visitors and residents alike.

The 'Stay Lewes, Coast & Country' website has offered a low cost channel to market. This is now being augmented through joint promotion of Lewes assets through the 'Visit Eastbourne' site. Both authorities are members of 'Love Sussex' – a pan-Sussex visitor marketing portal.

2.3 Events & Attractions

How events and attractions can be effectively supported through the Council's position as a strategic leader.

Artwave and the Lewes Business Awards have gone from strength to strength with a new food and drink event that was launched at the end of September. A joint Eastbourne and Lewes walking festival to promote walking throughout the year was also launched in September with more walking weekends planned in 2018.

2.4 Local Business Engagement

How the Council can effectively engage with, and help support, the wider tourism industry.

By using the resources of Eastbourne's larger T and E team, Lewes tourism businesses now have access to a wider range of tourism support including advice on business development and getting a voice with national tourism organisations such as Visit England, the Tourism Alliance and British Destinations.

2.5 Wider Partnerships

How the Council can effectively engage and work with strategic and tactical partners and stakeholders.

Lewes has engaged with county, regional and national agencies to raise its profile in areas such as television and filming locations, working with academic partners such as the University of Brighton and with thematic partnerships including the Greater Brighton Film Partnership and East Sussex Arts Partnership in the cultural sector. This work is expanding through joint representation with Eastbourne.

2.6 Research & Intelligence

How the Council can support the wider tourism industry through essential research and intelligence gathering.

Lewes has signed up to the East Sussex Tourism Data Warehouse project to help collate tourism data at a county-wide level and to support future bids for external funding.

2.7 Progress over the past 12 months

From 4th January 2017, the tourism, events and culture function within Economic Development was transferred to the Director of Tourism and Enterprise. One officer has been working one day a week at Eastbourne to integrate with the Tourism and Enterprise team and to act as a conduit for all Eastbourne T and E staff assigned work duties in Lewes. Existing events in Lewes such as the annual Business Awards and Artwave have been maintained.

The Artwave Festival is now in its 24th year. The possibility of adjoining an Eastbourne element of Artwave was considered for 2017 but it was decided not to follow through with this approach as it clashed with existing arrangements amongst the community arts sector in Eastbourne. However, the T and E team is now working towards joint promotion of arts and culture across both districts and to work with bigger partners such as Towner, Ditchling Museum and Glyndebourne.

The Lewes Business Awards were re-vamped for 2017, looking for a wider business and tourism remit with a view to expanding participation and income generation. This worked successfully and the event is looking to expand further in this area in 2018.

For the first time Lewes has hosted a 'Sussex Gin and Fizz' Festival in Southover Grange Gardens on 30th September. This was a ticketed event featuring live music, marquees and samples of local gin, sparkling

wine and locally produced foods. The event attracted 1000 paying guests with traders reporting excellent returns and it is proposed that it will be expanded for future years.

Lewes DC offers a consumer-based website promoted as 'Stay Lewes Coast & Country'. The visitor website will be augmented with support from staff at EBC with some common design elements being used.

Through 2017/18 we will be looking at ways we can achieve greater digital integration between the two districts. The Lewes element of the 'Love Sussex' link will continue to be supported and opportunities to work more closely with external tourism organisations such as Tourism South East will be developed.

For the past 18 months, the Tourist Information Centres (TICs) in Lewes and Seaford have been given additional support. The TIC Manager at EBC will continue to lead both Lewes and Seaford TICs in developing their activities and in achieving higher income streams and expansion of their offer. Eastbourne TIC is also focusing on more Lewes District promotions and activities.

A Sustainable Tourism initiative is being developed in liaison with the University of Brighton. Future bids will be submitted to support the development of sustainable tourism based on walking, cycling and exploration of the District. The plan is to look at ways that public transport provision (principally rural bus services) can be supported through visitor promotions based on explorer routes and to create a network of routes that allow flexibility and connections for people visiting the area.

The District will continue to contribute to and play an active role in the East Sussex Tourism Data Warehouse working with TSE Research.

The relationship with major visitor attractions such as Glyndebourne, Ditchling Museum and Charleston will be strengthened, exploring the option of tourism packaging, now that legislation in this area is being reformed.

The gateway role of the Bluebell Railway to Lewes will be investigated with a view to partnerships and tie-ins with the operator.

The opportunity to work more closely with the South Downs National Park will be explored, linking in to both the sustainable tourism programme and SDNP tourism programmes, branding and promotions.

2.8 Next Steps

The six priorities and themes outlined earlier will continue to be applied over the next three-year period (2018-2021). In addition the following drivers will be incorporated into the themes outlined above:

- Share resources and integrate staff between the two authorities

This process has already started but there is opportunity to expand into other areas such as events and leisure provision

- Capitalise on the complementary visitor offer in Lewes and Eastbourne
Lewes incorporates historic towns, spectacular coastline and an attractive rural landscape including the National Park; Eastbourne has extensive accommodation supply but little room to develop further attractions. By promoting both districts jointly, there is scope to widen the visitor experience and to encourage longer dwell times or repeat visits
- Establish greater connectivity to SDNP and 'National Park gateway' role
Lewes is a town uniquely within the National Park but there are other points within the district that act as a gateway for visitors- joint branding opportunities with SDNP will be explored so that Lewes District becomes synonymous with being in the National Park
- Focus on Health and Well-being themes to develop new markets
This sector is rapidly growing and with the work already being led by Wave Leisure there is scope to incorporate Health and Wellbeing themes into wider generic tourism marketing, for example promoting healthy weekend breaks
- Exploit Lewes connection to food and drink offer
The food and drink offer both within the District and within its catchment area is extensive providing opportunities to promote local food and drink themes for events and to develop local supply chains for visitor providers
- Encourage greater use of public transport for visitor use
Whilst not everywhere in the district is well connected by public transport, there are key points which can be promoted for visitors to explore using both rail and bus connections
- Develop an 'explore' approach to visitor promotions to spread the benefits of visitor expenditure over a wider area
This policy will be aimed mainly at repeat visitors to encourage exploration of smaller settlements and villages where there are opportunities to benefit from visitor spend
- Develop closer ties with existing visitor attractions
There are several key attractions within the district that have an international visitor reputation but they tend to work independently from the Council- there is an opportunity to develop closer links and to explore concepts such as holiday 'packages' incorporating local accommodation and a visit to a major attraction
- Develop marketing drive through the wider use of social media
The use of social media continues to grow and is constantly evolving- this is one area where the expertise of the wider T and E team can be supplemented in Lewes
- Strengthen the Annual Events programme

The success of the events programme demonstrates that there is room for expansion, especially in the food and drink sector

- Develop Seaford - Eastbourne Coastal Link for future promotions

The frequent bus service between Eastbourne and Brighton already attracts many tourists- by working more closely with the operators there is the ability to expand the Seaford to Eastbourne walking routes for a variety of users

Integration and joint cooperation agreements are part of a dynamic process that contributes to the outcomes of teams promoting the joint attractiveness of Lewes and Eastbourne as visitor destinations. Visitors take little notice of political boundaries and see tourism products in an area as being simply things they can do, places they can visit or stay, and things that enable them to 'package' a holiday. The local authority role in destination management helps to maintain or to improve the quality of that experience. By building on the strengths of both Lewes and Eastbourne, we can help ensure that the visitor has a consistently good experience across both districts. The levels of service in areas such as tourist information, accommodation booking, events, entertainment, access to digital visitor services, itinerary planning and more will all be aided by tapping into joint staff resources and expertise. The contrasting nature of the two districts helps create a wider and more exciting offer for visitors, with greater choice and access to tourism services and experiences.

Supplementary business guides will be published over subsequent months to explain elements of this strategy to stakeholders and to encourage them to work with the T and E team accordingly.

3 Financial Implications

- 3.1** There are no direct implications of this report.
- 3.2** The council has a budget of £147,000 that pays for the Tourist Information Centre in Lewes as well as a presence in the Town Council Offices of Seaford and Peacehaven.
- 3.3** From time to time one off amounts have been approved as part of the budget setting process for particular events.
- 3.4** The budget will be reviewed as part of the budget setting process for 2018/19 onwards.

4 Legal Implications

- 4.1** There are no legal implications arising directly from this report.

Lawyer consulted 26.10.17. Legal ref: 06813-LDC-OD."

5 Risk Management Implications

- 5.1** The changes/issues covered by this report are not significant terms of risk. No new risks will arise whether or not the recommendations are implemented or rejected.

6 Equality Screening

- 6.1** This Strategy is intended as a high level document and an Equality and Fairness Analysis is in development to ensure that implementation of the Strategy takes account of the impact on people protected under the Equality Act 2010. It will be presented to members of the Council's Working Group and representatives of protected groups in due course and their comments will be taken into consideration as the Strategy is implemented.

7 Background Papers

- 7.1** There are no Background Papers.

8 Appendices

- 8.1** There are no Appendices.

Agenda Item No: 9.11 **Report No:** 156/17

Report Title: Ward Issues Raised by Councillors at Council

Report To: Cabinet **Date:** 13 November 2017

Cabinet Members: Councillors Smith, Leader of the Council; Linington and Nicholson

Ward(s) Affected: Peacehaven West; Seaford West; Ouse Valley and Ringmer; and Newhaven Valley Wards

Report By: Catherine Knight, Assistant Director of Legal and Democratic Services

Contact Officer(s)-

Name(s): Trevor Hayward
Post Title(s): Committee Officer
E-mail(s): trevor.hayward@lewes.gov.uk
Tel No(s): 01273 085429

Purpose of Report:

To respond to ward issues raised by councillors at Meetings of the Council.

Officers Recommendation(s):

To note and agree the officer action detailed in the Report.

Reasons for Recommendations

To ensure that appropriate follow up action is taken.

Information

- 1 The following Ward issues were raised at the Council meeting on 9 October 2017:

Councillor/Ward	Ward Issue Concerning	
Councillor Robertson – Peacehaven West Ward	With regard to the recent potentially dangerous object that was found and investigated in Peacehaven in respect of which Peacehaven Leisure Centre had been opened as a rest centre for displaced residents who had been required to leave their homes.....	

	<p><u>Suggested action to be taken by the Council:</u></p> <p>That the Council's Officers be thanked for the work that they had undertaken during the evacuation process and that, in such future similar instances, the appropriate Ward councillors be kept informed as to the progress made during emergency incidents.</p>	DSD
<p><u>Comment by Chief Officer (Director of Service Delivery):</u> Staff who responded to the emergency incident at Peacehaven have been thanked for the dedication shown during the period the rest centre was in operation. In addition, we have thanked staff from Wave Leisure who remained on site throughout the night and next day.</p> <p>In addition, where appropriate and possible, Ward Councillors will be kept informed during emergency incidents.</p>		

<p>Councillor Boorman – Seaford West Ward</p>	<p>The feeding of gulls by people which encouraged such birds to nest near to the food source and which resulted in the gulls causing a nuisance to residents of Seaford West Ward. In some instances gulls attacked people who were in their gardens. Some postal staff were attacked on their delivery rounds by adult gulls which were protecting their young.</p> <p><u>Suggested action to be taken by the Council:</u> That the feeding of gulls be included in the Public Spaces Protection Order and that fines be issued to people who fed those birds.</p>	ADLDS
<p><u>Comment by Chief Officer (Director of Service Delivery):</u> Neighbourhood First officers have not been made aware of problems involving the feeding of gulls and subsequent nuisance caused by these birds in affected parts of Seaford. We will endeavour to find out where these problems are occurring, and by whom, and offer words of advice to the parties concerned. Whilst it is not illegal to feed the birds, those that do are often unaware of the distress that this causes to neighbouring residents. We do not think that considering a PSPO is appropriate at this time. However, if the evidence gathered proves to be significant we may reconsider this for the future.</p>		

<p>Councillor Denis – Ouse Valley and Ringmer Ward</p>	<p>The East Sussex mobile library service and some libraries, including Ringmer Library, were being considered for possible service reduction/withdrawal by East Sussex County Council.</p>	
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	<p><u>Suggested action to be taken by the Council:</u> That Lewes District Council consider participating in the consultation that was being undertaken by East Sussex County Council in respect of the proposed reduction/withdrawal of some of the East Sussex library service in order to oppose such action if possible.</p>	DRP
<p><u>Comment by Chief Officer (Director of Regeneration and Planning):</u> The current consultation regarding the ESCC library service closes on 14 December 2017. The Cabinet may wish to request the views of Ringmer Parish Council, and other local councils affected by the proposals relating to library services before deciding whether separate response from Lewes District Council would be appropriate.</p>		
<p>Councillor Carr – Newhaven Valley Ward</p>	<p>Councillor Carr referred to the Ward issue that she had raised at the Meeting of the Council on 17 July 2017 relating to the emptying of dog waste bins which were located at Riverside Park, Newhaven, details of which was reported to the Cabinet at its meeting on 27 September 2017. Councillor Carr reported that she had not been advised of the Comment by the Chief Officer and the action taken by the Cabinet in respect of that issue. Furthermore, Councillor Carr had been advised that, in light of the Council's current restructure, the Council did not currently have a Dog Warden.</p> <p><u>Suggested action to be taken by the Council:</u> That councillors who raised Ward issues at Meetings of the Council be advised of the Comment by the Chief Officer and the action taken by the Cabinet in respect of their issues.</p>	ADLDS (Head of Dem Svces)
<p><u>Comment by Chief Officer (Assistant Director of Legal and Democratic Services):</u> Ward Issues which are raised by councillors at Meetings of the Council are subsequently the subject of a Report to the Cabinet, the Agenda for which is sent to all Members of the Council. Officers will ensure that once Cabinet has considered the Report, an email is sent to all those councillors who raised Ward Issues, which sets out details of those Issues and the resolution of Cabinet in respect thereof.</p> <p>(NB Whilst the Council no longer employs a Dog Warden, dog related matters are currently progressed by the Neighbourhood First Team and the Council's contractor Alphaguard).</p>		

Financial Appraisal

2 None arising from this Report.

Legal Implications

3 None arising from this Report.

Risk Management Implications

4 I have not completed the Risk Management Checklist as there is no need to undertake a risk assessment.

Equality Screening

5 I have not completed the Equality Analysis checklist as this Report is free from the requirement to do so.

Background Papers

6 None

Appendices

7 None