

Lewes District Council



Council Agenda

Wednesday, 14 October 2015

Southover House, Lewes

Jenny Rowlands
Chief Executive

Lewes District Council



Council Meeting

Councillors are kindly requested to switch off their mobile 'phones and other mobile devices prior to the commencement of the meeting.

Note: At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

To all Members of the Council

A meeting of the **Council** will be held in the **The Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 14 October 2015** at **14:30** which you are requested to attend. Please note the start time and that the venue for this meeting 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.

Agenda

1 Minutes

To confirm and sign the Minutes of the Meeting of the Council dated 16 July 2015 (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 Election of the Leader of the Council

To elect the Leader of the Council (who will be the Chair of Cabinet) for the period until the Annual Council Meeting following the next local elections in May 2019 and her/his successor is entitled to act as Leader.

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5 Announcements

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive.

A list of the Chair of the Council's engagements since the Meeting of the Council on 16 July 2015 is enclosed – page 7).

6 Questions from Members of the Public

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 10 (if any).

7 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 12 (if any).

8 Response to Petition: Meeching Down

To consider the Report of the Director of Service Delivery (Report No 134/15 herewith - page 11).

(NB Appendix D to the above Report contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). It is considered that the public interest in maintaining the exemption outweigh the public interest in disclosing the information. It can be found starting on (pink) page 56).

9 Response to Petition: The Buckle Car Park

To consider the Report of the Director of Service Delivery (Report No 135/15 herewith - page 32).

(NB Appendix C to the above Report contains exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)); and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that the public interest in maintaining the exemptions outweigh the public interest in disclosing the information. It can be found starting on (pink) page 58).

10 Written Questions from Councillors

To deal with written questions which councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any committee or sub-committee in accordance with Council Procedure Rule 11 (if any).

11 Questions to the Leader of the Council

To deal with questions (if any) which councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet. A councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting. *(NB This item is limited to a maximum of 5 questions, with no more than 1 question being asked per councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).*

12 Ward Issues

To deal with ward issues which councillors wish to raise. A councillor wishing to raise a ward issue must notify the Chair of the Council prior to the commencement of the meeting in accordance with Council Procedure Rule 11.8 (if any).

13 Urgent Decisions taken by the Cabinet or Cabinet Members

In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet or Cabinet Members since the Meeting of the Council on 16 July 2015

14 Recommendations from Cabinet

To consider the recommendations from the meeting of the Cabinet held on 24 September 2015 (herewith - page 50).

15(a) Notices of Motion

In accordance with Council Procedure Rule 13 Councillor Gauntlett has submitted the following Notice of Motion:

“That Lewes District Council works with Community Transport Lewes Area (CTLA), to convene a working party of representatives from all Town and Parish Councils to discuss common issues of providing community led transportation support for their residents.

CTLA are aware of the constraints on LDC finances and are not seeking funding from LDC to arrange this meeting.

Background

East Sussex County Council have implemented substantial reductions in the amount spent on subsidised bus services across the county. This may leave vulnerable people isolated and present difficulties for them to access care provided by health and social services.

CTLA is pro-actively considering ways of providing alternative services. As a charity they are determined to examine ways of providing support for members of the Lewes District community and in the process addressing social isolation and contributing to improving health and wellbeing.

The involvement of LDC in organising this meeting would give considerable weight to the importance of this issue and demonstrate that LDC is proactively considering the impact of the ESCC funding changes for its residents”.

15(b) Notices of Motion

In accordance with Council Procedure Rule 13 Councillor Cooper has submitted the following Notice of Motion:

“The South Downs National Park is unique in having the largest market towns of any UK national park - Lewes, Petersfield and Midhurst - yet none of the District Councillors for Lewes Town sit on the SDNP's Planning Committee, and residents are effectively barred from making oral representations to the SDNP Planning Committee by virtue of the distance, time, inconvenience and cost required to travel to Midhurst. This situation is widely considered by Town residents and their elected representatives to be completely unacceptable constituting a significant deficit in local democracy.

At a time when the Town is facing the prospect of unprecedented large-scale and potentially character changing development it is vital that the voices of Lewes Town residents and their elected representatives are more directly heard.

We call on the SDNP to urgently:

1. Return to holding planning meetings in Petersfield, Midhurst and Lewes, dealing with the appropriate applications at each venue. This may mean more meetings, but will help to reduce the democratic deficit engendered by holding all meetings in Midhurst.

2. Allow more opportunity for Town Councillors to speak than the single councillor currently permitted. Town Councils represent many times the average parish council.

Given the speed at which some developments are proceeding, we request that, on both matters, SDNP consider proposing both:

1. Urgent interim measures to improve representation and voice for each town, such as via video-conferencing facilities (which in Lewes, could be based at the Town, District or County Hall)

2. Longer-term solutions to improve the situation, to be put out for consultation with residents.”

16 Scrutiny Committee Work Programme 2015/16

To consider the Report of the Director of Business Strategy and Development (Report No 136/15 herewith – page 53).

17 Remit of the Licensing Committee

The Remit of the Licensing Committee as set out in the Constitution makes clear that sub-committees of that committee may be convened to deal with certain functions under the Licensing Act 2003 and the Gambling Act 2005. Officers recommend that the remit be clarified to make clear that sub-committees may also be convened to deal with other licensing functions such as entertainment, taxis, food and miscellaneous licensing. It is therefore recommended that a new paragraph 4.5 be inserted in part 11, Section 3 of the Constitution (Remit of the Licensing Committee) to read as follows:

“To establish sub-committees of three members chosen from a pool of ten on the basis of political proportionality to carry out its functions”.

18 Electoral Review

Following consultation with the Chair of the Council; the Acting Leader of the Council; and the Group Leaders, the Council is invited to note that an Extraordinary Meeting of the Council will be held in the Council Chamber, County Hall, St Annes Crescent, Lewes, on Monday, 9 November 2015 commencing at 2.30pm, at which matters relating to the next stage of the Electoral Review process will be considered.

The Council’s draft proposals on ward patterns must be considered by full Council before submission to the Local Government Boundary Commission for England by 30 November 2015. The Boundary Commission’s timescale for the submission of ward proposals is tight and the deadline, which was

imposed after the setting of the 2015/16 meetings timetable, must be adhered to, thereby requiring an additional Council meeting to be called.

19 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). A councillor wishing to provide feedback must notify the Chair of the Council prior to the commencement of the meeting.

Exclusion of the Public and Press

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Appendix D to Report No 134/15 (Response to Petition: Meeching Down) (Agenda Item No 8 refers) and Appendix C to Report No 135/15 (Response to Petition: The Buckle Car Park) on this Agenda as there are likely to be disclosures of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information; and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)). It is considered that the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

8 Response to Petition: Meeching Down (Appendix D - EXEMPT)

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

9 Response to Petition The Buckle Car Park (Appendix C - EXEMPT)

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;



Jenny Rowlands
Chief Executive

For further information about items appearing on this Agenda, please contact Catherine Knight at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone (01273) 471600.



Lewes District Council

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CHAIR

Councillor RUTH O'KEEFFE

CHAIR'S ENGAGEMENTS 16 July 2015 – 14 October 2015

Friday 17 July	8pm	Chair: To attend a 'Music for a Summer Evening' event hosted by the Friends of Wallands at Wallands School.
Wednesday 22 July	7pm	Chair: To attend the Landport Barbeque hosted by TOLD.
Saturday 25 July	10.45am	Chair: To attend the opening of the Macmillan Garden Trail at Driftwood, Seaford.
Saturday 25 July	7pm	Chair: To attend the East Sussex Youth Orchestra Concert at the De La Warr Pavilion, Bexhill-on-Sea.
Monday 27 July	6pm	Chair: To attend the Mayor of Seaford's Civic Service at Seaford Baptist Church, Seaford.
Monday 27 July	10.30am	Chair: To attend the Brighton University Summer Award ceremonies at the Brighton Dome.
Tuesday 28 July	10.30am	Chair: To attend the Brighton University Summer Award ceremonies at the Brighton Dome.
Thursday 30 July	11am	Chair: To attend a civic ceremony to reveal the Victoria Cross commemorative stone for Sidney Woodroffe at Lewes Library and a reception afterwards at the All Saints Centre, Lewes.
Thursday 30 July	4.30pm	Chair: To attend the Landport Youth Centre Girls Group Ninja Juicer event.

Friday 31 July	10.30am	Chair: To attend the Brighton University Summer Award ceremonies at the Brighton Dome.
Friday 31 July	7.30pm	Chair and Consort: To attend the Mayor of Peacehaven's Beetle Drive event in aid of HOMELINK at Community House, Peacehaven.
Tuesday 1 August	5pm	Chair and Consort: To attend Proms in the Paddock at The Paddock, Lewes.
Sunday 9 August	1pm	Chair and Consort: To attend the 73 rd Anniversary of the Dieppe Raid Reception and buffet lunch at Newhaven Fort and the Canadian Memorial, Newhaven.
Saturday 15 August	1pm	Chair: To attend the VJ Day 70 th Anniversary events at Newhaven Fort, Newhaven.
Sunday 16 August	11am	Chair: To attend a civic ceremony to reveal the Victoria Cross commemorative stone for Cuthbert Bromley at Seaford War Memorial and a reception afterwards at Seaford Library.
Tuesday 18 and Wednesday 19 August	Various	Chair and Consort: To attend the ceremonies and to participate in the wreath-laying event to commemorate the 73 rd Anniversary of the Dieppe Raid, Dieppe.
Friday 21 August	6pm	Chair: To attend the Artwave Launch at The Hive, Lewes.
Friday 21 August	6pm	Chair: To attend the Sussex Watercolour Society Private View at The Foundry Gallery, Lewes.
Thursday 27 August	2pm	Chair: To attend a visit to the St. Nicholas Centre, Lewes.
Tuesday 1 September	6pm	Vice-Chair: To attend the 71 st Anniversary of the Liberation of Dieppe commemorative events and to participate in the wreath-laying ceremony, Dieppe.

Thursday 3 September	5pm	Chair: To host and open the Heritage Open Days Weekend Launch event at Lewes House, Lewes.
Tuesday 8 September	6pm	Chair and Consort: To attend the High Sheriffs of East and West Sussex Sussex Spit Roast at The Old Rectory, Henfield.
Wednesday 9 September	10am	Chair: To attend the Wallands Fest cooking event, Lewes.
Thursday 10 September	7pm	Chair: To attend the TOLD Annual General Meeting at Landport Community Room, Lewes.
Saturday 12 September	4pm	Chair: To light candles at the Lewes Priory 'Priory by Candlelight' event at Priory Park, Lewes.
Friday 18 September	6pm	Chair: To host and present an award at the Artwave Favourites Awards at Lewes House, Lewes.
Saturday 19 September	10am	Chair: To attend a sponsored swim in aid of Macmillan at Pells Pool, Lewes.
Saturday 19 September	12pm	Chair: To attend the Lewes Chilli Festival at The Paddock, Lewes.
Saturday 19 September	1pm	Chair: To attend an apple-pressing event at the Linklater Pavilion, Lewes.
Sunday 20 September	11.30am	Chair: To attend the Lewes Branch of the Royal Air Forces Association – Wings Service and Ploughman's lunch, to celebrate the 75 th anniversary of the Battle of Britain at St Thomas Church, Lewes.
Sunday 20 September	1pm	Chair: To attend the Lewes International Soup Festival.
Sunday 20 September	2pm	Chair: To attend the Lewes Allotments Show, Lewes.
Thursday 24 September	10am	Chair: To attend the Big Macmillan Coffee Morning at The Lounge, Clevedon.

Friday 25 September	11am	Chair: To attend the Big Macmillan Coffee Morning at Southover House and to make a short speech.
Saturday 26 September	7pm	Chair: To attend a WW1 Commemoration Concert at Lewes Town Hall.
Sunday 27 September	7pm	Chair: To attend a performance of My Boy Jack at the All Saints Centre, Lewes.
Wednesday 30 September	7pm	Chair and Consort: To attend a Lewes Operatic Society performance of The Producers at Lewes Town Hall.
Wednesday 7 October	1.30pm	Chair: To attend the Ladies of the Lewes Branch of the RBL, Womens section Harvest tea at Reed Court, Lewes.
Wednesday 7 October	7.30pm	Chair: To attend a Lewes Group in Support of Asylum Seekers and Refugees meeting at Friends Meeting House, Lewes.

Agenda Item No: 8 **Report No:** 134/15
Report Title: Response to Petition: Meeching Down
Report To: Council **Date:** 14th October 2015
Cabinet Member: Cllr Andy Smith
Ward(s) Affected: Newhaven Valley
Report By: Gillian Marston, Director of Service Delivery
Contact Officer(s)-
Name(s): Bee Lewis
Post Title(s): Head of Property & Facilities
E-mail(s): bee.lewis@lewes.gov.uk
Tel No(s): 01273 661101

Purpose of Report:

To respond to the petition submitted to Council on 16th July regarding the proposed development of Meeching Down in Newhaven in relation to the New Homes project.

Officers Recommendation(s):

- 1 To note that the site known as Meeching Down in Newhaven has been identified to provide 100% affordable, council owned housing as part of the New Homes Project (also known as the 49 Sites).
- 2 To approve the recommendation that the Council undertakes further studies as identified within the ecology report to fully understand the potential for the site to support a range of wildlife and how any impact by development could be mitigated.
3. To approve the recommendation that the Council seeks to devolve the remainder of the site once built, to Newhaven Town Council, charging the site with a restrictive covenant and/or overage clause, to ensure the rest of the site is preserved as open space indefinitely.

Reasons for Recommendations

- 1 At the meeting on 16th July 2015, Council received a petition from Councillors Saunders and Carr containing a total of 1562 signatures. The petition stated:

“Meeching Down, known locally as The Union, is a woodland area widely used by local people of all ages for recreation, walking and relaxation. It is one of only a handful of green spaces in the area, is abundant with wildlife and provides an area of natural tranquillity in an otherwise urbanised area.

Whilst we recognise that there is a need for new and affordable homes in the town, we feel strongly that Meeching Down is not an appropriate site for development.”

Also submitted with the petition were two pages of typed comments from people who signed the petition, many of the comments related to concerns about the loss of a natural habitat and green space, and others related to the number of brownfield sites available in Newhaven for development, together with concerns about the extra infrastructure needed to support the additional housing.

Information

2

- 2.1 Purchasing or renting a home has become unaffordable for a significantly larger number of residents over the years. The average sale price for a home is £297,000 which is 65% higher than the national average. At the same time, rents have been rising and the average rent is now £1,080 per month, whereas the Local Housing Allowance (LHA) for a 2-bedroomed property is set at £769.92. A lack of homes for sale or rent is exacerbating the problem.
- 2.2 Residents within Lewes District have vastly different experiences of finding decent, affordable and secure homes. The Council is committed to increasing affordable housing and must look at the current asset base to deliver efficiencies.
- 2.3 There are approximately 1,700 people on the Housing Register and this number is forecast to grow by 549 per year, when only 244 homes become available in that time. The Council’s current mix of housing stock does not meet the demand for one and two bedroomed homes and the lack of availability means that the Council cannot offer housing within the short term to anyone but those in the most difficult circumstances.
- 2.4 In response to the local and national pressures, the Council recognised that there was an opportunity to close the gap between the current level of housing provision and the anticipated need, through more efficient stewardship of its assets. The Council also recognised that there was a lack of expertise and capacity within the authority to deliver innovative housing solutions and set about developing a project, known colloquially as the 49 sites, based on the principles of asset challenge to determine whether there were efficiencies from:

- (a)** continued maintenance (maintain status quo, as property is appropriate for current and future service needs);
- (b)** better utilisation (the opportunities for better property utilisation would be realised through a project);
- (c)** major investment (the future of the property has already been determined and major works such as refurbishment and extension etc are required.);
- (d)** long term development (retain property pending future sale for development); and
- (e)** surplus (dispose of property).

2.5 In May 2012 Cabinet approved a report seeking authority to enter into a partnership arrangement with a private sector development partner to bring forward a range of Council owned surplus sites for development. The objectives of the partnership arrangement would be to:

- (a)** Increase the value of Council owned properties prior to financially beneficial disposal;
- (b)** Make best use of Council assets to stimulate regeneration and deliver community benefits;
- (c)** To dispose of the maintenance liability of underperforming assets.

2.6 The Council advertised for a development partner in accordance with the European Procurement Directive. The bids were assessed against the following key objectives:

- (a)** Community benefit;
- (b)** Regeneration;
- (c)** Risk mitigation;
- (d)** Financial return.

2.7 Following a thorough and recognised negotiated tender process, in September 2014, Cabinet approved the appointment of a consortium bid between Karis Developments, Southern Housing Group and Conran Architects.

2.8 Meeting the projected housing need will be difficult given the restrictions on suitable and sustainable housing land capacity within district, which is in part due to the South Downs National Park designation (SDNP). The landscapes and communities as they exist are highly valued by residents and housing need must be addressed in a sensitive manner.

- 2.9** The Joint Core Strategy is the long-term plan for the district that outlines how many, where and how new houses might be built. Local authorities can use their planning powers to ensure that housing needs are met.
- 2.10** The initial examination into the Joint Core Strategy has been completed and the Planning Inspector was of the view that the Council and National Park Authority should “leave no stone unturned” in their attempts to plan for the delivery of our affordable and market housing need.

Meeching Down Ecology

- 2.11** Meeching Down (The Union) is a large (17 acre) site to the west of Newhaven. See Appendix A for an aerial view and plan of the site boundary.
- 2.12** The majority of the site is subject to non-statutory nature conservation designation and it is classified as a Site of Nature Conservation Importance (SNCI). This is a designation made by the District Council. There are 635 SNCIs in total across East and West Sussex.
- 2.13** Sussex Wildlife Trust (SWT) define SNCI to be:
- “...a non-statutory designation...recognised within the planning system. While there are no legal obligations attached to them, their special characteristics mean they are sites of high priority within the county and their maintenance is important.”*
- 2.14** SWT recommend that where a development is likely to affect an SNCI, a biodiversity survey and report will be necessary to establish any likely impacts upon the site and work has already started on this recommendation.
- 2.15** The Council conducted a preliminary ecological appraisal of the site to identify the ecology and wildlife at the site, provide information to enable a Site Investigation (SI) to be carried out by the Civil Engineering consultants and identify where further studies might need to be conducted.
- 2.16** The executive summary of the preliminary ecological report is included as Appendix B to this report. The report states that on-site woodland qualifies as a habitat of principle importance, however, the report also states that it is a ‘poor example’ of its type. The report identifies that the site has high potential to support breeding birds and badgers, moderate potential to support bats and low potential to support great crested newt, widespread reptiles and hazel dormouse. It is recommended that the Council undertakes further studies as identified within the report to fully understand the potential for the site to support a range of wildlife and how any impact by development could be mitigated.

- 2.17** At the time of writing this report, the Council is currently undertaking a SI at Meeching Down to determine the underlying structure of the site. The SI has been informed by the ecological survey, and an ecologist has been on site during the investigation to ensure any impact is minimal and areas of particular ecological value are avoided.

Proposals for the Site

- 2.18** The Council understands the sensitive nature of the site, both in terms of the ecology, but also the special relationship that residents and visitors have with the site. After the first round of consultation, it was clear that residents feel very strongly that the site required more thought and that many people were opposed to any kind of development.

The architects, Conran, working in collaboration with LDC and Karis have proposed an alternative plan, which if realised, offers the opportunity to build an exemplary development of approximately 65 Council-owned homes. The development will set a standard nationally for the quality of design for affordable homes, for the interaction of the development with the local ecology and for enhancement of the adjoining amenity open space. The proposals would see a conservation-led development being built at Meeching Down.

- 2.19** The Council is aware that there is a greater need for one and two bedroom affordable homes and the need for larger three or more family affordable homes has decreased. This requirement is offset against the current stock which is ageing and comprises mostly of larger properties. It is therefore proposed that the majority of the homes at Meeching Down will be one and two bedroom homes.
- 2.20** Mitigating the impact of the development on the ecology of the site and the wider environment of Newhaven will be key to the scheme's success. Information from Council records indicate that only approximately one-third of households on the housing register have a car, and it is proposed that much more is done to encourage use of the excellent transport links close to the site, which includes the regular 'Coaster' bus service that runs along the A259. This in turn presents the Council with an opportunity to propose a new type of development for the District where quality of the design and the quality of life for residents is prioritised above a potentially limited need for private vehicular parking.
- 2.21** The Council is also preparing to release a report on the air quality issues in Newhaven which are linked to the use of cars for personal transport. This project, which encompasses the development at Robinson Road (which will also be a limited parking scheme) and relocating the Council's waste and recycling depot facility outside the centre of the town, has the potential to reduce the adverse impact on air quality and the health of residents and people working in Newhaven.

- 2.22** In response to feedback received at the first consultation event, the number of homes proposed at the site has reduced and the majority of the of the wildflower and open field space to the north-west corner of the site will be retained. Approximately 75% of the exiting site will remain if housing is developed, and the majority of the site that will be used for housing is part of the dense woodland and not the open grassland that is the most used area of the site.
- 2.23** Through the design and planning process, the aim will be to improve the quality of the remaining open space with better access for all included as part of the planning application. Furthermore, it is recommended that the Council seeks to devolve the remainder of the site to Newhaven Town Council, charging the site with a restrictive covenant and/or overage clause, to ensure the rest of the site is preserved as open space indefinitely.
- 2.24** The Council is undertaking comprehensive preliminary and follow-up ecological and wildlife surveys at the site, and will be working with the rangers and seeking to work with local wildlife organisations to explore how the housing at the site can support ecological and wildlife biodiversity. The Council will also be looking wider to the neighbouring sites such as Castle Hill and Bollens Bush to retain and enhance an important green corridor from the sea to the Downs.
- 2.25** The proposal for the Meeching Down site is a 100% affordable council homes with significant contributions to both ecological and amenity impact mitigation. The exceptional nature of these proposals means that the site will not set a repeatable precedent for the District that would be viable or attractive to private developers.

The New Homes Project

- 2.26** The New Homes Project is structured to allow the Council to obtain maximum value on the sale of a number of sites to release funds that will be reinvested to build high-quality, affordable housing within the district.
- 2.27** The sites are split into three phases.
- (a)** Phase 1a sites will be designed collaboratively by the Council, the Consortium and in consultation with the public to ensure high quality homes. If planning permission is granted, these sites will be sold to Southern Housing Group who will then develop the sites.
- (b)** Phase 1b sites are allocated as affordable council owned homes. They will for rent and an element potentially made available shared ownership. Meeching Down is included in the list of sites within Phase 1b.

- (c) Phase 2 sites are a collection of smaller sites. It is anticipated that the sites will be sold with planning permission for development by a third party.
- 2.28 Planning applications for all of the different phases are grouped into waves. Treating the sites in this manner allows the partners to demonstrate the target of 40% affordable housing as an aggregate (and therefore higher number) across a range of mixed-size sites.
- 2.29 Wave 1 sites are those which fall within the Lewes District Council planning boundary and planning applications are expected by the end of 2015.
- 2.30 Wave 2 sites are those sites which fall within the South Downs National Park Planning Authority (SDNPA). It is anticipated that the planning applications for Wave 2 will be submitted in summer 2016.

Financial Appraisal

3

- 3.1 The proposed development of this site is part of an extensive project which will make best use of Council assets to stimulate regeneration, increase the supply of affordable homes and dispose of the maintenance liability of under-performing assets. As a whole, the project will generate both revenue and capital resources for the Council as follows:
 - (a) Revenue – under current Government grant arrangements, the Council will receive, for 6 years, New Homes Bonus funding for each additional housing unit which is constructed. The Council's share of this funding is currently £1,450 annually for each new affordable home. The Council's medium term financial strategy assumes that New Homes Bonus funding is used to support one-off projects which support the delivery of Council priorities.
 - (b) Capital – the expectation is that the project will deliver a capital receipt of several million pounds for the Council, which would be reinvested into the provision of more affordable homes such as those which are planned at Meeching Down.
- 3.2 In the case of the proposed development at Meeching Down, the new homes constructed would be owned by the Council and managed within the Housing Revenue Account (HRA). An initial financial model has been prepared, and will be kept under review as more information becomes available, to ensure that the development is both affordable (HRA capital expenditure is constrained by a Government cap on borrowing) and cost effective, providing a positive return to the HRA over time.

- 3.3** The cost of further studies to understand fully the ecology of the site and how the impact of development could be mitigated, can be met from the overall budget that the Council has agreed to facilitate the New Homes Project.
- 3.4** Devolution to Newhaven Town Council of the open space at the site, following development of the housing, would relieve the Council of low value maintenance costs. However, this would not be significant in relation to the Council's overall budget position.

Legal Implications

The Legal Services Department has made the following comments:

4

- 4.1** The District Council has signed a Conditional Sale Agreement with Karis Developments Limited and Southern Housing Group Limited. That Agreement relates to a portfolio of properties across Lewes District, one of which is the site at Meeching Down.
- 4.2** The Agreement proposes that the parties submit a joint planning application for affordable housing development at Meeching Down.
- 4.3** There are provisions in the Agreement which acknowledge that the parties need to carry out certain work prior to the submission of any planning application – for example, ground condition surveys, due diligence checks on title, formal agreement of the current use values of individual sites.
- 4.4** Planning applications are to be submitted in “Waves”. The first Wave comprises of a bundle of sites which are intended to be sold to third parties for private market housing, together with two sites (Robinson Road, Newhaven and Meeching Down, Newhaven) which are to be retained in the council's ownership and used to provide affordable housing. The sites have been “bundled” together in this “wave” so as to provide a collection of sites which , taken together, will provide the 40% affordable housing required by our planning policies.
- 4.5** The Agreement provides that if a site within the wave fails for one or more contemplated reasons eg ground condition survey reveals ground problems, or title check shows insurmountable problem, or all of these are sound but the site subsequently fails to secure a planning permission then the project can proceed without that site providing that a different site is substituted, or build densities are reduced on the private market housing sites, to ensure that we can still met the 40%affordable housing target.

- 4.6** The contract documentation caters for a number of possible contingencies. It sets out what will happen if a site fails for any one of a range of reasons set out in the agreement. In addition to the reasons already set out above (eg poor ground conditions, failure to obtain planning permission, inability of SHG to achieve satisfactory return on costs), the reasons include the inability of council to afford the build out of the affordable housing. All of the possible contingencies are identified in the contract documentation with clear procedures as to how they are to be interpreted and operate, and with provisos that matters be referred to independent experts in the event of dispute. The Agreement does not permit the council to simply change its mind, for none of the above reasons, and decide now to take out any site which has been included in the commercial deal.
- 4.7** If, in response to the petition, the Council decides to take Meeching Down out of the scheme for no reason which has been set out in the Agreement then it will be in breach of the commercial agreement it has signed. The consequences of doing this are set out in Appendix D.
- 4.8** Lawyers have considered whether a covenant made at the time Meeching Down was sold to Newhaven Urban District Council in 1924, which created restrictions on how the land could be used, was still enforceable against Lewes District Council as current owners of the land. On a related point, lawyers also considered whether the covenant imposed a charitable trust as this has been a raised with the Council as a potential barrier.
- 4.9** For added assurance, these issues were put to a barrister. He advised firstly that the restrictive covenant, which included a promise not to erect any house or building on the land (with minor exceptions), and to use it solely as a public pleasure ground, was most unlikely to be enforceable now; and secondly, that there is no basis for considering that the land is held by the Council in trust. In the absence of a trust, there can be no question of there being a charitable trust.

Risk Management Implications

5

- 5.1** The major risks, including risks pertaining to financial, legal, ecological and the ability to deliver affordable housing are contained within the body of the report, together with mitigations where appropriate.

Equality Screening

- 6** See Appendix C

Background Papers

7

Appendices

- 8** Appendix A: Aerial View and Boundary Plan
- Appendix B: Ecological Report – Executive Summary
- Appendix C: Equalities Impact Assessment
- Appendix D: Legal Advice (Exempt)

Appendix A – Meeching Down Aerial View and Boundary Plan



Executive Summary

The Ecology Consultancy was commissioned by Conran and Partners to undertake a Preliminary Ecological Appraisal (PEA) of Meeching Down, Newhaven, East Sussex.

The main findings of the PEA are as follows:

- The majority of the site is subject to a non-statutory nature conservation designation - Meeching Down Site of Nature Conservation Importance (SNCI). This designation is typically recognised as being of value up to a district level.
- The on-site woodland qualifies as a habitat of principal importance, however it is a poor example of its type. Although the on-site woodland and scrub were not intrinsically of high value, they represent a habitat type that is not very common in the district. They form part of the largest area of connected woodland and scrub habitats present in the parish.
- The site was considered to have high potential to support breeding birds and badger, moderate potential to support bats and low potential to support great crested newt, widespread reptiles and hazel dormouse. An invasive plant species was also confirmed as being present.
- The proposals for the site involve a loss of ecologically valuable habitats within a locally designated site, including habitats with potential to support protected species. In line with local planning policies any proposals to develop the site must demonstrate that the need for development clearly outweighs the potential harm caused, and/or that appropriate mitigation and compensation measures will be provided.
- It is recommended that the schemes architects work with the project ecologist to find ways in which the layout can be so designed as to minimise adverse effects on the SNCI, protected and/or notable species. These details should be captured within an Ecological Constraints and Opportunities Plan and accompanied with a detailed management plan. Any management plan should have the aim of enhancing the conservation value of retained habitats.
- If sufficient mitigation measures cannot be incorporated within the development, suitable provision for the loss of habitats should be made elsewhere in the locality.
- Recommended further survey work and mitigation measures for the site are as outlined below:
 - Depending on the final scheme layout a great crested newt survey may be required. As a minimum this would comprise a Habitat Suitability Index

- assessment (to be carried out at any time of year) with further survey work (if required) to be carried out between mid-March and June;
- A bat survey is required for the removal of woodland and trees. The tree assessment can be carried out at any time of year. If required this would be followed by up to three dusk emergence/dawn re-entry surveys to be carried out from May to August;
 - A badger survey is required. This can be carried out any time of year, but best carried out during the optimal period from February to April, or October;
 - A dormouse survey is required to eliminate any risk of an unexpected discovery of this species on-site. This should be carried out between April and November;
 - Clearance of vegetation with potential to support breeding birds and reptiles should be undertaken by the method outlined in Section 5 of this report and guided by the results of the further survey work;
 - should the presence of any other protected species be confirmed or suspected during works, these must cease immediately and the advice of an ecologist sought; and
 - all mature trees should be retained on site and protected in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction.
- There are opportunities to compensate for the loss of habitats and to enhance the biodiversity value of the site. These are described in detail in Section 5 of this report and include the removal of invasive species, woodland management, creation of log piles, inclusion of Sustainable Drainage Systems, landscape planting of wildlife value and bird boxes.

Appendix 1: Equality Analysis Report Template

Title:	Response to Petition: Meeching Down
EA Lead :	Bee Lewis, Head of Property & Facilities
EA Team:	
Date Commenced:	15th September 2015
Target Completion Date:	22nd September 2015
Reason for assessment:	Report to Council

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

To assess the equalities impact of the recommendations contained within the report to Council concerning Meeching Down in relation to the New Homes project.

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The recommendations, if approved, will enable the delivery of affordable housing in Newhaven

3. How does it relate to the demographics and needs of the local community?

Purchasing or renting a home has become unaffordable for a significantly larger number of residents over the years. The average sale price for a home 65% higher than the national average. The average rent is now £1,080 per month, whereas the Local Housing Allowance (LHA) for a 2-bedroomed property is set at £769.92. A lack of homes for sale or rent is exacerbating the problem.

Residents within Lewes District have vastly different experiences of finding decent, affordable and secure homes. The Council is committed to increasing affordable housing and must look at the current asset base to deliver efficiencies.

There are approximately 1,700 people on the Housing Register and this number is forecast to grow by 549 per year, when only 244 homes become available in that time. The Council's current mix of housing stock does not meet the demand for one and two bedroomed homes and the lack of availability means that the Council cannot offer housing within the short term to anyone but those in the most difficult circumstances.

4. How does it relate to the local and national political context?

In response to the local and national pressures, the Council recognised that there was an opportunity to close the gap between the current level of housing provision and the anticipated need, through more efficient stewardship of its assets.

5. Is there any obvious impact on particular equality groups?

	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant				Y						Y									Y		

6. How does it help to us meet our general duties under the Equality Act 2010?

The New Homes project aims to deliver affordable housing across Lewes District in line with current Housing Needs and Allocations policies. The policies do not discriminate against any people with protected characteristics.

7. What is the scope of this analysis?

Adopting the recommendations would lead to positive impacts for a number of people with protected characteristics, in particular disability, pregnancy and age. It will also deliver economic support and stability for people on low incomes.

Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

Housing Strategy 2012-16

Choice-Based Lettings Allocation Policy

Homelessness Strategy 2008-13

Older Persons Strategy 2011-15

Tenancy Strategy

Housing Needs Assessment

9.

What gaps in information were identified and what action was undertaken/is planned to address them?

None identified

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

A number of community consultation events have taken place (Peacehaven, East Chiltington, Lewes, Newhaven, Seaford). More are planned later in the year and prior to any planning application submissions. Additionally, officers are meeting with local interest groups such as Sussex Wildlife Trust, Seaford Seniors Forum and Seaford Resident's Voice. There is extensive information on the council's website relating to the scheme and people are encouraged to write in to share their thoughts and concerns. Homes in the area have been leafleted and there has been considerable press coverage.

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

There are concerns from the community about building on Meeching Down and the impact on a much-loved open space and wildlife habitat. Additionally, people are concerned about the amount of affordable housing that is proposed for Newhaven, together with the impact on local infrastructure.

12. What positive outcomes were identified?

In general, people are positive about the need for more housing. The proposed scheme at Meeching Down would deliver new housing for those in need, at affordable rents. The housing will be designed to appeal to people of all ages and in a mix of circumstances. The homes will be adaptable to take account of changes of circumstances.

13. What negative outcomes were identified?

Residents have demonstrated their clear concern for the disruption to wildlife and the changes that are proposed for Meeching Down.

Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Please see the body of the report for the recommendations					

Summary Statement


Between 15th September and 22nd September an Equality Analysis was undertaken by Bee Lewis, Head of Property & Facilities on the proposals for Meeching Down in relation to the New Homes project.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Approval

Director/Head of Service	Gillian Marston
Signed	
Dated	22 nd September 2015

Agenda Item No: 9 **Report No:** 135/15
Report Title: Response to Petition: The Buckle Car Park
Report To: Council **Date:** 14th October 2015
Cabinet Member: Cllr Andy Smith
Ward(s) Affected: Seaford West
Report By: Gillian Marston, Director of Service Delivery
Contact Officer(s)-
Name(s): Bee Lewis
Post Title(s): Head of Property & Facilities
E-mail(s): bee.lewis@lewes.gov.uk
Tel No(s): 01273 661101

Purpose of Report:

To respond to the petition submitted to Council on 16th July regarding the proposed disposal of The Buckle car park in Seaford in relation to the New Homes project.

Officers Recommendation(s):

- 1 To note that the site known as The Buckle, comprising of a car park, HGV park, public toilets, mini-recycling centre and a leased area, is ear-marked to provide housing as part of the New Homes Project (also known as the 49 Sites).
- 2 To approve the recommendation that officers review the provision of mini recycling points in the wider context of the agreed waste strategy..
3. To approve the recommendation that officers work with Seaford Town Council and groups such as the Seaford Seniors Forum to identify possible alternative locations and means of providing toilets within the area.
4. To approve the recommendation that Officers continue to work to identify mitigating actions for the loss of parking at The Buckle car park.

Reasons for Recommendations

- 1 At the meeting on 16th July 2015, Council received a petition from Councillor Wallraven and Sylvia Dunn containing a combined total of 2054 signatures. The petition stated:

“We the undersigned, residents of Seaford, East Sussex, and other regular users of the Buckle Car Park, object to the plans to sell off in order to build for development, the Buckle Car Park.

We call upon all levels of government involved in planning and building developers:

To reject this proposed plan

For Seaford Town Council to recognise Buckle Car Park as a community asset and register it as such with Lewes District in support of local residents views on the importance of retaining amenities in this area

For Lewes District to take note of the residents views and to not sell off this land for further development of the seafront.”

Information

2

- 2.1** Purchasing or renting a home has become unaffordable for a significantly larger number of residents over the years. The average sale price for a home is £297,000 which is 65% higher than the national average. At the same time, rents have been rising and the average rent is now £1,080 per month, whereas the Local Housing Allowance (LHA) for a 2-bedroomed property is set at £769.92. A lack of homes for sale or rent is exacerbating the problem.
- 2.2** Residents within Lewes District have vastly different experiences of finding decent, affordable and secure homes. The Council is committed to increasing affordable housing and must look at the current asset base to deliver efficiencies.
- 2.3** There are approximately 1,700 people on the Housing Register and this number is forecast to grow by 549 per year, when only 244 homes become available in that time. The Council’s current mix of housing stock does not meet the demand for one and two bedroomed homes and the lack of availability means that the Council cannot offer housing within the short term to anyone but those in the most difficult circumstances.
- 2.4** In response to the local and national pressures, the Council recognised that there was an opportunity to close the gap between the current level of housing provision and the anticipated need, through more efficient stewardship of its assets. The Council also recognised that there was a lack of expertise and capacity within the authority to deliver innovative housing solutions and set about developing a project, known colloquially as the 49 sites, based on the principles of asset challenge to determine whether there were efficiencies from:
- (a)** continued maintenance (maintain status quo, as property is appropriate for current and future service needs);

- (b) better utilisation (the opportunities for better property utilisation would be realised through a project);
- (c) major investment (the future of the property has already been determined and major works such as refurbishment and extension etc are required);
- (d) long term development (retain property pending future sale for development); and
- (e) surplus (dispose of property).

2.5 In May 2012 Cabinet approved a report seeking authority to enter into a partnership arrangement with a private sector development partner to bring forward a range of Council owned surplus sites for development. The objectives of the partnership arrangement would be to:

- (a) Increase the value of Council owned properties prior to financially beneficial disposal;
- (b) Make best use of Council assets to stimulate regeneration and deliver community benefits;
- (c) To dispose of the maintenance liability of underperforming assets.

2.6 The Council advertised for a development partner in accordance with the European Procurement Directive. The bids were assessed against the following key objectives:

- (a) Community benefit;
- (b) Regeneration;
- (c) Risk mitigation;
- (d) Financial return.

2.7 Following a thorough and recognised negotiated tender process, in September 2014, Cabinet approved the appointment of a consortium bid between Karis Developments, Southern Housing Group and Conran Architects.

The Buckle Car Park

2.8 The Buckle car park on Marine Parade, Seaford lies approximately 1.5km west of the town. The Buckle includes an area of land to the northeast of the site that is leased to the Environment Agency. Appendix A shows the aerial view and site plan edged in a thick black line.

2.9 The site was purchased in 1972 by Seaford Urban District Council and its ownership transferred to Lewes District Council in 1974.

- 2.10** Historically, the site has remained largely undeveloped since 1902. Current indications are that the site has been used as a car park with public conveniences since 1971, although prior to this, there had been a number of workshops and light industrial buildings on the site.
- 2.11** The car park was formerly known as The Buckle East (HGV only) and The Buckle West, but this was altered in 2013 as a result of the LDC parking review and the site is now known formally as The Buckle to reflect local nomenclature.
- 2.12** The site comprises of a free car park with a maximum stay of 12 hours with no overnight sleeping. There is also a toilet block provided with male, female and disabled facilities. The toilet block is open 24 hours a day, largely to serve the HGV car park, but also the night-time fishermen. There is also a mini-recycling centre which is well-used.
- 2.13** Residents have expressed concern at the loss of the mini recycling centre, however the Council will be implementing an improved recycling scheme which will remove the need for drop-off points such as the one located at The Buckle. Alternative facilities for residents to bring their recycling to will be sought if needed. It is recommended that officers review whether the bring site needs to be re-provided in the context of the agreed waste strategy.
- 2.14** There is anecdotal evidence that the toilets attract importuning, but there are no supporting crime statistics. There have been unauthorised encampments on the site within the last twelve months and it is thought to be an attractive site because of the proximity of the beach, the facilities on site and the fact that there is no height barrier on the HGV part of the car park.
- 2.15** There is no statutory duty to provide public toilets. LDC owns two of the public conveniences in Seaford, The Buckle and Place Lane, while Seaford Town Council (STC) own three sites: The Salts, The Martello and South Street. All sites are managed and serviced by LDC. It is recommended that officers work with STC and groups such as the Seaford Seniors Forum to identify possible alternative locations and means of toilet provision within the area.
- 2.16** Car park usage varies and it is frequently very busy in the high summer and at weekends from April – October when the weather is pleasant. It is also used in both high and low season by dog-walkers, anglers and surfers. There is some evidence of commuter use as Bishopstone Station is nearby.
- 2.17** LDC commissioned a transport study which included the parking profile of The Buckle to take account of the high use over the summer season. At the time of writing this report, the study has not been completed, however, some of the initial findings are as detailed overleaf:

- The maximum occupancy recorded was 70 cars on Saturday, 22nd August (Bank Holiday weekend), when there was overspill to the HGV park and fines were issued. The weather was clear and hot.
- On Sunday, 23rd of August, 15 cars were recorded at peak. The weather was overcast with some rain in the morning, but dry after midday.
- There were a small number of long term parking vehicles, a small number using the refuse collection point and the public toilet facilities. The main reason to use the car park seemed to be dog-walking, fishing and/or spending time at the beach.
- On Friday the 11th September, usage peaked at 39 cars. The weather was dry and sunny.
- On Saturday the 12th September, the usage peaked at 21 vehicles. The weather was dry with sunny spells, but was windy.

The study will be made available once the final version has been received and will help the Council understand the impact on leisure and business users of the loss of The Buckle site. The study will also highlight any actions that can be taken to mitigate these effects. The impact of additional traffic along the A259 and Marine Parade will also be considered.

It is recommended that officers continue to explore alternative options for parking solutions, based on the findings of the transport study.

The Environment Agency

- 2.18** The Environment Agency lease part of the land earmarked for development and commercial discussions are ongoing. Two principles have been established. Firstly, that the Environment Agency will be no worse off by relocating than in their current location. Secondly, that the ongoing defense and protection of Seaford Bay will not be compromised.

The New Homes Project

- 2.19** The New Homes Project is structured to allow the Council to obtain maximum value on the sale of a number of sites to release funds that will be reinvested to build high-quality, affordable housing within the district.
- 2.20** The sites are split into three phases.
- (a)** Phase 1a sites will be designed collaboratively by the Council, the Consortium and in consultation with the public to ensure high quality homes. If planning permission is granted, these sites will be sold to

Southern Housing Group who will then develop the sites. The Buckle is one of the sites within Phase 1a and all of the homes will be private housing to meet the objective of maximising the Council's assets to reinvest into affordable housing.

- (b)** Phase 1b sites are allocated as affordable housing sites. They will be for rent and an element potentially made available for shared ownership. The Buckle is included in the list of sites within Phase 1b.
 - (c)** Phase 2 sites are a collection of smaller sites. It is anticipated that the sites will be sold with planning permission for development by a third party.
- 2.21** Planning applications for all of the different phases are grouped into waves. Treating the sites in this manner allows the partners to demonstrate the target of 40% affordable housing as an aggregate (and therefore higher number) across a range of mixed-size sites.
- 2.22** Wave 1 sites are those which fall within the Lewes District Council planning boundary and planning applications are expected by the end of 2015.
- 2.23** Wave 2 sites are those sites which fall within the South Downs National Park Planning Authority (SDNPA). It is anticipated that the planning applications for Wave 2 will be submitted in summer 2016.

Financial Appraisal

3

- 3.1** The proposed development of this site is part of an extensive project which will make best use of Council assets to stimulate regeneration, increase the supply of affordable homes and dispose of the maintenance liability of under-performing assets. As a whole, the project will generate both revenue and capital resources for the Council as follows:
- (a)** Revenue – under current Government grant arrangements, the Council will receive, for 6 years, New Homes Bonus funding for each additional housing unit which is constructed. The Council's share of this funding is currently £1,170 annually for each new home. The Council's medium term financial strategy assumes that New Homes Bonus funding is used to support one-off projects which support the delivery of Council priorities.
 - (b)** Capital – the expectation is that the project will deliver a capital receipt of several million pounds for the Council, which would be reinvested into the provision of more affordable homes. This site at The Buckle is one of those which has been identified as most suited for development as

private housing for sale and, as such, can be expected to generate a significant capital receipt.

- 3.2 The cost of additional studies which may be required to identify alternative locations for toilet facilities within Seaford or to identify mitigating actions for the loss of parking at The Buckle can be met from the overall budget that the Council has agreed to facilitate the New Homes Project.

Legal Implications

The Legal Services Department has made the following comments:

4

- 4.1 The District Council has signed a Conditional Sale Agreement with Karis Developments Limited and Southern Housing Group Limited. That Agreement relates to a portfolio of properties across Lewes District, one of which is the site at the Buckle.
- 4.2 The Agreement proposes that the parties submit a joint planning application for residential development at the Buckle. It is intended that the application will be for private market housing and that in the event of planning permission being granted the site will be sold to Southern Housing Group (SHG) for a price which reflects the value of the site with planning permission. It is intended that the receipt from the sale of the site will fund the provision of affordable housing elsewhere in the district.
- 4.3 There are provisions in the Agreement which acknowledge that the parties need to carry out certain work prior to the submission of any planning application – for example, ground condition surveys, due diligence checks on title, formal agreement of the current use values of individual sites.
- 4.4 The Agreement further provides that, prior to purchase SHG shall have the right to carry out a viability appraisal on each site they are intending to purchase to make sure that it gives them a satisfactory return on cost. (Details of how this is calculated are set out in the Agreement).
- 4.5 Planning applications are to be submitted in “Waves”. The first Wave comprises the Buckle together with a range of other smaller value sites which are intended to be sold to third parties for private market housing, and two sites (Robinson Road, Newhaven and Meeching Down, Newhaven) which are to be retained in the council’s ownership and used to provide affordable housing. The sites have been “bundled” together in this “wave” so as to provide a collection of sites which , taken together, will provide the 40% affordable housing required by our planning policies.

- 4.6** The developer has identified the Buckle as a key site within the portfolio and this has implications for the viability of the development project as a whole. For example, if a less significant site within the wave fails for one or more contemplated reasons eg ground condition survey reveals ground problems, or title check shows insurmountable problem, or all of these are sound but the site subsequently fails to secure a planning permission then the project can proceed without that site providing that a different site is substituted, or build densities are reduced on the private market housing sites, to ensure that we can still meet the 40%affordable housing target.
- 4.7** However, the identification of the Buckle as a key site means that in the event of the Buckle failing for any of the above reasons then the whole “wave” will collectively fail. In effect this means that the 10 sites which make up the first wave will fall out of the scheme, including those identified for affordable housing. This will mean that the continuation of the project will rest entirely on the prospect of the second wave (which is a collection of sites within the South Downs National Park’s planning jurisdiction) clearing all hurdles. If a key site in the second wave also fails then the project as a whole will fall.
- 4.8** The contract documentation caters for a number of possible contingencies. It distinguishes between key sites and non-key sites. It sets out what will happen if a key site fails, and one or more non-key site fail, for any one of a range of reasons set out in the agreement. In addition to the reasons already set out above (eg poor ground conditions, failure to obtain planning permission, inability of SHG to achieve satisfactory return on costs), the reasons include the inability of council to afford the build out of the affordable housing. All of the possible contingencies are identified in the contract documentation with clear procedures as to how they are to be interpreted and operate, and with provisos that matters be referred to independent experts in the event of dispute. The Agreement does not permit the council to simply change its mind, for none of the above reasons, and decide now to take out any site, let alone a site such as the Buckle which has been identified as a key site within the commercial deal.
- 4.9** If, in response to the petition, the council decides to take The Buckle out of the scheme for no reason which has been set out in the Agreement then it will be in breach of the commercial agreement it has signed. The consequences of doing this are set out in the exempt legal advice attached.

Risk Management Implications

- 5** The risk management implications are contained within the body of the report.

Equality Screening

6 Please see Appendix B

Background Papers

7 None

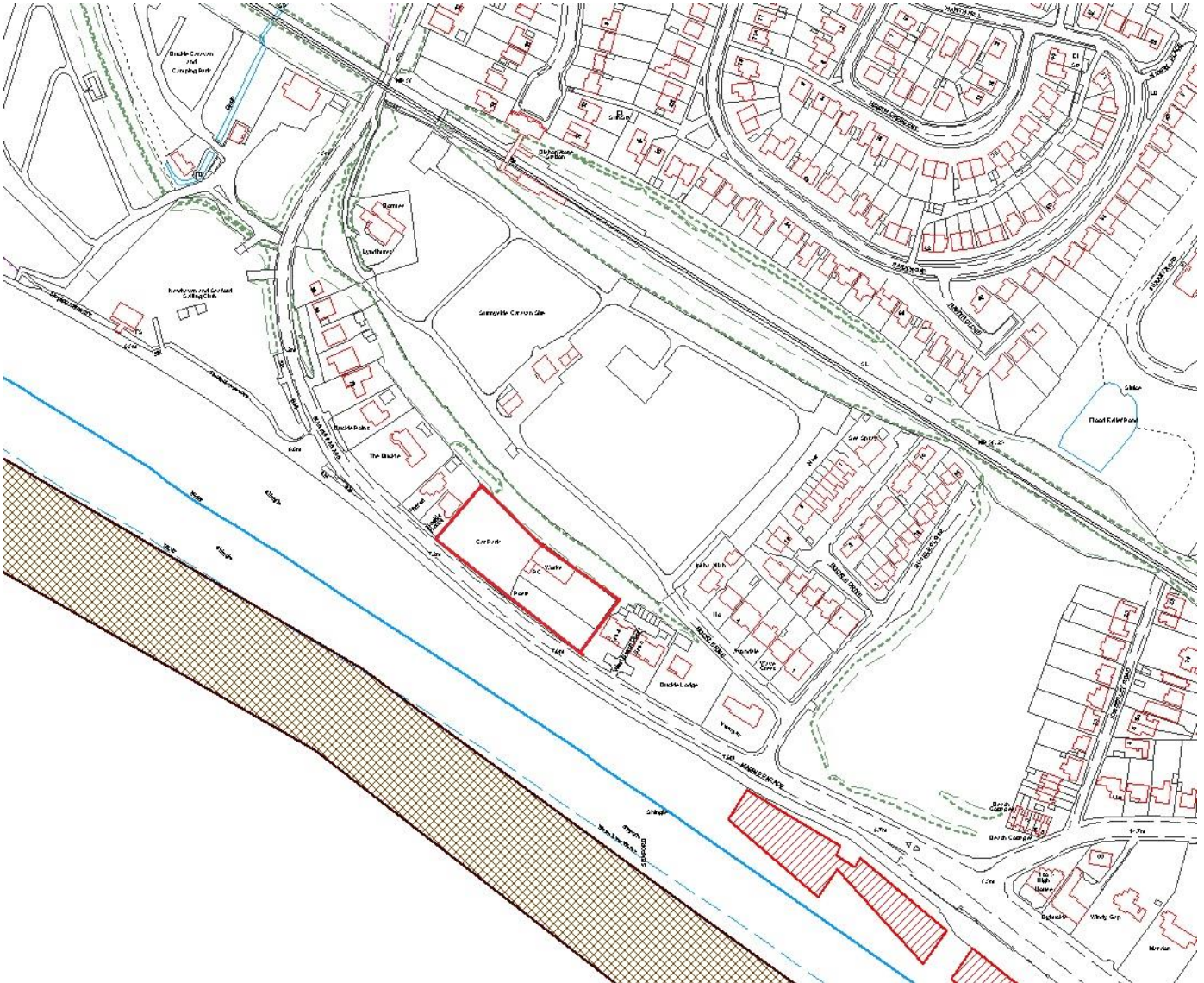
Appendices



8 Appendix A Aerial View and Plan of The Buckle

Appendix B Equality Impact Assessment

Appendix C Legal Advice (Exempt)

Appendix A – Site Plan and Aerial View



 Lewes District Council www.lewes.gov.uk Property Contracts & Facilities	Buckle Hill Car Park inc Leased Land			N 
	5479093/99662	DP 297	SCALE: 1:2500	PLAN NO. E018/15
	Reproduced from Ordnance Survey mapping with permission of the Controller of HMSO. Crown Copyright Reserved.			REV:



Appendix 1: Equality Analysis Report Template

Title:	Response to Petition: The Buckle
EA Lead :	Bee Lewis, Head of Property & Facilities
EA Team:	
Date Commenced:	15th September 2015
Target Completion Date:	22nd September 2015
Reason for assessment:	Report to Council

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

To assess the equalities impact of the recommendations contained within the report to Council concerning The Buckle in relation to the New Homes project.

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The recommendations, if approved, will enable the delivery of affordable housing across the district

3. How does it relate to the demographics and needs of the local community?

Purchasing or renting a home has become unaffordable for a significantly larger number of residents over the years. The average sale price for a home 65% higher than the national average. The average rent is now £1,080 per month, whereas the Local Housing Allowance (LHA) for a 2-bedroomed property is set at £769.92. A lack of homes for sale or rent is exacerbating the problem.

Residents within Lewes District have vastly different experiences of finding decent, affordable and secure homes. The Council is committed to increasing affordable housing and must look at the current asset base to deliver efficiencies.

There are approximately 1,700 people on the Housing Register and this number is forecast to grow by 549 per year, when only 244 homes become available in that time. The Council's current mix of housing stock does not meet the demand for one and two bedroomed homes and the lack of availability means that the Council cannot offer housing within the short term to anyone but those in the most difficult circumstances.

4. How does it relate to the local and national political context?

In response to the local and national pressures, the Council recognised that there was an opportunity to close the gap between the current level of housing provision and the anticipated need, through more efficient stewardship of its assets.

5. Is there any obvious impact on particular equality groups?

	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant					X						X									X	

6. How does it help to us meet our general duties under the Equality Act 2010?

The New Homes project aims to deliver affordable housing across Lewes District in line with current Housing Needs and Allocations policies. The policies do not discriminate against any people with protected characteristics.

7. What is the scope of this analysis?

Adopting the recommendations would lead to positive impacts for a number of people with protected characteristics, in particular disability, pregnancy and age. It will also deliver economic support and stability for people on low incomes.

Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

Housing Strategy 2012-16

Choice-Based Lettings Allocation Policy

Homelessness Strategy 2008-13

Older Persons Strategy 2011-15

Tenancy Strategy

Housing Needs Assessment

9.

What gaps in information were identified and what action was undertaken/is planned to address them?

None identified although the results of the transport study are awaited.

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

A number of community consultation events have taken place (Peacehaven, East Chiltington, Lewes, Newhaven, Seaford). More are planned later in the year and prior to any planning application submissions. Additionally, officers are meeting with local interest groups such as Sussex Wildlife Trust, Seaford Seniors Forum and Seaford Resident's Voice. There is extensive information on the council's website relating to the scheme and people are encouraged to write in to share their thoughts and concerns. Homes in the area have been leafleted and there has been considerable press coverage.

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

There are concerns from the community about building on The Buckle and the loss of a widely appreciated car park, public toilet and recycling facilities. Additionally, people are concerned that there is no affordable housing proposed for Seaford, together with the impact on local infrastructure.

12. What positive outcomes were identified?

In general, people are positive about the need for more housing. The proposed scheme at The Buckle would enable new housing for those in need, at affordable rents across the district.

13. What negative outcomes were identified?

Loss of the public toilet facilities may have a negative impact upon a number of protected groups. Many people rely on the provision of public facilities because of medical conditions. Pregnant women and parents with children may also be affected. The nearest alternative facilities are at The Salts, but operate shorter opening hours in the winter, whereas The Buckle is open 24 hours a day. Although there is a disabled toilet at The Salts, access to it is difficult from Marine Drive because of the incline of the slope down to the building.



Lewes District Council

The loss of parking spaces at the western end of the beach may also impact on certain groups. For example the beach is generally much flatter and easier to access at that point.

Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Please see the body of the report for the recommendations					

Summary Statement


Between 15th September and 22nd September an Equality Analysis was undertaken by Bee Lewis, Head of Property & Facilities on the proposals for Meeching Down in relation to the New Homes project.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Approval

Director/Head of Service	Gillian Marston
Signed	
Dated	22 nd September 2015



**Cabinet recommendations for consideration by Council
at the Meeting of the Council on Wednesday, 14 October 2015**

Cabinet – 24 September 2015

23 Adoption of the Community Infrastructure Levy (CIL) – Charging Schedule

The Cabinet considered Report No 119/15 which related to a proposal to recommend to the Council, the adoption and implementation of the Community Infrastructure Levy (CIL) Charging Schedule for Lewes District Council Charging Area, a copy of which was set out at Appendix 1 to the Report.

The CIL was a mechanism that was introduced by Government in 2010 to allow local planning authorities to raise funds from some forms of development in order to pay for the infrastructure that was, or would be, needed as a result of that new development. It was applied on a £'s per square metre basis and replaced the existing tariff-based approach for collecting planning infrastructure contributions. From April 2015, CIL would be the only significant means by which local authorities would be able to collect and 'pool' developer contributions to deliver infrastructure improvements.

CIL had a number of significant advantages over the current system of Section 106 agreements, further details of which were set out in paragraph 1.3 of the Report. CIL could be spent on any community infrastructure required to support growth, provided the infrastructure was contained within the Council's published Regulation 123 list, a copy of which was set out at Appendix 2 to the Report.

The Council had submitted its Draft Charging Schedule to the Planning Inspectorate for independent examination on 16 September 2014. The examination was held on 14 April 2015 and the Council had received the Examiner's Final Report on 17th July 2015, a copy of which was set out at Appendix 4 to the Report. The Examiner's Report had concluded that the

Lewes District Council Community Infrastructure Levy Charging Schedule provided an appropriate basis for the collection of the levy in the area. The Council had sufficient evidence to support the Schedule and could show that the levy was set at levels that would not put the overall development of the area at risk. The Examiner had recommended that the Schedule should be approved in its published form, without changes.

Paragraph 3 of Report No 119/15 set out details relating to the CIL Charges and Implementation Policies. A copy of the Instalments Policy was set out at Appendix 3 to the Report.

The benefits to the Council of adopting the Schedule at the earliest opportunity were clear in that CIL currently presented the most effective lawful mechanism to collect developer contributions towards meeting the Council's infrastructure requirements. Implementation of CIL would commence on 1 December 2015 and, therefore, any CIL liable applications determined therefrom would have a CIL Charge applied to them. The Council would widely publicise its intention to start applying CIL, in particular with agents and developers, in order to ensure that any required CIL charges did not come as a surprise.

Resolved:

- | | | |
|-------------|--|------|
| 23.1 | That the Community Infrastructure Levy (CIL) Charging Schedule, as set out at Appendix 1 to Report No 119/15, be approved in line with the recommendation of the Examiner's Final Report; | DBSD |
| 23.2 | That the Regulation 123 List, as set out at Appendix 2 to the Report and the Instalments Policy and Infrastructure Payments Policy, as set out at Appendix 3 to the Report, that support the implementation of the Community Infrastructure Levy, be approved; | DBSD |
| 23.3 | That the withdrawal, from 1 December 2015, of the Supplementary Planning Guidance (SPG) "The Provision of Outdoor Playing Space as Part of New Residential Development", which had been approved by Cabinet on 30 January 2002, be noted; and. | |
| 23.4 | That the withdrawal, from 1 December 2015, of the Lewes District Council Schedule of Developer Contributions 2014/2015, be noted. | |

It was further

Recommended:

- | | | |
|-------------|---|----------------|
| 23.5 | That the Community Infrastructure Levy (CIL) Charging Schedule, as referred to in 23.1 above, be adopted to come into force from 1 December 2015; and | DBSD (to note) |
| 23.6 | That the Regulation 123 List and the Instalments Policy and Infrastructure Payments Policy, as referred to in 23.2 above, be | DBSD (to note) |

published.

Reasons for the Decisions:

It is a legal requirement, set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) to refer the decision relating to the adoption of a CIL Charging Schedule to Full Council.

The adoption of a CIL Charging Schedule will allow the Council to secure funding to help deliver the level of infrastructure necessary to support development, in light of the recent change to the S106 mechanism:

Since the 6th April 2015 the Council has been unable to pool more than 5 contributions (from agreements entered into since 6th April 2010) from new development to fund infrastructure projects. This has made it difficult to use S106 to secure appropriate funding.

The Playing Space Supplementary Planning Guidance and the Schedule of Developer Contributions should be considered as effectively redundant from 1 December 2015 when CIL is implemented as the full restrictions over the use of S106 agreements contained within the CIL Regulations 2010 (as amended) come into force once CIL is operational. Once the CIL Charging Schedule takes effect, the Council cannot seek planning obligations towards infrastructure projects or types of infrastructure listed on the Regulation 123 List.

† *The Recommendations, and not the Resolutions, in the above Minute are for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 119/15 which was circulated with the agenda papers for the meeting of the Cabinet on 24 September 2015. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 471600.

Agenda Item No: 16 **Report No:** 136/15
Report Title: Scrutiny Committee Work Programme 2015/16
Report To: Full Council **Date:** 14 October 2015
Cabinet Member: Councillor Elayne Merry
Ward(s) Affected: All wards
Report By: Nazeya Hussain, Director of Business Strategy and Development
Contact Officer(s)-
Name(s): Rachel Allan
Post Title(s): Performance Officer (Scrutiny)
E-mail(s): rachel.allan@lewes.gov.uk
Tel No(s): 01273 471600 x 6228

Purpose of Report:

1. To seek Council's approval for the Scrutiny Committee's Work Programme for 2015/16.

Officers Recommendation:

2. That Council agree the Scrutiny Committee's Work Programme for 2015/16 as set out in the Appendix.

Reason for Recommendation

3. To meet the requirement of the Council's Constitution with regard to the preparation, execution and adjustment of the work programme.

Information

- 1 Scrutiny is a process for councillors to review decisions and policies of the Council and Cabinet, and to consider whether they are right for the District. Scrutiny gives councillors the opportunity to explore issues in depth and undertake reviews on specific topics where appropriate as well as examine the Council's performance.
- 2 The Scrutiny Committee agreed its Work Programme, as set out in the Appendix, as its meeting on 18 June 2015. For the Scrutiny Committee, the work programme may require more flexibility than some other committees, to allow for the scrutiny of emerging issues during the year. However, there are a number of on-going issues that form the normal part of the Committee's business, such as monitoring of the Council's performance and the Council's budget.

- 3 These standard items, together with some further items which the Committee has previously agreed, are included in a draft work programme set out at Appendix A.
- 4 Two topics have already been included in the Work Programme as they were agreed at the Full Council meeting on 25 February 2015. These are:
 - Village Agent Schemes
 - Lewes District Council becoming a Living Wage authority

Financial Appraisal

- 5 An annual budget of £1,000 is available to support the work of the Scrutiny Committee and its Scrutiny Panels. Any costs associated with the proposed work programme are expected to be minor and can be contained within that budget.

Legal Implications

- 6 This report gives effect to the council's Scrutiny Procedure Rules, which requires the annual Work Programme to be submitted to Council for approval.

Risk Management Implications

- 7 There is no requirement for an analysis of risk.

Equality Screening

- 8 An equalities analysis is not considered necessary for this routine monitoring report. Individual projects and service areas are subject to separate equality analysis as part of the Council's wider equality programme.

Background Papers

- 9 None

Appendices

- 10 Appendix A – Scrutiny Committee Work Programme 2015/16

Appendix A

Scrutiny Committee Work Programme 2015/16

May 2015	No meeting
June 2015	Chair of the Council's Annual Business Report Consider Work Programme Performance Monitoring – Quarter 4
July 2015	No meeting
August 2015	No meeting
September 2015	Village Agent Schemes Scoping Report Living Wage Scoping Report Performance Monitoring – Quarter 1
October 2015	No meeting
November 2015	Performance Monitoring – Quarter 2
December 2015	No meeting
January 2016	Consider budgetary matters and report to Cabinet Voluntary Sector Monitoring
February 2016	No meeting
March 2016	Consider crime and disorder matters Performance Monitoring – Quarter 3
April 2016	Consult relevant bodies for suggestions for 2015/16 Work Programme