

Cabinet

28 October 2019



Time and venue:

2.30 pm in the Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB

Membership:

Councillor Zoe Nicholson (Chair); Councillors James MacCleary (Vice-Chair) Matthew Bird, Julie Carr, Chris Collier, Johnny Denis, William Meyer, Emily O'Brien and Ruth O'Keeffe

Quorum: 4

Published: Friday, 18 October 2019

Agenda

1 Minutes of the meeting held on 16 September 2019 (Pages 5 - 12)

2 Apologies for absence

3 Declarations of interest

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

4 Urgent items

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

5 Public question time

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

6 Written question from councillors

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

7 Matters referred to the Cabinet

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

None.

8 Local Council Tax Reduction Scheme and Council Tax Class C Discount
(Pages 13 - 18)

Report of Director of Service Delivery
Lead Cabinet member: Councillor Zoe Nicholson

9 Pesticide policy and pollinator strategy (Pages 19 - 54)

Report of Director of Service Delivery
Lead Cabinet members: Councillors Matthew Bird and Julie Carr

10 Community Infrastructure Levy Spending Recommendations
(Pages 55 - 90)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Emily O'Brien

11 Draft Revised Statement of Community Involvement (Pages 91 - 152)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Emily O'Brien

12 Adoption of the Newhaven Neighbourhood Plan (Pages 153 - 158)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Emily O'Brien

13 Property Disposal and Transfer Policy Revision (Pages 159 - 172)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor Zoe Nicholson

14 Housing development update (Pages 173 - 184)

Report of Deputy Chief Executive and Director of Regeneration and Planning
Lead Cabinet member: Councillor William Meyer

Information for the public

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Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: A member of the Council may ask the Leader, a Cabinet Member or the Chair of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or subcommittee when that item is being received or under consideration by the Council.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

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Cabinet

Minutes of meeting held in Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB on 16 September 2019 at 2.30 pm

Present:

Councillor Zoe Nicholson (Chair)

Councillors James MacCleary (Vice-Chair), Matthew Bird, Julie Carr, Chris Collier, Johnny Denis, William Meyer, Emily O'Brien and Ruth O'Keeffe

Officers in attendance:

Robert Cottrill (Chief Executive), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Homira Javadi (Chief Finance Officer), Tim Whelan (Director of Service Delivery), Peter Finnis (Assistant Director for Corporate Governance), Catherine Knight (Assistant Director of Legal and Democratic Services), Oliver Dixon (Senior Lawyer and Data Protection Officer), Jo Harper (Head of Business Planning and Performance), Ed Hele (Functional Lead (Quality Environment)), Millie McDevitt (Performance and Programmes Lead), Simon Russell (Committee and Civic Services Manager) and Peter Sharp (Head of Regeneration)

Visiting members in attendance:

Councillor Liz Boorman (Deputy-Chair of Scrutiny Committee), Councillor Roy Burman, Councillor Roy Clay (Chair of Devolution Committee) and Councillor Isabelle Linington (Leader of the Opposition)

22 Minutes of the meeting held on 1 July 2019

The minutes of the meeting held on 1 July 2019 were submitted and approved and the Chair was authorised to sign them as a correct record.

23 Apologies for absence

An apology for absence was reported from visiting member and Chair of Scrutiny Committee, Councillor Joe Miller and Ms Debbie Twitchen, Tenants' Representative.

24 Declarations of interest

None were declared.

25 Order of business

The Chair agreed to consider agenda item 12 (Treasury management report) before agenda item 11 (Portfolio progress and performance report quarter 1 – 2019-2020).

26 Matters referred to the Cabinet

The Cabinet were advised that Scrutiny Committee at its meeting on 12 September 2019 considered the Cabinet decision in relation to the “Housing finance for short term letting development” report and the development at 20 Fort Road, Newhaven.

Scrutiny Committee recommended the following:

- That the Cabinet make the modular development units available for permanent tenancies for those with a local need, and alternative temporary accommodation could be designated elsewhere in the Council’s housing stock.
- That the Cabinet continue to consider sites adjacent to the proposed development.

Visiting member, Councillor Linington also confirmed that Scrutiny Committee had recommended that a review be undertaken to look at reducing costs of other smaller development sites around the District, given the development of new technology.

Resolved (Unanimous):

It was agreed that a report would be considered by Cabinet at a future date, incorporating the recommendations detailed above.

27 Seaford Health Hub - scheme progress

The Cabinet considered the report of the Director of Regeneration and Planning providing an update on progress in relation to the Seaford Health Hub and identifying key matters under consideration as the proposals evolve.

Visiting member, Councillor Liz Boorman, Deputy-Chair of Scrutiny Committee provided an update on the Scrutiny Seaford Health Hub meetings that had taken place so far.

Resolved (Non-key decision):

To note the update on the Seaford Health Hub project and that a further report would be presented to Cabinet which would include a strategic, financial, technical and design review of the scheme once completed.

Reason for decision:

To provide an update on the Seaford Health Hub actions to be taken in advance of a full business case being presented at a future Cabinet.

28 Contingency planning for no-deal Brexit

The Cabinet considered the report of the Assistant Director for Corporate Governance briefing the Cabinet on the Council's preparedness for a no-deal Brexit.

The Assistant Director for Corporate Governance updated the Cabinet of developments since publication of the report in respect of Newhaven Port and summarised the Council's duties and arrangements in respect of emergency response planning.

The Cabinet discussed the report and agreed to make some additional resolutions and this was detailed below.

Resolved (Non-key decision):

- (1) To note the Council's preparations and readiness for the UK leaving the EU without a formal agreement or transition period;
- (2) To note East Sussex County Council's statement at paragraph 3.8 on traffic issues at Newhaven Port under a no-deal Brexit scenario.
- (3) That, in the absence of recent contact, the Cabinet resolve to write to the Department for Transport, in liaison with East Sussex County Council and seek current information and assurance in respect of the impact on Newhaven Port in the event of no-deal Brexit.
- (4) That the Council liaise with the Citizens Advice Bureau to explore ways in which advice and support on applying to the EU Settlement Scheme can be given for European Union Nationals living in the District.
- (5) That the Council investigate the feasibility of longer term emergency collaboration with other public sector agencies in the event of prolonged issues relating to shortages.

Reason for decisions:

Local government should be prepared to leave the EU by the end of October, and the Council has both a general role to play and a specific responsibility as the Newhaven Port Health Authority.

29 Finance update - Provisional outturn 2018/19 and performance quarter 1 2019-20

The Cabinet considered the report of the Chief Finance Officer, updating members on the Council's 2018/19 outturn in advance of audit and the financial performance in quarter 1 for 2019/20.

The Cabinet thanked officers for their work in producing the report.

Resolved (Non-key decision):

- (1) To agree the update on outturn 2018/19
- (2) To agree the General Fund financial performance for the quarter ended June 2019.
- (3) To agree HRA financial performance for the quarter ended June 2019.
- (4) To agree the amended capital programme as set out at appendix 2 to the report.
- (5) To agree the Treasury Management performance.

Reason for decisions:

To enable Cabinet members to consider specific aspects of the Council's financial performance.

30 Treasury management report

The Cabinet considered the report of the Chief Finance Officer presenting the quarterly treasury management report and the annual treasury management report for 2018/19.

Resolved (Key decision):

- (1) To confirm that Treasury Management Activity for the period 1 March to 30 June 2019 has been in accordance with the approved Treasury Strategies for that period.

Recommended to Council (Budget and policy framework):

- (2) To endorse the following recommendation from Audit and Standards Committee to Council that the annual Treasury Management report for 2018/19 be agreed and the 2018/19 Prudential and Treasury Indicators included in the report be approved.

Reason for decisions:

Requirement of CIPFA Treasury Management in the Public Sector Code of Practice (the Code) and this has to be reported to Full Council.

31 Portfolio progress and performance report quarter 1 - 2019-2020

The Cabinet considered the report of the Director of Regeneration and Planning considering the Council's progress and performance in respect of key projects and targets for the first quarter of the year (January – March 2019) as detailed at appendix 1 to the report.

Councillor O'Brien requested that officers be thanked for their work in the Council being successful in the first round of the Future High Streets fund, reported in the quarter.

The Cabinet and visiting members discussed the key performance indicators up to 31 March 2019 that were reported as below target and were not expected to be completed in time. Commentary in relation to the indicators was detailed in the report. The comments from Scrutiny Committee at its meeting on 12 September 2019 were also reported.

Resolved (Non-key decision):

(1) To note progress and performance for quarter 1 as well as the overall performance for 2019/20

(2) To consider the recommendations made by the Scrutiny Committee.

Reason for decisions:

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

32 Wave Leisure Trust - Lewes District Council Contract Annual Review 2018/19

The Cabinet considered the report of the Director of Tourism and Enterprise regarding the 2018/19 Annual Service Delivery Plan for Wave Leisure Trust and the annual service delivery objectives.

Mr Duncan Kerr, Chief Executive of Wave Leisure presented the report and responded to questions from the Cabinet. He confirmed that statistics on complaints would be included in future reports submitted to the Cabinet.

Following discussion, the Cabinet made a slight addition to resolution two in relation to the performance indicators and this was detailed below.

Mr Kerr reported on Wave Leisure's recognition as a non-statutory service at a national level by UK Active and the NHS for their work in Lewes District. The Cabinet congratulated Mr Kerr for Wave Leisure's continued work and efforts.

Resolved (Non-key decision):

(1) To note and approve Wave Leisure Trust's performance against the Lewes District Council contract Annual Service Delivery Plan for 2018/2019.

(2) To approve the annual service delivery objectives for 2020/21, subject to a review of the performance indicators, in liaison with the Lead member for tourism and devolution.

Reason for decisions:

The agreement between the Council and Wave Leisure Trust required Cabinet to approve a review of the LDC contract Annual Service Delivery Plan on an annual basis and to receive a report on the performance of the Trust. Additionally, Cabinet was required to approve the joint objectives proposed for the forthcoming financial year.

33 Newhaven Fort

The Cabinet considered the report of the Director of Regeneration and Planning noting the issues regarding the existing Newhaven Fort bridge and sought agreement that funds be set aside for its replacement from the Council's capital programme.

The Cabinet clarified to the public that there was one entrance into the Fort, therefore if the work was not undertaken there would be no access.

Resolved (Key decision):

- (1) To note the existing condition of the Fort bridge.
- (2) To approve that up to £350,000 be allocated from the Council's capital programme and ring-fenced to meet the cost of replacement.

Reason for decisions:

Newhaven Fort bridge required replacement at the earliest opportunity.

34 Affordable workspace review

The Cabinet considered the report of the Director of Regeneration and Planning presenting the findings and recommendations of the Scrutiny Panel Review into the need for affordable workspace across the Lewes District.

Resolved (Key decision):

- (1) To allocate £10,000 to explore the feasibility of Meanwhile Use Leases for the temporary use of Council assets, subject to statutory, legislative and building constraints.
- (2) To formally adopt the South East Creative Economy Network's (SECEN) approach to defining affordable workspace.
- (3) To commit to exploring the potential to facilitate the development of new, affordable 'open workspace within Lewes District.
- (4) To note that the Council's Regeneration service continued to work closely with Locate East Sussex and other partner agencies to ensure they continued to collaborate effectively with South East Creative Cultural and Digital Support (SECCADS) and the creative sector.

(5) That Cabinet adopts a position statement formalising the Council's commitment to supporting the growth of creative industries.

(6) To commit all services across the Council to raising awareness of available business support provision across Lewes District.

Reasons for decisions:

(1) To re-affirm the Council's commitment to Growth and Prosperity, with specific reference to the local creative sector.

(2) To build upon the extensive strategic collaborative work already underway by SECEN and SECCADS within the SELEP area, which the Council was committed to supporting and working with. This was with a view to addressing barriers for creative industries, including the shortage of appropriate workspace, and specialist business support / advice.

(3) To recognise that Meanwhile Use Leases can offer benefits to both the Council and the local economy, but that such uses may have an opportunity cost attached should higher value uses come forward.

(4) To ensure that existing external agencies and partners were aware of the needs of all aspects of the district's diverse economy to ensure the Council could support delivery of commercial property solutions for the creative sector.

35 Climate emergency

The Cabinet considered the report of the Director of Regeneration and Planning to agree the new steps following the resolution by Full Council to declare a climate emergency. The report sought an allocation of £100,000 to support the immediate development of a comprehensive Climate Change and Sustainability Strategy to tackle carbon reduction and climate adaptation.

Officers were thanked for their work on producing the report promptly, following the declaration at Full Council.

Visiting member, Councillor Linington addressed the Cabinet on the item and commented that whilst supportive of appointing a dedicated officer to tackle the issues, remained concerned on the allocated funding recommended before a strategy had been formulated. It was clarified that the Council were not obligated to spend the entire fund allocated but the intent was to provide the facility to tackle an agenda that was progressing rapidly.

Resolved (Key decision):

That £100k be approved to progress carbon reduction and climate adaptation interventions in 2019/20.

Reason for decision:

Following the declaration of a climate emergency and a commitment by the Council to develop and deliver a comprehensive Climate Change Strategy ,

this report sought Cabinet's allocation of funds to enable the progression of all the commitments made at Full Council on 15th July 2019.

The meeting ended at 3.58 pm

Councillor Zoe Nicholson (Chair)

Report to:	Cabinet
Date:	28 October 2019
Title:	Local Council Tax Reduction Scheme 2020/21 and Council Tax Class C Discount
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Zoe Nicholson, Leader of the Council
Ward(s):	All
Purpose of report:	To gain Cabinet's recommendation to Full Council that the 2019/20 Local Council Tax Reduction Scheme is adopted as the 2020/21 scheme and that the Council Tax Class C Discount for empty and unfurnished properties is ended from 1 April 2020.
Decision type:	Key
Officer recommendation(s):	(1) That Cabinet recommend to Full Council that the 2019/20 Local Council Tax Reduction Scheme is adopted as the 2020/21 scheme. (2) That Cabinet recommend to Full Council that the Council Tax Class C Discount for empty and unfurnished properties is ended from 1 April 2020. (3) Establish a pilot scheme during 2020/21 to provide additional relief to the self-employed on very low income.
Reasons for recommendations:	Ending the Class C discount will encourage property owners to try to avoid having properties that are not occupied. The additional monies raised would be used to support those self-employed CTR claimants who are affected by the application of the minimum income floor and during the year of 2020/21 assess the likely impact on the council tax base of removal of minimum income floor.
Contact Officer(s):	Name: Bill McCafferty Post title: Functional Lead for Thriving Communities E-mail: bill.mccafferty@lewes-eastbourne.gov.uk Telephone number: (01323) 415171

1 Introduction

- 1.1 The government abolished the national Council Tax Benefit scheme from April 2013 and required local authorities to develop and adopt their own scheme of support for working age claimants. This change came with a 10% cut in funding.
- 1.2 To protect pensioners from any reduction in support, the government put in place a national scheme that local authorities had to adopt. Therefore, any reduction in support had to come from those of working age.
- 1.3 The Council adopted a revised Local Council Tax Reduction (LCTR) scheme for 2016/17 that:
 - Limited a Council Tax Reduction to 80% of the council tax liability
 - Assumed a minimum income for claimants who have been self-employed for more than 12 months
- 1.4 There have not been any changes to the scheme since 2016/17 so the current 2019/20 scheme and takes into account the financial pressures on the Council and the major preceptors.

2 Proposal

- 2.1 That the 2019/20 Local Council Tax Reduction scheme (LCTR) is adopted for 2020/21.

That the Class C Council Tax Discount is ended from 1 April 2020. The Class C discount exempts the tax payer from Council Tax for one month if the property is empty and unfurnished.

This was designed to give landlords a window of opportunity to do whatever may be necessary between lets, as well as a short window to find new tenants.

- 2.2 There are other discounts and exemptions available on empty properties. For example, for someone who has moved into a care home or hospital, or on properties that have been repossessed or cannot be lived in by law, for example if they are derelict. These discounts are not affected by this proposal.
- 2.3 Empty unfurnished properties owned by Registered Social Landlords would not be affected as they qualify for a separate 100% discount due to their charitable status.

It is estimated that removal of the discount would raise £28,000 for the Council. The additional monies would be used to support those self-employed CTR claimants who are affected by the application of the minimum-income floor.

3 Outcome expected and performance management

- 3.1 That the LCTR scheme supports those on low incomes to meet their council tax liabilities.
- 3.2 The cost of the LCTR scheme will be monitored monthly.

3.3 The council tax base will increase as a result of ending the Class C Discount.

3.4 Removing the discount would reduce the burden of administration on staff and would simplify the scheme. The process of requesting supporting evidence and subsequent possible disputes over eligibility can be time consuming.

It would also end disputes where a new tenant or owner thought they should be entitled to a discount, only to find that the previous occupier had already claimed the full discount period.

3.5 To ascertain the impact of the application of the minimum income floor, in terms of both the financial loss and numbers affected, the service are collating data on the numbers of self-employed claimants affected and the amount of CTR they would have received if their entitlement was based on their actual income and the minimum income floor had not been applied.

For the self-employed there will be two calculations, one based on the minimum income floor and one based on actual income to see how much Council Tax relief has been lost. During the pilot period, which starts on 1 April 2020, the additional income raised from the Class C discounts and potentially the Exceptional Hardship fund can be utilised to reduce the impact of the minimum income floor.

This data will be supplied to cabinet on a monthly basis starting in November.

4 Consultation

4.1 There is no requirement to consult on the Local Council Tax Reduction Scheme proposal as no changes to the scheme are being proposed.

4.2 A consultation will be carried out on the proposal to end the Class C Discount.

5 Financial appraisal

5.1 The cost of the Local Council Tax Reduction Scheme, in terms of a reduction in tax base, of the 2019/20 scheme will be in the region of £6.5m based on the latest budget monitoring information. The cost of the scheme in 2020/21 is likely to increase in line with any rises in council tax.

5.2 Council Tax has not yet been set for 2020/21 so no estimates are available for this year in terms of the likely reduction in the tax base for 2020/21.

5.3 Removal of the Class C discount has the effect of increasing the tax base. On average, over the last three years, 311 properties have received the Class C discount. The estimated additional Council Tax that would be raised is £187,450. The Council's share of this would be £28,117, with £134,965 going to County and £24,368 to the Police and East Sussex Fire and Rescue Service.

5.4 The removal of the discount will apply to Council owned properties. It is estimated that this will cost in the region of £8,000.

6 Legal implications

- 6.1 Recommendation (1) of this report reflects the duty on the Council under section 5 of the Local Government Finance Act 1992 to consider, for each financial year, whether to revise its council tax reduction scheme or to replace it with another scheme. Equally, it is open to the Council to decide to make no changes to the scheme from one financial year to the next.

If, despite recommendation (1), the Council is minded to revise or replace the scheme for 2020/21, it must do so no later than 11 March 2020, following consultation with the major preceptors and other interested parties.

Under section 67 of the 1992 Act, adoption of a Council Tax Reduction Scheme is reserved to full Council. The role of Cabinet is to consider the proposed scheme and make a recommendation to Council, with any amendment to the scheme it considers appropriate.

Lawyer consulted 10.10.19

Legal ref: 008647-LDC-OD

7 Risk management implications

- 7.1 The main risk to the Council is that the cost of the scheme rises substantially. This could happen if there is an upturn in the number of people who become eligible for, and claim, CTR. This risk has to be accepted as the Council has no mechanism to prevent this happening.
- 7.2 Monthly monitoring will identify any unexpected rise in the amount of CTR being awarded and this will be notified to the relevant Finance officers.

8 Equality analysis

- 8.1 An Equality and Fairness Analysis Screening report was undertaken and as there are no changes to the LCTR scheme being proposed there is no requirement for a full Equality and Fairness Analysis to be carried out, as one was carried out on the 2016/17 scheme.
- 8.2 An Equality analysis has been undertaken on the proposal to remove the Class C discount. This has concluded that;
- 8.3 Generally a neutral impact is anticipated for groups protected under the Equality Act, however the Council has a general power under legislation to reduce council tax for an individual or group should it consider it necessary and after taking into account the impact on all council tax payers.
- 8.4 If an individual or organisation is particularly adversely impacted by this change the Council could mitigate the impact by using the general power.
- 8.5 There are other discounts and exemptions available to tax payers depending on the reasons why the property is unoccupied. For example, if the taxpayer is in hospital or a care home, in prison or the property is unable to be occupied by law, for example if it is derelict.

9 Sustainability Implications

9.1 Nothing arising from this report has any detrimental Environmental impact.

10 Appendices

None

11 Background papers

The background papers used in compiling this report were as follows:

[Local Council Tax Reduction Scheme 2019/20](#)

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Report to:	Cabinet
Date:	28 October 2019
Title:	Pesticide Policy and Pollinator Strategy
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Julie Carr, Cabinet Member for Recycling, Waste and Open Spaces Councillor Matthew Bird, Cabinet Member for Sustainability
Ward(s):	All
Purpose of report:	To introduce the Pesticide Policy and Pollinator Strategy
Decision type:	Key
Officer recommendation(s):	(1) To approve the Pesticide Policy and agree the policy will be reviewed one year from adoption (2) To approve the Pollinator Strategy for adoption and agree the strategy will be reviewed in 2021
Reasons for recommendations:	To provide a framework and action plans for Lewes District Council in its approach to land management
Contact Officer(s):	Name: Jane Goodall Post title: Strategy & Partnership Lead, Quality Environment E-mail: jane.goodall@lewes-eastbourne.gov.uk Telephone number: 01273 085383

1 Introduction

- 1.1 The council owns and manages a number of green assets including downland and nature reserve sites; parks; cemeteries; the gardens of council houses, flats and other council buildings; allotments; sports grounds; informal recreation grounds; some road verges and other miscellaneous green areas. Our approach to land management is informed by an understanding of the value of biodiversity in our natural environment.
- 1.2 The ground-breaking UK National Ecosystem Assessment published in 2011 provided the evidence for the critical services provided by the natural world but also demonstrated that nature is undervalued in decision-making and that many of the benefits derived from nature are in decline. The independent review of England's wildlife sites (2010) concluded that England's collection of wildlife areas does not represent a coherent and resilient ecological network capable of responding to the challenges of climate change and other pressures.

- 1.3 Lewes District Council was one of the first councils to adopt a Pesticide Reduction Plan in 2016, following a petition from local residents on the issue. To achieve this, officers researched various methods of weed control and Lewes was one of the first local authorities to start using the hot foam system. With the natural world facing threats to an unprecedented degree, the council is scaling up efforts to defend local biodiversity through the Pesticide Policy and the Pollinator Strategy.

2 Proposal

- 2.1 These statements of intent set out how the council will continue to achieve pollinator-friendly land management, building on current good practice.
- 2.2 The council's aim is to stop using pesticides through a phased reduction, using alternatives wherever possible.

3 Outcome expected and performance management

- 3.1 As custodian of significant areas of land, by adopting these strategies the council can make a positive impact on the natural environment across the district.

4 Consultation

- 4.1 None

5 Corporate plan and council policies

- 5.1 The strategies are wholly aligned with the Sustainability Policy 2018, with this statement in particular:

We are aware of and will work to reduce our environmental impact wherever it is within our power to control or influence this:

We will seek out opportunities to improve biodiversity and green infrastructure within our district.

- 5.2 In addition, the Brighton and Lewes Downs UNESCO Biosphere Region, 'The Living Coast' was established in 2014. 'The Living Coast' identity aims to get more people looking after, improving and enjoying the designated World Biosphere Region, which comprises the land and sea which stretches from Shoreham to Newhaven and Lewes, ranked as an 'outstanding natural landscape'
- <http://www.unesco-mab.org.uk/brighton--lewes-downs-biosphere.html>

6 Business case and alternative option(s) considered

- 6.1 The commitments made in the Pesticide Policy and the Pollinator Strategy have been carefully considered to achieve a balanced and practical approach to managing land assets.

- 6.2 Future projects and activity arising from the adoption of these strategies will be subject to viability analysis.

7 Financial appraisal

- 7.1 These proposals will require some changes in the way the service is delivered and the way that existing budgets are utilised. It is proposed that most changes will be planned and carried out within existing budgets.
- 7.2 Where / if additional budgets are required to implement future plans, we will make separate funding bids either internally or through external sources where available.
- 7.3 The funding requirement (matched funding) for the Chalk Life project is approximately £5000 per year per council for a four year period. This will be required from 2021/22 and will be subject to a separate report if and when the bid for the Chalk Life project is successful.
- 7.4 The service currently receives Higher Level Stewardship (HLS) funding in both LDC and EBC. This will end in 2021/22. After this, it is hoped that there will be new grant funding to bid for (which has been promised in principle by the Government), but the form or value of any new funding will not be available until after Brexit as the current funding is through the EC.
- 7.5 The service is continually researching any other grant funding opportunities.

GJM 20.08.19

8 Legal implications

- 8.1 Biodiversity policy is a devolved responsibility in the UK, and Part 3 of the Natural Environment & Rural Communities Act 2006 is the legislation that requires specified public bodies (including district councils), in exercising their functions, to have regard to the purpose of conserving biodiversity.

In this context, conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

The national strategy is provided by 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' issued by Defra in 2011. Its key requirements are, by 2020, to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.

Such requirements should be used to form the basis for meaningful and practical biodiversity policy.

Lewes District Council has a programme of devolving land to Town and Parish Councils. When the District Council devolves land in this way it can, if so instructed, ensure that there is a contractual commitment on the part of the Town and Parish Councils to adhere to and comply with the District Council's

Pesticide Policy and the Pollinator Strategy in place from time to time as part of that transaction.

Lawyer consulted 15.08.19

Legal ref: 008502-JOINT-OD [KS 10.10.19]

9 Risk management implications

- 9.1 The risk of not developing a pesticide policy and a pollinator strategy is that the organisation will lack a coherent framework by which it considers environmental impacts in its approach to managing parks and other land assets.

10 Equality analysis

- 10.1 EaFA 'no relevance' report completed.

11 Sustainability implications

- 11.1 Climate change is a direct driver that is increasingly exacerbating the impact of other drivers on nature and human well-being. Humans are estimated to have caused an observed warming of approximately 1.0°C by 2017 relative to pre-industrial levels, with average temperatures over the past 30 years rising by 0.2°C per decade. The frequency and intensity of extreme weather events, and the fires, floods and droughts that they can bring, have increased in the past 50 years, while the global average sea level has risen by 16 to 21 cm since 1900, and at a rate of more than 3 mm per year over the past two decades. These changes have contributed to widespread impacts in many aspects of biodiversity, including species distributions, [...] and ecosystem function. According to observational evidence, the effects are accelerating in marine, terrestrial and freshwater ecosystems and are already impacting agriculture, aquaculture, fisheries and nature's contributions to people [ref: background paper].
- 11.2 The proposals presented in the accompanying documents aim to mitigate these impacts in our district to some degree by protecting and enhancing our natural assets.

12 Appendices

- Appendix 1 – Pesticide Policy
- Appendix 2 – Pollinator Strategy

13 Background papers

The background papers used in compiling this report were as follows:

Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services

- ADVANCE UNEDITED VERSION – 6 May 2019

https://www.ipbes.net/sites/default/files/downloads/spm_unedited_advance_for_posting_html.pdf

STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

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Pesticide Policy - The use of Pesticides for Grounds Maintenance

1. Introduction

- i. Eastbourne Borough Council and Lewes District Council aim to provide a high standard of grounds maintenance for all of its sites and for those sites that it maintains for third parties such as Town and Parish Councils.
- ii. These sites include parks, recreation grounds, environmental sites, sports fields, downland, open spaces, cemeteries, play areas. Nature Reserves etc.
- iii. To achieve these high standards, in the past a heavy reliance has been made on the use of pesticides. This included herbicides, lumbricides, fungicides, and insecticides, collectively known as “pesticides”.
- iv. With the ever-increasing awareness of the environmental and undesirable effects of pesticides, both to the staff concerned with applying them, the general public and the environment as a whole, alternative methods are being identified and researched at all times, and strict controls are being made by the Councils on those pesticides that are still being applied to our sites.
- v. It is the aim of both councils to stop using pesticides, by a phased reduction of use on its land, although at present it may not always be possible to cut out the use of pesticide control altogether. The amount of pesticide used in parks, recreation grounds and open spaces within the Lewes District is already very limited, and chemicals used are considered, with our current knowledge, as those that will have least effect on the environment. An aim of this policy is to see a similar reduction within the Eastbourne Borough.
- vi. This policy for the use of pesticides identifies how we propose to reduce, monitor and control the use of pesticides, using alternative methods wherever possible.
- vii. This policy relates to pesticides used in Lewes District Council and Eastbourne Borough Council owned parks and open spaces, but does not include those used by Pest Control, the Devonshire Park tennis centre or the Eastbourne Downs golf course. However, wherever possible we will encourage pesticide free / reduced pesticide use across the District / Borough, including advice to internal departments, planning comments regarding new developments and in discussions with our partners such as Town Councils.

2. Why do we still use pesticides at all?

- I. Although every effort will be made to use non-chemical control, there will still be some areas where alternative methods are not currently available or effective. Wherever this is the case, integrated control will be practised wherever possible, i.e., a combination of cultural and pesticide use, to resolve a problem with the least effect on the environment.

- II. One of the main areas where pesticides will still be used will be for maintaining fine turf areas such as bowling greens and cricket pitches. These areas are maintained to a high standard to allow the games to be played to a good standard. However, this use will be minimised and alternative methods used as a first choice where possible.
- III. The use of lumbricides (worm killer) will not be approved at any of our sites, due to its detrimental effect on the environment, unless future “environmentally friendly” control methods are developed.
- IV. The use of pesticides will be permitted for the control of tree stump regrowth to restore and maintain valuable ecological grassland habitats and to stop the spread of invasive non-native trees. This will usually be in the form of pesticide plugs inserted into the stump. This may also be carried out for poisoning stumps on down land following scrub clearance and for areas where stump grinding is not viable.
- V. Fungicides, to prevent and remove fungal attacks on grass, will be permitted due to necessity. However, grounds maintenance improvements such as increased aeration/ brushing have and will continue to be increased in our grounds maintenance specifications to reduce the occurrence of fungal attack and therefore reduce the need for fungicide application.
- VI. Selective herbicides will be permitted for use on fine turf and sports pitches to control broadleaf weeds. Selective weed killing will only take place where there is weed growth affecting the use of the area for sports, and will not be applied when there is not a weed problem. However hand weeding where possible will always be encouraged in our grounds maintenance contracts.
- VII. The maintenance of hard surfaces such as paths, garage blocks, highway weeds etc, on a large scale, may still require the use of herbicide where other methods cannot be used i.e. areas inaccessible to the hot foam machine. However, when this operation is carried out, weeds will be individually targeted (reduced – volume spraying) by the applicator, therefore considerably reducing the amount of herbicide used, and preventing any excess herbicide being lost into the environment. In the past, paths etc. were often “blanket treated” i.e., spray was applied to cover the path, whether weeds were present or not. This practice will not be carried out on our sites.
- VIII. The use of gas pellets and other pesticides to control moles on sports pitches has not been used since January 2011. Alternative mechanical traps will be used where control is **absolutely** essential for Health and Safety of sports users.
- IX. The only other occasion where pesticides will be applied is for one-off tasks. This may include where there is a particular weed problem with a shrub bed, where an area of land has to be cleared of perennial weeds for a particular purpose, or where an invasive weed, such as Japanese knotweed, Parrots Feather, Giant Hogweed, Hemlock Water Dropwort etc has to be controlled.
On all these occasions, a pesticide will only be used if no alternative non pesticide option is suitable.

Policy Statement 1

Before permission is given for any pesticide application on land under our management, we will:

- ***Consider whether any action is required, i.e., do we need to control the weed or pest etc?***
- ***Ensure that the pest, weed, fungus has been correctly identified.***
- ***Identify any non-pesticide control options and use these as a first choice.***
- ***Look at whether any integrated control measures are available as a second choice.***
- ***Look at using an approved pesticide ONLY if the above options are not suitable.***
- ***Look at what alternative pesticides are available.***
- ***Look at what would be the most “environmentally friendly” way to apply the pesticide.***
- ***Consider whether it is an appropriate time of year to apply the pesticide/control the problem.***
- ***Look at whether the risks of using a pesticide are greater than the problem itself?***
- ***Consult the product data to ensure there is no specific environmental risk? eg, a risk to bees, water courses.***
- ***Ensure that there are no other environmental considerations? i.e., adjacent water course, wildlife (Environmental Assessment).***
- ***Consider whether, after any one-off application of a pesticide, there are there any other long-term non-pesticide solutions for the problem.***
- ***Obtain any higher level permission required such as that from the Environment Agency or Natural England.***

Only after all of the above points have been considered, would approval be given for pesticide / pest control use.

3. Environmental Considerations

- I. The use of pesticides can have a devastating effect on our environment and its biodiversity.
- II. When used on hard surfaces, such as pavements, there is a possibility of run off or residues which can contaminate water courses and contaminate aquatic wildlife. They may kill plants which are beneficial and relied upon by birds, insects and other wildlife.
- III. When used on soft surfaces, such as vegetation or grass swards, there is a possibility of spray drift and contamination of adjacent areas.
- IV. Many pesticides are highly persistent, meaning that they stay around in the soil for a long time, raising the likelihood that they could enter watercourses or aquifers.
- V. Due to large scale habitat loss in the countryside, and large scale pesticide use in agriculture, wildlife such as birds, insects and bees are seeking refuge in our towns. This makes it very important that within our areas, we create safe, pesticide reduced, or ideally free, areas.
- VI. This pesticide policy should be read alongside the joint councils "Pollinator Strategy".

Policy Statement 2

Non chemical weed / pest control will always be used as a "first choice".

Before any permission is given for a pesticide application, full consideration will be given to the surrounding environment, and the effect that any pesticide would have on wildlife and the public

We will not use residual pesticides designed to stay in the ground and control weed regrowth.

We will not use slug pellets containing Metaldehyde¹ due to the risks to birds and mammals.

We will not use growth restricting regulators on grass areas.

4. Alternatives to Pesticide use

- I. Non chemical methods of pest / vegetation control will be used as a first choice wherever possible. The number of alternatives are currently limited, however with a growing trend towards reduced pesticide use, and with current

¹ Defra announced a ban on the use of Metaldehyde (from Spring 2020) in Dec 2018. However this ban was withdrawn in July 2019. A review by DeFRA is to take place.

concerns over the use of Glyphosate based products, it is likely that the number of alternatives will increase significantly in the future.

II. A selection of alternative control methods is shown below:

Method	Use	Advantages	Disadvantages
Hot Foam	Weeds in hard surfaces Moss on hard surfaces and play area safety surfacing, Grass growth around trees, non chemical graffiti removal.	Foam holds hot water against plant. Pesticide free. Can be used in all weather. Kills 95% of targeted weeds.	New technology – needs refinement. Expensive to purchase Additional cost of plant oil extract, diesel consumption and pollution.
Hot Water / Steam	Weeds in hard surfaces, play area surfacing, non chemical graffiti removal.	Lower initial purchase cost.	Requires more treatments as heat is not held onto the plant. Diesel consumption and pollution.
Propane / Flame gun	Weeds on hard surfaces	Relatively cheap to purchase	Health and Safety Risks. Not particularly effective.
Manual Weeding	Weeds in general	Very effective if done well. Low set up costs (excluding labour).	Very time consuming. Requires large amount of labour which adds to the cost.
Mulching – bark and or membrane.	Weed control within shrub borders, under trees etc.	Improves appearance of the site and retains moisture in the soil to aid plant growth.	Can be labour intensive. May be expensive depending on supply of material.
Mowing and hand pulling	Undesirable weeds in sensitive natural habitats and on farmland	No licence required and no damage to the environment	Can be labour intensive to carry out and expensive for disposal of specific species
Nematodes	Control of pests such as slugs.	Can be very effective. Does not have the negative visual effect of slug pellets or potential harmful effect on wildlife.	Can be expensive.
Intensive grazing	Undesirable weeds in sensitive natural habitats and on farmland	Wildlife friendly with sufficient control	Not suitable for all ground conditions and can damage sensitive soils.
Vinegar based solutions	Weeds in hard surfaces	No licence required for application.	Has been trialled, but has not been effective. Strong smell, can give operator headache.

Method	Use	Advantages	Disadvantages
<p><u>Policy Statement 3</u></p> <p><i>We will continuously review new methods of non chemical weed / pest control as they become available, with a view to adopting these as appropriate.</i></p>			

5. Pesticide Free Parks

- I. The reasons for wishing to go pesticide free are numerous, but include:
 - a. Contamination of local water supplies
 - b. The potential impact of pesticides on human health, the environment, biodiversity and bee populations
 - c. Public concern
- II. The aim of creating pesticide free parks is to create areas which are safe for children, adults and wildlife. These parks will be sign posted as “Pesticide Free” so that everyone knows that they can use the parks safely. When weed or pest control is needed, only environmentally friendly solutions will be used.

As these parks will become safe havens for wildlife, wherever possible we will also promote the creation of wildlife friendly habitats and pollinator plants.

Lewes District Areas

- III. In LDC sites, pesticide free areas have been created at Southover Grange Gardens, Lewes Cemetery and Seaford Cemetery.
- IV. All children's play areas owned by LDC are classed as pesticide free.

Eastbourne Borough Areas

- V. There are not currently any pesticide free parks in EBC, but future sites are being looked at to align with the grounds maintenance contract renewal in January 2020.
- VI. All children's play sites owned by EBC are classed as pesticide free.

See Appendix 1 for proposed timescales for the development of Pesticide Free parks and Appendix 2 for proposed signage.

Policy Statement 4

We will continue to accelerate the development of “Pesticide free parks” in both EBC and LDC parks and open spaces.
We will promote pesticide free parks through signage and publicity

6. What pesticides will we use

- I. We will continuously review the pesticides that we have to still use, taking into account trade literature reports and advisory reports from various bodies such as the Health and Safety Executive.
- II. We will refer to and use information provided by the Pesticides Action Network (PAN) and the e UK Pesticide Guide.
- III. Instances where the use of a pesticide *may* still be required after non chemical methods have been found to be unsuitable will include:

Control of weeds such as knot weed, Hemlock Water dropWort, and Hog weed

Control of weeds where no other solution currently exists i.e. sports turf weeds

Control of weeds inaccessible by other solutions i.e. hot foam

Control of hazardous pests such as Brown tail moth caterpillar

Control of weed growth on highways and some housing areas.

Policy Statement 5

The Councils will permit the use of approved pesticides, where no suitable alternative has yet been found, or where financial restraints mean that alternative methods are not yet viable.

However, priority will always be given to the use of non chemical solutions.

7. Glyphosate

- I. There is currently particular concern regarding Glyphosate weed killers, which are widely used on hard surfaces and to clear vegetative sites.
- II. In April 2015, the International Agency for Research on Cancer, part of the World Health Organisation, concluded that Glyphosate based weed killer was “probably carcinogenic to humans”. Other studies have linked glyphosate to birth defects and a rise in antibiotic resistance.
- III. Glyphosate is a broad spectrum (non selective) weed killer that is an organophosphorus compound. It is supplied in many different forms, usually with other chemicals, such as spreaders, drift reducers, wetting agents etc added.
- IV. Glyphosate is absorbed through the plants leaf's, and is absorbed into plant roots.
- V. All products containing Glyphosate have to be registered and approved by the European Pesticides Commission.

- VI. Glyphosate was re-registered and approved in June 2016, but for a limited period of 18 months (until the end of 2017). It has since had a further 5 year extension.
- VII. By removing vegetation so effectively, the herbicide indirectly affects biodiversity through changes to ecosystems and food sources. Where Glyphosate, and other pesticides, are used, there are fewer food sources for insects, birds and animals in the urban environment.
- VIII. As part of this approval extension, the Commission also presented some recommendations to be considered by member states. One of these recommendations was to "*minimise the use of the substance (glyphosate) in public parks, public playgrounds and gardens*"
- IX. The Pesticide Action Network (PAN) UK have a "precautionary principle" that states that "*When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some of the cause and effect relationships are not fully established scientifically*". In other words, although some evidence against the use of pesticides appears inconclusive, it is far better to work towards using less or ideally no pesticides.
- X. In August 2018, a land mark case in the USA agreed with a groundsman's claim that his rare form of cancer was caused by exposure to a glyphosate based weed killer², and the company was fined a significant sum of money. This may well lead to future claims, and potentially, an increased effort in finding more environmentally friendly products to market.

Policy Statement 6

Wherever possible, we will phase out the use of glyphosate based weed killers and we will continue to monitor the legal issues regarding it.

8. How will we limit the effects of the pesticides that we do have to use?

- I. When approving and applying pesticides, we will:
 - Use a method that uses/applies the least amount of chemical, i.e. CDA(Controlled droplet application), weed wipes, targeted spraying.
 - Use the most efficient method of application.
 - Where possible, not apply a blanket cover of chemical.

² This case is currently under appeal (April 2019) by the manufacturer.

- Ensure that spare pesticides/containers are disposed of safely in an approved manner.
- Ensure that spray equipment is washed out in a safe manner according to the approved method, to safeguard the environment.
- Ensure that the application method is approved for the product used.
- NOT use any pesticides in children's play areas or pesticide free parks.
- Ensure that all pesticides are applied to the Council's specification standards.
- Leave a "pesticide free" buffer zone around environmentally sensitive areas where appropriate.

9. Who will apply pesticides?

- I. Any person applying a pesticide to the Council's land will hold a Certificate of Competence (irrespective of age), as issued by the NPTC, appropriate to the type of equipment/spraying technique to be used.
- II. Copies of these certificates will be made available to the Councils as evidence of competence.
- III. Pesticide applications, subject to approval, may be made by the following:
 - Directly employed staff
 - Grounds Maintenance Contractors
 - Specialist Contractors.

Policy Statement 7

We will ensure that, where pesticides have to be used, they are only applied by trained and competent operatives.

10. Legal Requirements

- I. Where it is necessary for pesticides to be applied on Council land, these will be applied in such a way that it conforms fully with the latest Health and Safety Legislation (primarily the Health and Safety at Work etc Act 1974 (HSWA)) and Pesticide Legislation (The Plant Protection Products (Sustainable Use) Regulations 2012 & Control of Pesticides (Amended) Regulations 1997).
- II. The Plant Protection Products (Sustainable Use) Regulations 2012 states that:

- all reasonable precautions are taken to protect human health and the environment;
- the application is confined to the area intended to be treated; and
- when used in public spaces that the amount used and frequency of use is as low as is reasonably practicable.
- suitable alternative methods of control are considered and used where appropriate to help minimise your use of chemicals.
- Pesticides will only be used in accordance with the statutory listings on the product label.
- Prior to application, full Risk Assessments/COSHH Assessments will be carried out, and a data sheet for the pesticide will be read and complied with.
- All those involved in approving/applying pesticides will be made aware of this Pesticide Policy.

Policy Statement 8

We will ensure that, where pesticides have to be used, the councils and its contractors comply fully with all legal requirements and follow recommendations where possible.

11. Grounds Maintenance Specifications

- I. To ensure that our contractors comply fully with our council's requirements, all grounds maintenance specifications will include detailed information of the council's pesticide policy, the requirements for pesticide free / pesticide reduced areas and for the conditions for the use of pesticides where essential. The use of pesticides will not be permitted in any contract unless no other suitable alternative is available.
- II. Grounds maintenance contracts will also always make reference to our Pollinator Strategy and its Environmental Policies.

Policy Statement 9

We will ensure that all future contracts, and where possible existing ones, will have detailed information on the councils requirements for pesticide use. These requirements will not be optional.

We will monitor these contracts to ensure that they are confirming to these requirements and that non chemical pest / weed control methods are used as the first choice wherever specified.

We will ensure that all pesticides are applied by trained and certified staff, using the best method that is the least harmful to the environment.

We will ensure that flexibility is built into the contracts to ensure that new improved weed / pest control methods can be introduced as and when they are developed.

12. Third party owners

- I. Where land is transferred to Town and Parish Councils through devolution and where we carry out work on behalf of third parties, we will ensure compliance with this Pesticide Policy and the creation of pesticide free parks.
- II. Where weed control is carried out on behalf of a Highway Authority, we will continue to offer pesticide application services according to the clients requirements. This will allow us to:
 - Ensure that the minimum amount of pesticide is used
 - Ensure that the application is carried out by competent / trained staff
 - Discuss alternative options with the client with the aim of agreeing ways to reduce pesticide application where possible, or to change the methods of weed control as new research / options become available.
 - Monitor pesticide usage across the area.

13. How will we monitor the use of pesticides on our sites

- I. Detailed and accurate spraying records will be kept.
- II. Contractors will be required to submit a proposed spraying sheet for approval to the client officer, prior to any pesticide being applied. This will describe the type of pesticide to be used, active ingredient, trade name, area where the pesticide is to be applied, rate of application, calibration, safety considerations, proposed date of application, operative who will be applying the pesticide etc.
- III. A detailed report will also be supplied to the client officer after application, confirming the above details, and including additional information such as weather conditions.
- IV. The following records will also be kept and retained as required:
 - Environmental Assessments.
 - Local Environment Risk Assessment for Pesticides (LERAP).
 - COSHH Assessments.
 - Stock Control Records.

- Disposal records.
- Copies of certificates of Competence.

Appendix A: Development of Pesticide Free Parks

Status of Pesticide Free Parks and Open Spaces – Lewes District Council

Area / Site	Pesticide Free as from January 2020*	Notes
Seaford Area		
<u>Gardens and Recreation Grounds</u>		
Chalvington Field	Yes	Site includes wildflower areas
Downs Rec	Yes (except sports pitches)	
Walmer Rd Rec	Yes (except sports pitches)	Future Site for wildflower planting
<u>Cemeteries and Closed Churchyards</u>		
Seaford Cemetery	Yes	Site includes wildflower areas
St. Leonards, Seaford	N/A	See CC below
St Peters, Blatchington	N/A	See CC below
<u>Open Spaces and Misc Sites</u>		
Alfriston Road OS	Yes	Site includes wildflower areas
Micklefield OS	Yes	Site includes wildflower areas
Foster Close OS	Yes	
Katherine Way Open Space	Yes	
Chalvington Close Verge	Yes	Future Site for wildflower planting
Seaford Close	Yes	
St. Crispians	Yes	Site includes wildflower areas
Vale Close	Yes	
Anthony Close	Yes	
<u>Environmental Sites</u>		
Brickfields, Seaford	Yes	Site includes wildflower areas
Newhaven Area		
<u>Gardens and Recreation Grounds</u>		

Avis Road Rec	Yes	Site includes wildflower areas
Denton Rec (Cricket Ground)	Yes (except sports pitches)	
Drove Park	Yes	Site includes wildflower areas
Fort Rd Rec	Yes (except sports pitches)	Site includes wildflower areas
<u>Cemeteries and Closed Churchyards</u>		
Denton Burial Ground	N/A	See CC below
St. Leonards, Denton	N/A	See CC below
St. Michaels, Newhaven	N/A	See CC below
<u>Open Spaces and Misc Sites</u>		
Meeching Down Open Space	Yes	Site includes wildflower areas
Huggetts Green (West Quay)	Yes	Future Site for wildflower planting
West Quay (South) Open Space	Yes	
Denton Island	Yes	Site includes wildflower areas
Riverside Park	Yes	(LDC owned land only)
<u>Environmental Sites</u>		
Castle Hill, Newhaven	Yes	Site includes wildflower areas
<u>Lewes and Rural Areas</u>		
<u>Gardens and Recreation Grounds</u>		
Bell Lane Rec	Yes	Site includes wildflower areas
Convent Field	Yes (except sports pitches)	Site includes wildflower areas
Landport Rec	Yes	Site includes wildflower areas
Malling Rec	Yes (except sports pitches)	Site includes wildflower areas
Neville Crescent	Yes	
Southover Grange Gardens	Yes	Site includes wildflower areas
Stanley Turner Ground	Yes (except sports pitches)	
The Gallops	Yes	Site includes wildflower areas

<u>Cemeteries and Closed Churchyards</u>		
All Saints, Lewes	Yes	Site includes wildflower areas
Lewes Cemetery	Yes	Site includes wildflower areas
St. Johns, Lewes	N/A	See CC below
St. Michaels, Lewes	N/A	See CC below
<u>Open Spaces and Misc Sites</u>		
Jubilee Gardens	Yes	Site includes wildflower areas
Malling Railway Cutting	Yes	
Waite Close	Yes	Future Site for wildflower planting
Peace Garden	Yes	
Lewes Library Site	Yes	
Lewes Leisure Centre	Yes	
The Forges	Yes	
<u>Environmental Sites</u>		
Landport Bottom, Lewes	Yes	Site includes wildflower areas
Lewes Railway Land LNR	Yes	Site includes wildflower areas
<u>Peacehaven and Telscombe</u>		
<u>Gardens and Recreation Grounds</u>		
Meridian Park	Yes	Site includes wildflower areas
Telscombe Playing Fields	Yes (except sports pitches)	Future Site for wildflower planting
<u>Open Spaces and Misc Sites</u>		
Firle Road Walkway	Yes	
Lake Park	Yes	Site includes wildflower areas
Peacehaven & Telscombe Cliff Tops	Yes	Site includes wildflower areas
<u>Childrens Play Areas</u>		
Aquila Park	Yes	
Downs Rec	Yes	Site includes wildflower

		areas
Chalvington Field	Yes	
The Peverels	Yes	
Valley Dip Play Area	Yes	
Walmer Road	Yes	
Eastside Rec	Yes	
Fort Rd Rec (North)	Yes	
Fort Rd Rec (Ball games / BMX)	Yes	
Fort Rd Skate Park	Yes	
Fort Rd Outdoor Gym	Yes	
Hazel Close	Yes	
Hillcrest Court	Yes	
Bell Lane	Yes	
De La Warr Green	Yes	
Demontfort Estate	Yes	
Harvard Close	Yes	
Kingfisher Courtyard	Yes	
Landport Rec	Yes	
Malling Rec	Yes	
Lewes Skate Park	Yes	
Neville Crescent	Yes	
Shelley Close	Yes	
Stanley Turner	Yes	
The Paddock	Yes	
Timberyard Lane	Yes	
Ousedale Play Area	Yes	
Longpark Corner, Ditchling	Yes	
Millbrooks, South Chailey	Yes	
The Martlets, South Chailey	Yes	
The Forges, Ringmer	Yes	
Cinquefoil	Yes	
Downland Avenue	Yes	

*Subject to the provisions of the Joint Pesticide Policy

CC – Although closed churchyards are maintained by LDC, they are not owned by LDC. Although use of pesticides is very rare on these sites, we have no authority over the Church. LDC will not apply pesticides on these sites.

Appendix B: Example of Pesticide Free Parks Sign



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Lewes District Council and Eastbourne Borough Council Joint Pollinator Strategy



2019-2024

STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

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- Why do we need a pollinator strategy?

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- Achieving Pollinator Land management
 - Maintain existing pollinator friendly habitat including forage (food) supply
 - increase pollinator friendly habitat

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- Downland and Nature Reserves
- Eastbourne Downland Farms
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Purpose of this strategy

What is a pollinator and why are they important?

A pollinator is an animal, such as an insect, that is responsible for the transfer of pollen from one flower to another, cross-fertilising the plant and allowing seeds and fruit to form.

Recognised as undertaking a vital ecosystem service, our food supply relies on pollinators for crop pollination.

*'One out of every three mouthfuls of our food depends on pollination taking place. It is almost impossible to over-emphasise the importance of the service pollinators perform for us.....It is estimated that 84% of EU crops (valued at £12.6 billion) and 80% of wildflowers rely on insect pollination.'*¹

There are at least 1500 different species of pollinating insect in the UK (bees, butterflies and moths, flies, beetles) including 250 species of wild bees, with wild bees reportedly of key importance for crop pollination.

Pollinators are termed as biological indicators as insect pollination is crucially important to maintaining the genetic diversity of plants and the spread of rare habitats.

Insect pollination also contributes heavily to wider biodiversity through the provision of insect pollinated plants which in turn provide food, shelter and other resources to animals, with direct correlation of greater diversity of insects reflecting a healthy ecosystem and supporting greater wildlife biodiversity. Healthy natural places have in turn been shown to support better human and community health and wellbeing.

Why do we need a pollinator strategy?

Public bodies have a legal duty to have regard to the conservation of biodiversity in exercising their functions.

This is reinforced in both Councils local plans for example by LDC Core strategy 4 - *'Enhancements to the biodiversity of the district, including the further creation of a high quality network of habitats, will have been established and the relative tranquillity enjoyed by many parts of the district will have been retained'*

The Government's "A Green Future: Our 25 Year Plan to Improve the Environment"² sets a clear agenda to be *'the first generation to leave the environment in a better state than it was found'* with objectives of reversing biodiversity losses and increasing *'thriving plants and wildlife'* by 2050 with emphasis on *'opportunities for nature recovery through.....establishing wildflower recovery areas.....linked to new and existing green infrastructure to extend wildlife corridors into towns and cities, and provide opportunities for conserving wildflowers and insect pollinators.'*

We are committed to supporting the Environment 25 Year Plan and recognise, through this strategy, the need to maintain and enhance pollinator populations.

¹ - <https://www.buglife.org.uk/bugs-and-habitats/pollination>

²[25-year-environment-plan.pdf](#)

The scope of this strategy

The councils currently work in a pollinator friendly way in some areas including:

- maintaining our nature areas and down land in ways that are sympathetic to pollinators;
- pollinator friendly species selection for planting, including tree planting;
- reduced use of pesticides, with use of a pesticide-free alternatives;
- the creation and support of increasing planted wildflower areas across the Districts in parks and verges;
- undertaking surveys on the reserves to monitor biodiversity including invertebrates;
- community work and education events on our downland and reserves;
- managing particular verges for existing wildflowers e.g. Willingdon Roundabout, Eastbourne.

The councils will encourage healthy pollinator populations on a number of fronts.

Managing Green Assets: pollinator friendly management of council owned and council managed land

Communications: encouraging others in the councils areas to be pollinator friendly

Planning: encouraging pollinators through biodiversity strategy in the development planning system.

Land Management

The councils own and manage a number of green assets including downland and nature reserve sites; parks; cemeteries; the gardens of council houses, flats and other council buildings; sports grounds; informal recreation grounds; some road verges and other miscellaneous green areas. Pollinator habitats will be protected and enhanced across our land holdings by pollinator friendly land management.

What is pollinator friendly land management?

Pollinators need food, shelter and dispersal routes

- Food for adult and larval stages
- Shelter for all stages – egg, larva, pupa and adult.
- Dispersal routes for all stages to spread to find the habitat they need.

Pollinator friendly land management provides or encourages the provision of these including flowering plants with pollen and nectar accessible to insects – many particular bred flower varieties eg begonias, petunias and double flowered varieties of some plants have little nectar and pollen or are structured such that insects, especially bees, cannot access it. Pollinator friendly land also provides or encourages the provision of rough grassland, bushes and other vegetation, living and dead, for cover and shelter; and joined up pollinator friendly habitat for dispersal.

Achieving pollinator friendly land management

Maintain existing pollinator friendly habitat including forage (food) supply

- Pollinator friendly areas, including 'rough; areas will not be destroyed unless strictly necessary
- Old flowering Ivy, rough areas, overgrown hedges and lawn flowers such as selfheal, dandelions, clover and buttercups will be recognised as pollinator friendly.
- Identified flower rich verges, under the management of our councils, will be managed appropriately for their wildflowers wherever possible.
- Wildflower areas will have interpretation signage where appropriate

Increase pollinator friendly habitat

- Planting schemes will give consideration to native species first, followed by non-native nectar and pollen-rich species before species with little or no accessible nectar and pollen are considered. Native species are more likely to also provide a food source for pollinator larvae.
- Permanent planting including tree planting schemes will take into consideration flowering times to allow for nectar and pollen through the seasons, especially early flowering plants like cherry, apple, hawthorn and willow. A list of pollinator friendly trees and shrubs to be made available to contractors, staff and others involved with planting.
- Where feasible, rough areas will be established, left uncut or cut less often. Some rough areas will be left uncut over winter in rotation to allow overwintering areas for insects. Hedges to be cut less frequently to allow for flowering.
- Large, old ivy will be encouraged where possible.

- Wildflower areas will be established where feasible in amenity grassland or edge areas through planting (only where it is established that different management of the existing vegetation would not be at least as, or more beneficial to pollinators).

Land owned or managed by the Councils

➤ **Downland and Nature Reserves**

These are currently managed for wildlife including pollinators. This management will continue. The chalk grassland, wildflower rich habitats of the Eastbourne Downland and Landport Bottom will continue to be managed for their value as pollinator habitats. Castle Hill, Bollens Bush and Markstakes Common have seen Council management increasing invertebrates including pollinators under the current management regimes. Further funding will be sought to continue this management after the end of the current Higher Level Stewardship programme where sites are still under LDC or EBC control.

➤ **Eastbourne Downland Farms**

Farm tenants will be encouraged to manage their land in a way that is beneficial to downland ecology including pollinators and other wildlife, and to enter into environmental stewardship or similar schemes. This will be included as a consideration in the selection of farm tenants.

➤ **Parks, cemeteries, municipal council buildings gardens and informal recreation grounds**

We will continue to manage pollinator friendly wildflower areas established over the last 5 years in parks across Lewes District and roll out the programme to parks in Eastbourne. We will establish a wildflower meadow area.

We will develop pollinator friendly plans for some council managed sites each year where pollinator friendly principles have not been previously used, applying general pollinator-friendly land management principles above.

➤ **Allotments**

We will encourage allotment holders to manage their plot in a way that is beneficial to local eco-systems, applying pollinator-friendly land management principles.

➤ **Council house and estate gardens**

We will apply general principles for achieving pollinator friendly land management as above, including addressing void specification to ensure existing pollinator friendly habitat is retained where suitable.

➤ **Verges and other assets**

We will identify verges within LDC/EBC landholdings where existing vegetation has potential to be wildflower rich (eg chalk grassland) and manage appropriately including with reduced summer mowing and cut and collect³.

We will continue wildflower management of planted wildflower verge sites around LDC/EBC management areas.

³ For detailed guidance see

https://www.plantlife.org.uk/application/files/4614/8232/2916/Road_verge_guide_17_6.pdf

Yellow rattle:

We will monitor the Lewes Town Council experiment with yellow rattle on verges and, if successful, roll it out across other verges and green areas in both council areas. Some verges and other land owned by the councils are grassland on chalk soil. Some of these areas if managed correctly and left unfertilised have potential to be more wildflower rich with rare chalk grassland plants such as orchids. If these areas are cut infrequently to allow the plants to flower, it is often found that tough rank grasses overgrow and dominate the flowers. Yellow rattle is a flower that selectively parasitizes some rough grasses and can allow the smaller chalk grassland flowers to thrive.

Pesticides

Reduce risk to pollinators from pesticides - see dedicated pesticide policy

Communications

Public engagement

- Run or support public engagement events with pollinator focus or pollinator aspect on our nature reserves or elsewhere in the councils' areas.
- Work with and support other groups that engage and educate the public about wildlife including pollinators e.g. South Downs National Park Authority, Sussex Wildlife Trust, the Railway Land Wildlife Trust, the Friends of Old Town Recreation Ground and Motcombe Park, the Castle Hill Group, Greenhavens, and Wildflower Lewes.
- Maintain on-site interpretation at featured wildflower areas and include pollinator information in new information produced about wildlife/nature areas.
- Pursue avenues to obtain a community ranger/nature community liaison post to carry out community engagement and promotion of the importance of insect pollinators.
- Support and encourage residents who have an interest in bee-keeping.

Council housing tenants

- Review garden clearance specification on change of tenancy to encourage more wildlife friendly practices;
- Encourage council tenants to achieve more pollinator friendly gardens for example through articles in tenant newsletters and through tenants meetings, or through including a Gardening for Wildlife leaflet in council house welcome pack based around the simple principles of:
 1. grow more flowers, shrubs and trees
 2. let your garden grow wild

3. cut grass less often
4. don't disturb insect nests and hibernation spots
5. think carefully about whether to use pesticides

Internal communications

- Council contracts will recognise the importance of pollinator friendly habitat, and encourage work in ways to maintain and enhance them. Council officers to ensure contractors understand this.
- Specialist Advisors involved with biodiversity will communicate key information to relevant departments.

Planning and development management

In discharging its functions as a planning authority, and in giving development planning advice, we will seek to actively encourage:

- That there is a no net loss of biodiversity including pollinator habitats, in new developments
- That new developments achieve a net gain for biodiversity including pollinators, in line with national and locally adopted planning policies.
- The use of the LDC/EBC Sustainability Checklist including recommendations for native landscape planting schemes in-keeping with local ecology;
- The use of the DEFRA Biodiversity Metric ⁴ as a tool for calculating biodiversity losses and gains, including in pollinator habitat;
- The importance of brownfield sites as pollinator habitat, as well as more traditionally recognised greenfield sites.

⁴ For detailed guidance see
<https://publications.naturalengland.org.uk/publication/5850908674228224>

Action Plan

Overarching aim is to maintain and increase pollinators and pollinator friendly habitats across the two council areas;
Part 1 2019 - 2021

Area	Action	Timeframe	Responsible officers	Additional Resources required?	Measure of success
Parks/gardens/cemeteries/recreation grounds	Create a wild flower meadow area	2021	SA (Parks)	TBA	Meadow area created
Parks/gardens/cemeteries/recreation grounds	Increase areas of pollinator friendly habitats at Saxby Rec and Old Town Rec, Eastbourne	2020	SA (Parks)	TBA	Increase habitat area
Parks/gardens/cemeteries/recreation grounds	Identify suitable sites and plan to increase areas of pollinator friendly habitats	2 sites each year	SA (Parks) and SA (D&R)	No	Increase habitat area
Parks/gardens/cemeteries/recreation grounds/street trees	Pollinator-friendly tree planting list available and distributed to relevant staff and contractors	Winter 2019	All SA Open spaces	No	List drawn up and distributed
Parks/gardens/cemeteries/recreation grounds/street trees	Feasibility of further tree planting to include fruit trees	Winter 2019	SSA	No	Programme funded and agreed
Parks/gardens/cemeteries/recreation grounds	Pollinator-friendly shrub/hedge gapping up/new planting list available and distributed	Winter 2019	All SA Open spaces	No	List drawn up and distributed
Downland and Reserves	Apply for new Countryside Stewardship Grants for EBC Downland Management and LDC controlled reserves management	2020 LDC 2021 EBC	SA (D&R)	Yes. External advisor or additional staff resource	New grant applied for

Downland Farms	Review Eastbourne Downland Farm tenancy selection process to ensure pollinators taken into account.	2019	SA (D&R)	TBA	Tenancy selection procedure reviewed
External Communication	Community/education events involving pollinators	4 in 2019 Review after	SA (D&R)	TBA	Events delivered
External Communication	Piece in District news about pollinators	Spring 2019	SA (D&R)	No	Article in DN
External Communication	Apply for Changing Chalk Heritage funding for 4 year Community ranger post	Summer 2019	SA (D&R)	TBA	Application successful
Internal Communication	Publicise & communicate Strategy internally including through hub.	2019/2020		No	Strategy disseminated internally
Internal Communications	Publicise and explain strategy to contractors including through contractor meetings	2019/2020	All SA Open spaces	TBA	All relevant contractors contacted
Internal Communication	Gardening for wildlife articles in housing tenant newsletters	Spring 2020	SA (D&R)	No	10 newsletters have pollinator articles
Internal Communication	Gardening for wildlife leaflet introduced to new council house information pack	End 2020	SA (D&R)/SA (Parks) and LDC/EBC Designer	TBA	Produced if considered most appropriate direction
Internal Communication	Biodiversity inc pollinators training council wide	Winter 2020		Yes	Training identified and offered.
Other	Encourage studies of our pollinators by eg Sussex University – work with Biosphere	End 2020		No	Education project put forward to Uni via Biosphere
Other	Work with partners e.g. Sussex Wildlife Trust / SxBRC to identify areas to increase pollinator habitat and connectivity through the Local	Ongoing	SA (D&R)	TBA	New LWS designated and existing have

	Wildlife Site designation system. *				better management
Other	Partnership Working where possible : <ul style="list-style-type: none"> • SWT & SxBRC; • SDNP; • ESCC; • Universities (Sussex; Brighton; Royal College of Art; Greenwich) • St Nicks Adults with learning disabilities; • Local Schools; • Railway Land Wildlife Trust; • Local Friends of Groups (Rootz; Meadow Minders; Castle Hill; Brickfields); Local Natural History Groups and Local conservation charities including Sussex Bat Group; Sussex Reptile and Amphibian Group; Wildflower Lewes; Greenhavens; Seaford Natural History Group; Sussex Botanical Recording Society.	Ongoing	SA (D&R)	TBA	Project and Case studies

This action plan will be reviewed annually or as required.

Review summer 2021

Part 2 – 2021- 2024 to be developed in due course

Report to:	Cabinet
Date:	28 October 2019
Title:	Community Infrastructure Levy Spending Recommendations
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Cllr Emily O'Brien, Cabinet Member for Planning
Ward(s):	All wards that lie wholly or partially outside the South Downs National Park
Purpose of report:	To seek Cabinet approval to release CIL funds, as recommended by the CIL Executive Board, to assist in the delivery of certain infrastructure projects required to support development in the district.
Decision type:	Key
Officer recommendation(s):	To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.
Reasons for recommendations:	To support the delivery of the right level and type of infrastructure to support the growth identified for the local planning authority in the adopted Joint Core Strategy.
Contact Officer(s):	Name: Emma Kemp Post title: Senior Planning Policy Officer E-mail: emma.kemp@lewes-eastbourne.gov.uk Telephone number: 01323 415756

1 Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support development and growth in their area. The Lewes District CIL Charging Schedule came into force on 1 December 2015 and applies to liable developments granted permission on or after this date in the area of the district for which Lewes District Council is the local planning authority. CIL is payable when works to implement a planning permission commence. As at 27th September 2019 the Council has collected £5,191,097.52 of CIL apportioned as follows between the difference pots in line with the CIL Regulations 2010 (as amended), the National Planning Practice Guidance (2014) and the Council's bespoke CIL governance (2014, 2016):

	Total CIL Collected since adoption	Process
CIL Admin	£70,175.02	Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61
Neighbourhood Portion	£838,640.60	Passed to Town and Parish Councils twice yearly (April, October) who must spend it in line with Regulation 59C
County Pot	£2,455,741.22	Infrastructure providers will be invited to bid to help deliver strategic infrastructure identified as fundamental to support development. The CIL Executive Board will make spending recommendations to Cabinet
District Pot	£818,580.41	Infrastructure providers will be invited to bid to help deliver local and community infrastructure. The CIL Management Board will make spending recommendations to be reviewed by the CIL Executive Board and subject to Cabinet's approval
Community Pot	£818,580.41	

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

2 Proposal

- 2.1 Bids were invited from infrastructure providers from 3rd June to 15th July 2019. An initial SWOT (Strengths, Weaknesses, Opportunities, and Threats) assessment was carried out by officers and presented to the relevant board for further discussion.
- 2.2 The CIL Management Board assessed the bids received in the District and Community pots and made recommendations for spending to the CIL Executive Board. The CIL Executive Board reviewed the recommendations of the CIL Management Board, assessed the bids received in the County Pot and made the final recommendations for spending the CIL revenue to Cabinet.
- 2.3 Infrastructure providers were encouraged to provide as much detail as possible to support their bids. The following information was required to allow each bid to be assessed:
- What is the infrastructure project?;
 - What is the timetable for delivery?;
 - What is the overall cost and outline breakdown of costs?;
 - Is the project in the Council's IDP and/or Regulation 123 List?;
 - What is the relationship to development recently permitted in the area?;
 - What other source of funding are contributing to the project?;
 - What consultation has been undertaken and what is the level of stakeholder support?
- 2.4 When reviewing the bids, the following criteria were considered:
- Is the project '*infrastructure*' as defined by the CIL Regulations?;
 - Is the project deliverable, with or without CIL funding?;
 - What are the public benefits of the project and what level of community support has the project received?;
 - How does it fit within the Council's priorities (does it deliver what is absolutely critical to deliver the Core Strategy growth)?; and
 - Does it make use of 'match funding' or dovetailing of funding from other sources?
- 2.5 The recommendations from the CIL Executive Board for funding approval are presented by the Governance pot from which the funds would be released. The more detailed SWOT analysis can be found in Appendix A.
- 2.6 Where bids have been unsuccessful at this round of assessment, feedback has been provided to the bidder. Where insufficient evidence has been provided to support funding, feedback includes how the bid could be strengthened for a future resubmission.

2.7 Recommendations for spending from the County Pot

Project (description)	Amount allocated
East Sussex County Council – New form of entry at the Seahaven Academy, Newhaven.	£400,000.00
East Sussex County Council – Improvements to Newhaven Ring Road.	£300,000.00
South Downs National Park Authority – Egrets Way Phase 5 of the route from Newhaven to Piddinghoe	£200,000.00

2.8 Recommendations for spending from the District Pot

Project (description)	Amount allocated
Newhaven Tennis Courts – re-surfacing and improvements	£28,000.00
Newhaven Ball Court – re-surfacing and improvements	£28,000.00
Salts Recreation Ground - Tennis Courts Resurfacing	£20,000.00
Newhaven Band Stand – provision of electricity to Denton Island Band Stand	£13,280.00
Seaford Town Council - water re-fill stations	£2,972.22

2.9 Recommendations for spending from the Community Pot

Project (description)	Amount allocated
CTLA – 1 Mini Bus	Approx. £69,000.00, confirmed on final quotation for 1 Mini Bus Only.
Newick School – Library Improvements to provide facilities to the community	£3000.00
Sussex Police Engagement Van – 1 new public engagement van for the Lewes Prevention Team	£47,406.80
Egrets Way – Phase 5 of cycle route from Newhaven to Piddinghoe	£50,000.00

2.10 Community Benefits of recommendations for spending

County Pot

Project (description)	Comments
East Sussex County Council – New form of entry at the Seahaven Academy, Newhaven.	This is a sustainable location for the development of new school places to service Newhaven and Peacehaven
East Sussex County Council –	This project will improve air

Improvements to Newhaven Ring Road.	quality by reducing congestion on the Newhaven Gyratory and improve pedestrian access to the town centre.
South Downs National Park Authority – Egrets Way Phase 5 of the route from Newhaven to Piddinghoe	This project will improve air quality and contribute to carbon food print reduction by encouraging people to use non-motorised travel.

District Pot

Project (description)	Comments
Newhaven Tennis Courts – re-surfacing and improvements	This will improve facilities to enable positive health and wellbeing of residents and communities.
Newhaven Ball Court – re-surfacing and improvements	This will improve facilities to enable positive health and wellbeing of residents and communities.
Salts Recreation Ground - Tennis Courts Resurfacing	This will improve facilities to enable positive health and wellbeing of residents and communities.
Newhaven Band Stand – provision of electricity to Denton Island Band Stand	This will benefit the local community by creating cultural infrastructure.
Seaford Town Council – Water re-fill stations	Encourages the reduction in use of single use plastics.

Community Pot

Project (description)	Comments
CTLA – 1 Mini Bus	Encouraging the mobilisation of Communities to solve local problems and meet local needs.
Newick School – Community Library Improvements	Provides a community centre for those wishing to utilise technology and library facilities.
Sussex Police Engagement Van – 1 new Engagement Van for the Lewes Prevention Team	This will help to promote equality and foster good relationships.
Egrets Way – Phase 5 of cycle route from Newhaven to Piddinghoe	This project will increase air quality by encouraging people to use non-motorised travel.

- 2.11 The table below provides a summary of the amount of CIL funds that this report is recommending for spending from each CIL pot, and the amount remaining available as at 27th December 2018 if the recommendation of this report is approved.

	Total recommendation for spending	Total available as at 27th September 2019 if recommendation is approved
County Pot	£900,000.00	£55,741.22
District Pot	£92,252.22	£401,244.19
Community Pot	£169,406.80	£632,173.61

- 2.12 Prior to funding being released, up-to-date quotes (quotes received within 30 days) will be required and will be reviewed by the Senior Planning Policy Officer and Finance Officer to ensure the project is still in line with the information provided at the time the bid was submitted and that the work is still able to be successfully implemented.

3 Outcome expected and performance management

- 3.1 It is expected that the projects receiving funding will be implemented in a timely manner. The CIL Officer will monitor the progress of projects and report to the Head of Service as required.

4 Consultation

- 4.1 Not applicable

5 Corporate plan and council policies

- 5.1 The current adopted corporate plan for 2016-2020 states: We recognise the need for infrastructure improvements to support new and existing homes and businesses. Our planning policies and the operation of the Community Infrastructure Levy are aimed at securing such improvements.
- 5.2 The release of funds that have been generated from the Community Infrastructure Levy to support the projects identified in this report is therefore supporting delivery of this Infrastructure in line with the current Corporate Plan for Lewes District Council.

6 Business case and alternative option(s) considered

- 6.1 Not Applicable

7 Financial appraisal

- 7.1 The timeframe of the release of the funds will be agreed with the successful

bidders to ensure the deliverability of the projects as well as minimising the risk for the Council.

Prior to funding being released, up to date quotes (quotes received within 30 days) will be required to be reviewed by the Senior Planning Policy Officer and Finance Officer to ensure the project is still in line with the information provided at the time the bid was submitted and that the work is still able to be successfully implemented.

Monitoring the delivery of projects will rest with the Senior Planning Policy Officer (Infrastructure) and will be overseen by Finance.

8 Legal implications

- 8.1 Section 216(2) of the Planning Act 2008 and regulation 59 of The Community Infrastructure Levy Regulations 2010 provide that a Council that charges CIL must apply it, or cause it to be applied, to supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure. In this context, “infrastructure” is defined as:-
- (a) roads and other transport facilities,
 - (b) flood defences,
 - (c) schools and other educational facilities,
 - (d) medical facilities,
 - (e) sporting and recreational facilities, and
 - (f) open spaces
- 8.2 Planning Practice Guidance states that this definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. Charging authorities may not use the levy to fund affordable housing.
- 8.3 Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.
- 8.4 The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.
- 8.5 There are no detailed legal requirements as to how the funding decisions are to be made, however a CIL Governance Framework for Lewes District Council was approved by Cabinet in November 2016.

9 Sustainability implications

- 9.1 Each of the bids submitted has been assessed by the Planning Policy Officer to determine if there are any Environmental impacts. This has then been presented to the CIL Boards when assessing each bid submitted.

Both the Egrets Way Project and Newhaven Ring Road Improvements aim to decrease the Carbon Footprint within the district through reducing the amount of vehicles on the roads by enabling non- motorised travel from the coast in Newhaven to Lewes Town and through easing congestion around the Gyratory, therefore having a positive Environmental Impact.

Water re-fills stations for Seaford Town Council aims to reduce the use of single use plastics and this will have a positive impact on the Environment.

The additional CTLA Mini Bus recommended for approval should reduce the amount of individual trips taken, therefore reducing the carbon footprint to the environment.

10 Equality and Fairness

- 10.1 An Equality analysis has been undertaken on these proposals. This has concluded that all the bids are positive for ages and disability ;

- **Seaford Town Council Tennis Courts**
- **Seaford Town Council Water Re-fill stations**
- **Egrets Way Cycle Path**
- **Newick School Library**
- **Sussex Police Engagement Van**
- **CTLA Mini Bus**
- **Newhaven Ball Court**
- **Newhaven Tennis Courts**
- **Newhaven Town Council Band Stand**

11 Appendices

- Appendix 1 - Bid Assessments from the Community and District Pot by Senior Planning Policy Officer September 2019
- Appendix 2 – Bid Assessments from the County Pot by Senior Planning Policy Officer September 2019

12 Background papers

The background papers used in compiling this report were as follows:

- Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030, May 2016 http://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/257159.pdf
- Infrastructure Delivery Plan, November 2018 https://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/262899.pdf
- Regulation 123 List, November 2015 http://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/262899.pdf

- eastbourne.gov.uk/_resources/assets/inline/full/0/255393.pdf
- Cabinet report – Community Infrastructure Levy Governance. November 2014 <https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201411201430/Agenda/2b1KknllKm8nnObiQYSSm4byT9Tw3.pdf>
 - Cabinet report – Community Infrastructure Levy Governance Review, November 2016 report <https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201611161430/Agenda/Jt6ocM0Ahw2ARi0bHWorFUuca5QKZK.pdf> and appendices <https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201611161430/Agenda/iFRRDudBfLOzln2qMmlg7lhIMUpFo1.pdf>

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COMMUNITY AND DISTRICT POT SUMMARIES

District Pot

Newhaven Ball Court

Finance	Leading Organisation	Lewes District Council
	Project Description	Location
	<ul style="list-style-type: none"> Remove the existing ball court facilities and dispose of at a waste recycling site Make good and carry out surface repairs Improvements to path access into the court. Tree works and landscaping around the ball court as specified 	Newhaven Recreation Ground
	Type of Infrastructure	Ward
	Community Facilities	Newhaven
	Overall cost of the project	% Cost Secured
	£35,000.00	20% (£7000.00)
	Amount Sought	% of Total Cost
	£28,000.00	80%
	Unlock additional funding / Projects	
Project support	Improvements to the court will allow use for other providers	
	Commitment	Project Partners
	Fully committed	Newhaven Town Council
	Constraints	Wave Leisure Trust
	No constraints identified	Nippers
	Timescale	Force Basketball
	0-12 months	
	IDP (weighting) / 123 List	Comments for District Councillors
	Featured on both	Support From Cllr James MacCleary
	Community Support	Supporting comments from LDC Newhaven Enterprise Zone Manager
	Newhaven Tennis Club	
	Wave Leisure Trust	
	Newhaven Town Council	

Governance

Lewes District Council lead project supported by CMT and Councillors. Project Managed by the Specialist Open Spaces.

Officer's assessment:

Strengths		Weaknesses	
Project ready to implement in Autumn 2019 Strong governance in place		Small amount of matched funding	
Score	2	Score	-1
Opportunities		Threats	
Will provide a much needed amenity space in Newhaven			
Score	1	Score	0
Overall score		2	

Officers Assessment

The items which have been bid for are classed as infrastructure and have been identified on the IDP. Lewes District Council is providing some matched funding towards the bid and if approved the project would be implemented in the late autumn. The ball courts would be free to use and accessible to all of the community and bring a much needed amenity space to Newhaven. It is therefore the Officers recommendation to approve.

CIL Management Board's recommendation:

Recommended for approval.

Cllrs supported this bid and noted the matched funding element and the presence of this Infrastructure on the IDP. They were pleased to see large amount of support and that it will benefit the wider Newhaven community as it is free and accessible to all. Cllr's would like to see the project stick to budget in particular relation to landscaping the surrounds.

Newhaven Tennis Courts

Finance

Leading Organisation		Lewes District Council
Project Description		Newhaven Recreation Ground
Re-surfacing of Newhaven Tennis Courts and ramped access.		
Type of Infrastructure		Newhaven
Community Facilities		
Overall cost of the project		% Cost Secured
£35,000.00		20% (£7000.00)
Amount Sought		% of Total Cost
£28,000.00		80%
Unlock additional funding / Projects		
No		
Commitment		Project Partners
Fully Committed		
Constraints		
None		
Timescale		
Immediate		
IDP (weighting) / 123 List		Comments for District Councillors
Featured on both		
Community Support		
Newhaven Tennis Club Wave Leisure Trust Newhaven Town Council		

Project support

Governance	
Lewes District Council lead project supported by CMT and Councillors. Project managed by the Specialist Open Spaces.	

Officer's assessment:

Strengths		Weaknesses	
Project ready to implement in Autumn 2019		Low amount of matched funding.	
Score	1	Score	-1
Opportunities		Threats	
Provide much needed amenity space in Newhaven			
Score	1	Score	0
Overall score			2

This bid would be classed as infrastructure and the project has been identified on the IDP. Lewes District Council is providing some matched funding towards the bid and if approved the project would be implemented in the late autumn. The tennis courts would be free to use and accessible to all of the community and bring a much needed amenity space to Newhaven. It is well supported by the Community and District Councillor's. It is therefore the Officers recommendation to approve.

CIL Management Board's recommendation:**Recommended for approval.**

Cllrs supported this bid and noted the matched funding element and the presence of this Infrastructure on the IDP. As with the Newhaven Ball Courts this will benefit all of the community and enhance Newhaven's amenity space. Support of the bid would be contingent upon the free entry to the courts and information on how the use is managed.

Seaford Tennis Courts

Finance	Leading Organisation	Seaford Town Council
	Project Description	Location
	Renovation of the Tennis Courts at the Salts Recreation Ground in Seaford. The works will include: <ul style="list-style-type: none"> New fencing £20,000.00 New gate £5000.00 Re-surfacing 3/5 tennis courts £45,000.00 Flood lights £18,000.00 	South Street, Seaford, East Sussex, BN25 1HP
	Type of Infrastructure	Ward
	Community Facilities	Seaford
Finance	Overall cost of the project	% Cost Secured
	£88,000.00	75%
	Amount Sought	% of Total Cost
	£20,000.00 These figures do not include VAT as that will be claimed back by the Town Council	25%
Project support	Unlock additional funding / Projects	
	Commitment	Project Partners
	Fully committed	Lawn Tennis Association
	Constraints	
Project support	Planning permission required for floodlights. Pending confirmation of LTA Loan	
	Timescale	
	Within the next year	
	IDP (weighting) / 123 List	Comments for District Councillors
	Yes	
Project support	Community Support	
	Community support obtained	
Project support	Governance	
	The Seaford Town Council's Projects and Facilities Manager and Health and Safety Inspector will oversee the works.	

Officer's assessment:

Strengths		Weaknesses	
Community Support Quotes for work obtained. Large amount of matched funding		Has development within Seaford resulted in the need for this Infrastructure?	
Score	3	Score	-1
Opportunities		Threats	
		Loan subject to approval through LTA.	
Score		Score	-1
Overall score		1	

This bid would enhance the Salts Recreation Ground in Seaford by putting 3 out of 5 tennis courts into use. The remaining 2 courts are to have the use changed back to ball courts. The tennis courts will be hired out at accost of £6.00 per session (no session time give though possible 1 hour) or £30.00 membership a year for a family of four people. This is proposed to be managed through the LTA booking system with rackets and balls available for hire through the Salts Café. It is hoped that the floodlight addition will encourage year round access. The charge associated with the tennis courts are to ensure that there are enough funds to re-surface in the future so therefore “future proofing” the facility.

After considering the information provided and contingent upon the interest free loan form the Lawn Tennis association this bid would be recommended for approval.

CIL Management Board Comments:**Recommended for approval**

Cllrs have recommended this bid for approval. They were pleased to see a well prepared bid with a large amount of matched funding. The approval is contingent upon obtaining Planning Permission for the Floodlights and confirmation of the loan from the LTA (Lawn Tennis Association) and delivery would be required within 12 months of the bid being approved. The board thought it positive that tennis request and balls are available for rent at the Salts Café.

Newhaven Town Council Band Stand

Finance	Leading Organisation	Newhaven Town Council
	Project Description	Newhaven Band Stand –adding Electrical Infrastructure
	Location	Newhaven Town
	Type of Infrastructure	Community Facilities
	Ward	Newhaven
	Overall cost of the project	% Cost Secured
	£TBC	TBC
	Amount Sought	% of Total Cost
	£TBC	TBC
	Unlock additional funding / Projects	
Project support	Commitment	Fully committed
	Constraints	N/A
	Timescale	Immediate
	Project Partners	Lewes District Council Burley's
	IDP (weighting) / 123 List	Reg123 list
	Community Support	Supporting comments from LDC Newhaven Enterprise Zone Manager
Governance		Newhaven Town Council would project manage and oversee the project.

Officer's assessment:

Strengths		Weaknesses	
Matched funding in place. Lewes District Council Public Realm Framework identified lack of Civic space in Newhaven and suggested use of Denton Island be supported.		A low priority for infrastructure.	
Score	2	Score	1
Opportunities		Threats	
The addition of electricity to the bandstand would improve the likelihood of a successful funding application to the Arts Council to secure a temporary music curator.			
Score	1	Score	0
Overall score			2

This would be considered infrastructure for the purposes of CIL however whether the demand for this has been generated by development in Newhaven should be discussed at the board meeting.

At the time of writing the revised quotes obtained for the works were much higher than originally anticipated. Confirmation from Newhaven Town Council on the amounts of CIL funding being sought are expected any day and shall be provided prior to or at the board meeting on the 11th September.

CIL Management Board's recommendation:**Recommended for approval**

This bid has been recommended for approval. Prior to release of funds it has been advised to confirm the licensing requirements, any environmental health issues, and alcohol restrictions at the site and how the power is available to members of the public. For example is it free to all at any time or is there a booking service?

Seaford Town Council Water re-fill stations

Finance	Leading Organisation	Seaford Town Council
	Project Description	Location
	Installation of 3 water re-fills stations on Seaford Seafront.	South Street, Seaford, East Sussex, BN25 1HP
	Type of Infrastructure	Ward
	Community Facilities	Seaford
	Overall cost of the project	% Cost Secured
	£5972.22	~50%
	Amount Sought	% of Total Cost
	£2972.22	~50%
	Unlock additional funding / Projects	
No		
Project support	Commitment	Project Partners
	Committed	Plastic Free Seaford
	Constraints	Re-fill Seaford and Newhaven
	None identified	
	Timescale	
	0-12 months	
	IDP (weighting) / 123 List	Comments for District Councillors
	No	
	Community Support	
	Yes	
Governance		
Project managed and overseen by Seaford Town Council.		

Officer's assessment:

Strengths		Weaknesses	
Environmentally friendly by reducing the use of plastics. Available to all Matched funded		None	
Score	2	Score	0
Opportunities		Threats	
Score	0	Score	0
Overall score		2	

This is positive project which will provide infrastructure to all of the community which is also beneficial to the environment and health. This would be recommended for approval.

CIL Management Board's recommendation:

Recommended for approval

The Cllrs supported this bid and welcome the addition of the stations to reduce the use of single use plastics and make water freely available to all.

Community Pot

CTLA – Community Transport for Lewes Area

Finance	Leading Organisation	CTLA- Community Transport for Lewes Area
	Project Description	Location Head Office – Newhaven Buses to be used primarily in Peacehaven, Seaford and Newhaven with possible journey to medical facilities in Lewes Town or elsewhere.
	Purchase of 4 additional vehicles for the CTLA Fleet to service areas in Lewes District primarily Peacehaven, Seaford and Newhaven. This will increase the CTLA Fleet from 20 to 24 vehicles. The additional vehicles will be utilised from 7am to 5pm every day primarily for the CTLA Dial a Ride service in the Havens area and potentially develop a permanent service to enable patients to access medical services which follows on from the CTLA/NHS pilot scheme.	
	Type of Infrastructure	Ward
	Community Transport	Primarily Seaford, Newhaven and Peacehaven but can cover the whole of Lewes District.
Finance	Overall cost of the project	% Cost Secured
	£240,000.00 at £60,000.00 per vehicle	0%
	Amount Sought	% of Total Cost
	£240,000.00	100%
Project support	Unlock additional funding / Projects	
	Commitment	Project Partners
	Not committed – 100% funding required.	NHS
	Constraints	
	100% matched funding required	
	Timescale	
	Immediate if bid approved	
	IDP (weighting) / 123 List	Comments for District Councillors
	Featured on the IDP as Community Transport	Supported by Cllr Joe Miller
	Community Support	Comments from MP Maria Caulfield
	Additional fleet vehicles are supported by the community.	

Governance

CTLA is headed by General Manager and Board of Trustees. It is a registered Charity.

Officer's assessment:

Strengths		Weaknesses	
Community Support Infrastructure features on IDP list		No matched funding Staffing of buses will need to be secured by extra volunteers or increasing current staffing hours.	
Score	2	Score	-2
Opportunities		Threats	
Allows access to improve economic growth by allowing more of the population to access amenities and local business. Aims to combat isolation and loneliness and improve access to healthcare, and community groups.		What would happen in the instance CTLA ceased operations?	
Score	2	Score	-1
Overall score			1

The CTLA clearly details the need for Community Transport in Lewes District, specifically in the coastal towns. Primarily buses have been bought and maintained through fundraising and the occasional gifting of vehicles by organisations. Buses have also been purchased after a contract has been secured enabling a loan to buy being utilised by CTLA. Currently the CTLA operates a successful and in demand service to residents of Lewes District Council, with the service providing 16,959 trips a year in Seaford alone.

A pilot scheme run by the NHS and CTLA on average delivered 23 trips to medical appointments each day; however a lack of NHS funding resulted in the service being unable to become permanent.

There has been no previous funding from ESCC or any other providers. CTLA currently has contracts with ESCC home to school transport and East Sussex Fire and Rescue.

It could be proposed to initially award enough 1 funding for 1 bus to then monitor the implementation and use with a view that the CTLA then submit a subsequent bid in future rounds to secure additional buses. However this should be discussed in further at the board meeting prior to an assessment.

CIL Management Board's recommendation:

Recommended for approval

The board were disappointed to see no matched funding for this piece of infrastructure. However it is recognised that this is a vital community service with a large amount of support from MP's, District Councillors and members of the public. Therefore the board has recommended approval for 1 bus only at this stage and would like to monitor and review the use of this vehicle. If a subsequent bid

for more vehicles were to be made in future rounds of bidding it would be advised that the CTLA look into extended hours of running services, the possibility of electric or more environmentally friendly vehicles and if some matched funding can be obtained.

Newick Community Library

Finance	Leading Organisation	Newick Church of England Primary School
	Project Description	Location Newick
	Refurbishment to the School Library to create a Resource Hub available to public and parental use and improve facilities in the existing school library to encourage use by pre-school and school age children. The use of the facilities will be free and open to all stakeholders within the community (subject to safeguarding protocols)	
	Type of Infrastructure	Ward
	Community Library	Newick
	Overall cost of the project	% Cost Secured
	£18,000.00	~84%
	Amount Sought	% of Total Cost
	£3000.00	~16%
	Unlock additional funding / Projects	
Project support	Commitment	Project Partners
	Committed	
	Constraints	
	None identified	
	Timescale	
	Immediate	
	IDP (weighting) / 123 List	Comments for District Councillors
	No	
	Community Support	
	None at present but the school do plan to promote and communicate this to the local community.	
Governance		
The project will be overseen by Newick Primary School Head Teacher and the Senior Leadership Team. Support has been obtained from the Governing Body.		

Officer's assessment:

Strengths		Weaknesses	
Large amount of matched funding Strong Governance arrangements in place		The time available for the wider community may be limited due to safeguarding limitations.	
Score	2	Score	-1
Opportunities		Threats	
Will make facilities accessible to wider Community			
Score	1	Score	0
Overall score		2	

This bid would improve facilities for both residents of Newick and the Primary School itself. The bid has a large % of matched funding and if the bid were to be approved it could be implemented within 12 months of Cabinet approval. The only weakness is the time at which it may be available to the wider community, which is subject to safeguarding limitations and school opening hours. The details of accessible hours have not yet been confirmed though Officers are awaiting a response for more clarity on this issue.

CIL Management Board's recommendation:**Recommended for approval**

This project has been recommended for approval. The Cllr's on the board were happy to see a large amount of matched funding towards a project which will benefit the community and is ready to implement.

Sussex Police – New Public Engagement Van/Mobile

Finance	Leading Organisation		Sussex Police
	Project Description		Location
	Purchase of a vehicle for Public Engagement for the Lewes Prevention Team, predominantly operating in the Havens area. The van will be utilised by all teams within the Prevention Team.		Based at Sussex Police, Saxon House, Newhaven but able to travel the whole of the District
	Type of Infrastructure		Ward
	Transport/Office		All
	Overall cost of the project		% Cost Secured
	£67,406.80		~30%
	Amount Sought		% of Total Cost
	£47,406.80		~70%
	Unlock additional funding / Projects		
The addition of a vehicle to this project may enable further projects to be undertaken in and around Newhaven as required.			
Project support	Commitment		Project Partners
	Committed		Lewes District Council
	Constraints		Neighbourhood First
	None identified		Lewes District Council Housing
	Timescale		East Sussex Fire and Rescue Service
	Immediate if funding received		Sussex Community Development Agency
			Rita Project (Domestic Abuse Prevention)
	IDP (weighting) / 123 List		Comments for District Councillors
	IDP		Support from Cllr MacCleary
	Community Support		
Support from the Community has been identified from the LDC Community Engagement Survey in 2017 for an improvement in tackling issues such as Anti-Social behaviour, Burglary, Road Safety and Substance misuse.			
Governance			
The Project is implemented and overseen by Sussex Police			

Officer's assessment:

Strengths		Weaknesses	
Strong Governance arrangements Support from multiple agencies			
Score	2	Score	0
Opportunities		Threats	
The team is already up and running, the addition of a van will increase mobility and opportunity to wide their presence.		If the Lewes Prevention Team were to cease functioning what would happen to the van?	
Score	1	Score	-1
Overall score		2	

The addition of a van to enable to Lewes Prevention Team to become mobile will enhance the services that are offered, and can increase the geographical range of the service they provide. The project does have some matched funding and does feature on the Infrastructure Delivery Plan.

This bid would be recommended for approval but with a recommendation that within the grant agreement there is reference to what would happen if the LPT were to cease operating, and an assurance that the van would continue to utilise within the Lewes District. It would be recommended that the use of the van is monitored from time to time by CIL Officers to ensure operation is within the Havens and or Lewes District.

CIL Management Board's recommendation:**Recommended for approval**

Cllr's have supported this bid with a caveat that there is input from LDC into the van signage (e.g funded by Lewes District Council CIL). Cllrs would like assurance that the vehicle is to be solely by Lewes Prevention Team which could be covered in a grant agreement. The board were happy to see some matched funding and believe the addition of this infrastructure will further enable the Lewes Prevention Team to carry out vital work in the District.

Egrets Way

Finance	Leading Organisation	South Downs National Park
	Project Description	Construction of 1.5km of level surfaced off road path alongside the River Ouse being phase 5 of the Egrets Way Project.
	Location	Newhaven/Piddinghoe
	Type of Infrastructure	Ward
	Cycle Way	Newhaven and Piddinghoe
	Overall cost of the project	% Cost Secured
	£443,200.00	~45%
	Amount Sought	% of Total Cost
	£250,000.00	~55%
	Unlock additional funding / Projects	
Project support	SDNP are in the process of confirming the 45% of the cost secured will be from the SDNP.	
	Commitment	Project Partners
	Committed	SDNP
	Constraints	
	Licence agreements with landowners Issue for Tenders and Construction Work.	
	Timescale	
	Work to begin in 2020.	
	IDP (weighting) / 123 List	Comments for District Councillors
	IDP- Cycling and Walking infrastructure and green infrastructure.	Supported by Cllr James MacCleary and Cllr William Meyer, Cllr Stephen Gauntlett and Cllr Steve Saunders
	Community Support	
Governance	Large amount of Community Support- please see additional supporting documents.	
	Governance	
	The project is managed and overseen by the South Downs National Park. The SDNP would oversee all financial aspects and have strict governance procedures in place.	

Officer's assessment:

Strengths		Weaknesses	
Community Support Infrastructure features on IDP list Good matched funding amount		Requires landowner final approval	
Score	3	Score	-1
Opportunities		Threats	
Improves connectivity across the district for non-motorised users. Environmentally friendly and encourages reduction in motorised vehicle use			
Score	2	Score	0
Overall score			4

This is a well prepared bid for a committed project which will be considered a piece of strategic infrastructure. The project has strong Governance in place as it is being managed by the SDNP on behalf of the Egrets Way Project. This bid is for Phase 5 of the Egrets Way (Phase 6 is proposed to be funded through SDNP CIL as it is in Lewes Town) and, if awarded, will complete the whole project. This will enable access from Newhaven to Lewes town via a route which is for non-motorised vehicles. It promotes a safer journey for those wishing to walk or bike and encourages a more environmentally friendly way to travel.

It is proposed that 20% of the bid funding is from the Community Pot and 80% from the County Pot, this can be discussed at the Board meeting and can be amended if required. The bid would be recommended for approval pending that final land owner access is acquired and quotes for the work are received.

CIL Management Board Comments**Recommended for approval**

It has been recommended that 20% of the bid (£50,000.00) be released from the Community Pot for this project. This is contingent upon final approval from the SDNP that Phase 6 has been agreed funding and also the matched funding of Phase 5 is also confirmed. Please also see information in the County Pot Summary.

Summary from CIL Management Board for bids not recommended for approval

Following on from the CIL Management Board on the 11th September some bids were not recommended for approval for one or more of the following reasons; lack of matched funding, not meeting the definition of infrastructure, and prematurity.

The bids which were unsuccessful from the Community Pot are:

- Ringmer Cricket Club Electronic Score Board
- Meridian Surgery car park improvements
- Ringmer Football Club
- Kempton House Mini Bus

The bids which were unsuccessful from the District Pot are:

- Seaford Town Hall Improvements
- Ditchling Keymer Road Car Park
- Westmeston Spatham Lane Speeding restrictions implementation

COUNTY POT BID SUMMARIES

1.ESCC Seahaven Academy Expansion

Finance	Leading Organisation	ESCC
	Project Description	Location
	Phase 1 of delivering additional secondary school places to support development in Peacehaven, Telscombe and Newhaven. The project will expand the school by one form of entry by September 2020.	Seahaven Academy in Newhaven
	Type of Infrastructure	Ward
	Education	Newhaven
	Overall cost of the project	% Cost Secured
	£4,500,000.00	83% (1.2 million previously awarded from CIL County Pot) the rest proposed through DofE grants/loans
	Amount Sought	% of Total Cost
	£800,000.00	17%
	Commitment	Project Partners
Project support	Fully committed	
	Constraints	
	None project is currently underway	
	Timescale	
	0-2 years implementation.	
	IDP (weighting) / 123 List	Comments for District Councillors
	IDP and 123 list	
	Community Support	
	Supported	
	Governance	
	Project managed and overseen by ESCC.	

Officer's assessment:

Strengths		Weaknesses	
Money from S106 and Loan from DofE towards the project obtained. Features on the IDP and 123 List			
Score	2	Score	0
Opportunities		Threats	
Increases school places in Newhaven/Peacehaven		ESCC Previously awarded £1.2million for this project in the last bidding round.	
Score	1	Score	-1
Overall score		2	

This project at the Seahaven Academy has previously been awarded £1.2 million from the CIL County Pot. ESCC are bidding for the maximum amount possible to be released from the County Pot once the Ring Road Improvements have been taken into account.

As in the previous bidding round this project has been identified in the IDP as required infrastructure to increase the capacity of the Seahaven Academy to meet future needs of development in the area.

In principal this project is supported but it will need to be decided at the CIL Executive Board meeting exactly how much money should remain in the County Pot as a buffer in case of urgent strategic infrastructure requirements outside of the regular bidding rounds. Taking this buffer into account it can be determined how much money can be release against the request of £800,000.00.

2. ESCC Newhaven Ring Road Improvement

Finance	Leading Organisation	ESCC
	Project Description	Improvements to the Newhaven Ring Road including junction modifications and pedestrian crossing traffic light linking. For detail please see attached supporting documentation.
	Location	Newhaven
	Type of Infrastructure	Transport and Highways
	Ward	Newhaven
	Overall cost of the project	% Cost Secured
	£300,000.00	0%
	Amount Sought	% of Total Cost
	£300,000.00	100%
	Unlock additional funding / Projects	
Project support	Commitment	Project Partners
	Committed	
	Constraints	
	100% matched funding required	
	Timescale	
	Immediate if bid approved.	
	IDP (weighting) / 123 List	Comments for District Councillors
	Features in the Local Transport Plan 2011-2026. Work was identified in the Capital Programme of Local Transport. Features on the IDP Transport Item G page 64.	Supported by Cllr James MacCleary
	Community Support	
	Governance	
	Project managed and overseen by ESCC.	

Officer's assessment:

Strengths		Weaknesses	
Strong Governance Infrastructure features on IDP list, Transport Delivery Plan and Local Plan Well supported bid		No matched funding	
Score	3	Score	-1
Opportunities		Threats	
Improved Capacity of Newhaven Ring Road.		Does it tie in with future development? Will the work be done and then re-done? Longevity?	
Score	1	Score	-1
Overall score			2

CIL Officer Comments

This bid is for work to improve traffic flow around the Newhaven Ring Road by updating junctions and pedestrian crossing co-ordination to accommodate the planned housing and current development pressures within Newhaven and Peacehaven. An A259 Ring Road study was completed and shows that development forecasted up to 2030 can be accommodated within the existing highways network if these limited improvements were to be carried out.

The bid is well supported and the improvements to the Newhaven road network have been identified in the Lewes District Local Plan and the Local Transport Plan .It also features in the Infrastructure delivery plan however there is no matched funding proposed.

The current status of the project is that an independent Stage 2 Road Safety Audit is being carried out and the work is on track to start work in December 2019.

It is mentioned in the SWOT Analysis that a threat could be the longevity of the work. Will future development in Newhaven require further works? Could the works implemented be reversed? The Harbour Heights development is currently awaiting Highways comments and if these are available at the time the board sits they shall be made available and discussed at the time.

3- Egrets Way

Finance	Leading Organisation		South Downs National Park
	Project Description		Location
	Construction of 1.5km of level surfaced off road path alongside the River Ouse being phase 5 of the Egrets Way Project.		Newhaven/Piddinghoe
	Type of Infrastructure		Ward
	Cycle Way		Newhaven/Piddinghoe
	Overall cost of the project		% Cost Secured
	£443,200.00		~45%
	Amount Sought		% of Total Cost
	£250,000.00		~55%
	Unlock additional funding / Projects		
Project support	SDNP are in the process of confirming the 45% of the cost secured will be from the SDNP. This has been recommended for approval though yet to be formally approved at the relevant meetings..		
	Commitment		Project Partners
	Committed		SDNP
	Constraints		Egrets Way Project
	Licence agreements with landowners.		
	Timescale		
	Work to begin in 2020.		
	IDP (weighting) / 123 List		Comments for District Councillors
	IDP- Cycling and Walking infrastructure and green infrastructure.		Supported by Cllr James MacCleary and Cllr William Meyer
	Community Support		
Governance	Large amount of Community Support- please see additional supporting documents.		
	Governance		
Governance	The project is managed and overseen by the South Downs National Park. The SDNP would oversee all financial aspects and have strict governance procedures in place.		

Officer's assessment:

Strengths		Weaknesses	
Community Support Infrastructure features on IDP list Good matched funding amount Encourages Environmentally friendly travel.		Requires landowner final approval	
Score	4	Score	-1
Opportunities		Threats	
Improves connectivity across the district for non-motorised users. Encourages cross boundary co-operation			
Score	2	Score	0
Overall score			5

CIL Officer Assessment:

It has been approved by the Management Board already that 20% of this bid shall come from the Community Pot. It is therefore proposed that the remaining 80% (£200,000.00) shall come from the County Pot as this project is considered a strategic piece of Infrastructure which can connect the Havens with Lewes Town.

This bid for Phase 5 of the Egrets Way has been thoroughly prepared and will connect Piddinghoe with Riverside Park, Newhaven once complete. Landowner agreement has been sought in principal but this will be finalised prior to any CIL funds being released. The project encourages car-free travel to assist in the reductions emission and the improvement of health and wellbeing.

Phase 6 is currently submitted with the SDNP CIL and has been recommended for approval with 100% CIL Funding from the SDNP. This is awaiting formal sign off but along with phase 5 and a small section of phase 7 which is to be completed by the Highways Authority, it will finish the Egrets Way Project.

CIL Management Board Comments

The CIL Management Board has approved this bid for 20% (£50,000.00) to be released from the County Pot. A recommended contingency is that this project – Phase 5 only has funds released if Phase 6 which is being wholly funded by the Park is approved and also once final Landowner sign off has been completed and formal quotes reviewed.

Report to:	Cabinet
Date:	28 October 2019
Title:	Draft Revised Statement of Community Involvement
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Councillor Emily O'Brien, Cabinet member for Planning
Ward(s):	All wards that lie wholly or partially outside of the South Downs National Park
Purpose of report:	To seek Cabinet approval to publish the Draft Revised Statement of Community Involvement for a consultation period of 8 weeks.
Decision type:	Budget and policy framework
Officer recommendation(s):	To approve the publication of the Draft Revised Statement of Community Involvement for a consultation period of 8 weeks.
Reasons for recommendations:	To ensure that progress is made in reviewing and updating the Council's Statement of Community Involvement in accordance with national legislation.
Contact Officer(s):	Name: Gerda Zijm Post title: Planning Policy Officer E-mail: Gerda.Zijm@lewes-eastbourne.gov.uk Telephone number: (01273) 085870

1.0 Introduction

- 1.1 Involving communities is an essential element of a responsible, inclusive and democratic planning system. The Council's Statement of Community Involvement (SCI) sets out our approach to involving the local community and stakeholders in planning issues. This includes the handling of major planning applications. It is intended to 'signpost' opportunities for anyone who wishes to make a contribution to planning for the future outside of the South Downs National Park.
- 1.2 Our current SCI was adopted in July 2011. Since then, the Localism Act 2011

and the Neighbourhood Planning Act 2017 have been introduced. Amendments have also been made to the Town and Country Planning Regulations and a new National Planning Policy Framework has come into force. These legislative changes mean that there is a need to review and update our SCI. They also present an opportunity to review the most effective ways to consult the community based on recent experience.

2.0 The Consultation Document

- 2.1 The Draft Revised SCI has been produced for public consultation and is attached as Appendix 1 to this report. It updates the Council's adopted SCI in order to reflect the changes that have occurred to the planning system since the current version was adopted in 2011.
- 2.2 The consultation document sets out how and when the Council will provide opportunities for the community to contribute to the planning process, including local plan preparation and the consideration of planning applications. It is split into four main sections as follows:
- Overview of the Planning System
 - Plan Making
 - Neighbourhood Planning
 - Development Management
- 2.3 The 'Overview of the Planning System' is a new section within the SCI and explains the planning process and the District Council's role as local planning authority. This section has been included in response to feedback from Town and Parish Councils and an associated explanation of the planning term '*material considerations*' is included at Appendix 2 of the document.
- 2.4 The 'Plan Making' section concerns the preparation of planning policy documents, including Local Plans, and describes what documents we will consult on, who will be consulted, the methods that will be used to undertake this consultation, and the stages of the production process when consultation will be undertaken
- 2.5 'Neighbourhood Planning' is another significant new section within the SCI. It explains how the District Council will support Town and Parish Councils undertaking neighbourhood plans, in accordance with our new duties under the Neighbourhood Planning Act 2017.
- 2.6 Finally, the 'Development Management' section describes how people can find out about planning applications submitted in their area, how and when they can submit comments, and how they can speak at Planning Committee.

3.0 Consultation

- 3.1 The Draft Revised SCI will be published for an 8 week consultation period between **11 November 2019 and 5 January 2020**. The consultation will be publicised on the Council's web site and hard copies of the document will be available to read at Southover House and local libraries.
- 3.2 All representations made on the SCI will be acknowledged and taken into consideration when preparing the final version of the document. It is anticipated that the results of the consultation will be reported back to Cabinet on 10 February 2020, along with recommendations for any amendments required to the document. Once these have been approved, the SCI will go up to Full Council for adoption on 24 February 2020.

4.0 Corporate plan and council policies

- 4.1 The LDC Corporate Plan firmly supports the importance of community involvement. Working together with other authorities, organisations and the residents are viewed as a fundamental necessity for achieving the goals.

5.0 Financial appraisal

- 5.1 There are not considered to be any financial implications for the General Fund base budget. The cost of the consultation and publication of the SCI will be met from within the service budget. Financial resources will be taken into consideration when determining the specific approach to consultation on a planning policy document.

6.0 Legal implications

- 6.1 S18 of Planning and Compulsory Purchase Act 2004 provides that the local planning authority must prepare a Statement of Community Involvement (SCI).

The Town and Country Planning (Local Planning) (England) Regulations 2012 provide the processes to which the local authority must adhere associated with the preparation, consultation and adoption of the SCI. s10A of the 2012 Regulations compels a local authority to review its SCI every five years.

Significant changes in legislation have taken place since the last review of the SCI and therefore a review is required and justified to update the document.

Date of Legal Advice 24.09.2019 - Legal Ref 008584-LDC-JCS Advice by HM

7.0 Risk management implications

- 7.1 Legislation requires that Local Plans are prepared in conformity with an adopted SCI and an amendment to the Town and Country Planning Regulations in 2017 requires local planning authorities to review their SCI every five years. As the current SCI was adopted in 2011, the Council needs to approve an up-to-date version of the SCI prior to commencing consultation on a review of the Lewes District Local Plan Part 1 (Joint Core Strategy). Without an adopted, up-to-date SCI in place, the preparation of a new Local Plan which meets all the necessary legislative requirements will not be possible.

8.0 Equality analysis

- 8.1 The Draft Revised SCI stresses the need to facilitate equal access to participation in local planning decisions. The document presents a wide range of methods that can be used to engage the community, including groups with protected characteristics.
- 8.2 The Equality and Fairness Analysis states that the SCI is focused on strengthening the procedures for community involvement. These procedures are not expected to have any negative direct impacts on groups with protected characteristics. However, the SCI will be subject to public consultation following approval from Cabinet.

9.0 Sustainability implications

- 9.1 There are no identified sustainability implications, although strengthening the procedures for community involvement will help to enable thriving communities in accordance with the third pillar of the Council's Sustainability Policy 2018.

10 Appendices

- Appendix 1 - The Draft Revised Statement of Community Involvement

11 Background papers

The background papers used in compiling this report were as follows:

- Lewes Statement of Community Involvement (2017) EBC SCI2017
<https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/?assetdet6489524d-f1f5-4d4c-8362-fee79affbb2a=262416>
- National Planning Policy Framework (MHCLG, 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_ac

[cessible version.pdf](#)

- Town & Country Planning (Local Planning) (England) Regulation 2012
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Neighbourhood Planning Act (2017)
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Localism Act (2011)
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- The Equality and Fairness Analysis for SCI (2019)
- <https://www.gov.uk/guidance/neighbourhood-planning--2>

To inspect or obtain copies of the background papers, please contact the officer listed above.

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Comparison of this SCI to the 2011 adopted version

Content of the document	New information due to new legislation	More extensive explanation
1.0 Introduction		
• What is a Statement of Community Involvement?		x
• Why get involved?		x
• Legislation and National Policy	x	
2.0 Overview of the Planning System		
		x
Plan making	x	x
• Local Plans		x
• Neighbourhood Plans	x	
• Supplementary Planning Documents		x
• Community Infrastructure Levy (CIL)	x	
• Statement of Community Involvement		
Development Management		x
3.0 Community Involvement in Plan Making		
• When will we consult?		x
• Who will we consult?		
• How will we consult?		Updating of methods
• What will we do with consultation responses?		x
4.0 Community involvement in Neighbourhood Planning		
• Who can prepare a Neighbourhood Plan or Order?	x	
• When will consultation take place?	x	
• The Council's policy of advice and assistance to neighbourhood planning	x	
5.0 Community Involvement in Development Management		• Updating information
• Pre-application stage		
• Planning application stage		x
• Appeals		
• Planning performance agreements		
6.0 Monitoring and Review		
	x	

Throughout the document the titles of Sections or subsections with new information or extra explication are highlighted in the respective colour.

1.0 INTRODUCTION

- 1.1 Every day, decisions are made about our surroundings: what homes, roads, offices, and shops are built and where, and what public spaces will be created and protected. These decisions affect us all, and the Town and Country Planning system seeks to ensure that the local community and other stakeholders are involved in them.
- 1.2 It is important that local people understand the planning process, and are given the opportunity to get involved in, and contribute to, planning decisions. In order to achieve this, Lewes District Council has produced this Statement of Community Involvement (SCI) to set out the standards and approaches that the Council will take to consult stakeholders and the community on planning matters.
- 1.3 The Council's first SCI was adopted in 2006 and a revision of this SCI was adopted in 2011. Since then, the Localism Act 2011 and the Neighbourhood Planning Act 2017 have been introduced. Amendments have also been made to the Town and Country Planning Regulations and a new National Planning Policy Framework has come into force. These legislative changes mean that there is a need to review and update our SCI.
- 1.4 To help inform the preparation of the new SCI the District Council undertook an informal and non-statutory evidence gathering consultation.

WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT?

- 1.5 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a Statement of Community Involvement (SCI). This document should explain how they will engage local communities and other interested parties in producing their local plans and determining planning applications.
- 1.6 The engagement of the community in plan making and in development management is addressed through national regulations. These set out at what stage of the planning process the community has to be consulted, and how this has to be carried out.

- 1.7 Lewes District Council is aware that to promote the involvement of the community, an extra effort has to be made to reach people who are not easily engaged; in this respect, it is considered important to both explain how the planning system operates and maintain good communications with town and parish councils and the local community.
- 1.8 Lewes District Council is the local planning authority for that part of Lewes District which lies outside of the South Downs National Park. The South Downs National Park Authority assumed its full planning responsibilities as the planning authority for the National Park on 1 April 2011 and adopted its own SCI in 2012.

WHY GET INVOLVED?

- 1.9 Most people have limited contact with the planning system. They may need to make a planning application for an extension to their home, or possibly their neighbour makes a planning application and the Council contacts them for their views, or when a controversial development is proposed in their neighbourhood.
- 1.10 However many people are interested in their area's future. They want their children to have a decent home and job and they value the environment of Lewes District. They may have clear ideas as to the kind of place they would like the District to be, but probably have not realised the important role of planning in helping to achieve them.
- 1.11 The Council values these ideas and wants to hear from the local community, both when it is considering planning applications and when it is preparing local planning policies which are used to decide them.

LEGISLATION AND NATIONAL POLICY

- 1.12 The key pieces of legislation and national policy that are relevant to consultation on planning matters and to the preparation of this SCI are outlined below.

National Planning Policy Framework, 2018

- 1.13 The National Planning Policy Framework (NPPF) sets out guidance for local planning authorities both in drawing up plans and making decisions about planning applications. Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing

needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

- 1.14 In addition, the National Planning Practice Guidance (NPPG) adds further context to the NPPF and provides additional advice on a range of matters including on local plans, determining planning applications, and consultation and pre-decision matters. Regard must be had to national policies and advice contained in the NPPF and NPPG in plan making, and these are also 'material considerations' in the determination of planning applications (see Appendix 2).

Localism Act 2011

- 1.15 Section 110 of the Localism Act 2011 introduced a "Duty to Co-operate" for local planning authorities and other public bodies to work collaboratively on strategic cross boundary issues. It requires local planning authorities and other prescribed bodies to engage in the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters (matters affecting more than one planning area).
- 1.16 Section 116 of the Localism Act 2011 introduced 'Neighbourhood Planning', providing a right for communities to draw up a neighbourhood plan or neighbourhood development order. It requires local planning authorities to provide technical advice and support. If a neighbourhood plan is in accordance with national planning policy, the strategic vision for the wider area, and other legal requirements, and is also approved by a majority vote in a local referendum, the plan will be brought into force by the local authority.

Equalities Act 2010

- 1.17 Under the Equalities Act 2010, local authorities must have regard to the Public Sector Equalities Duty in respect of engaging people with 'protected characteristics', i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Data Protection legislation and Freedom of Information Act 2000

- 1.18 Under the Freedom of Information Act 2000, representations submitted on planning consultations cannot be treated in confidence. This means that copies of representations and the name of the person submitting the representation will be made publicly available, and that by submitting representations, consultees accept responsibility for their comments. However, under the Data Protection legislation, other personal information such as telephone numbers, email/private addresses and signatures will not be publicly available.

Neighbourhood Planning Act 2017

- 1.19 The Neighbourhood Planning Act 2017 is designed to encourage communities engaged in neighbourhood planning to complete the process and to assist others to draw up their own plans or orders. The Act strengthens neighbourhood planning by ensuring that planning decision-makers take account of very advanced neighbourhood plans, by requiring parish and town councils to be automatically notified of future planning applications in their area and by giving neighbourhood plans full legal effect at an earlier stage. The Act also makes it the duty of local planning authorities to support neighbourhood planning groups and increases the transparency of the neighbourhood planning examination process.

2.0 OVERVIEW OF THE PLANNING SYSTEM

2.1 The Planning System manages the use and development of land and buildings with the aim of achieving 'sustainable development'.

2.2 The Planning System has two main parts to it:

- **Plan making** – setting out a plan and policies for how an area will develop over time as a guide to future development. Plan making includes both Local Planning and Neighbourhood Planning.
- **Development Management** – when proposals for development are assessed and granted or refused planning permission.

2.3 The planning system is a 'plan-led system', which means that applications for planning permission should be determined according to what the plan and policies for the area say about it, unless there are material considerations that would go against this. It is therefore important that the local community get involved in the plan-making stage as well as commenting on specific planning applications.

2.4 Planning officers prepare local planning policies and assess applications. They provide advice to elected Councillors, who are responsible for approving planning policy documents and plans and making decisions on whether planning permission should be granted for development.

2.5 In Neighbourhood Planning, the Plan/Order is prepared by community groups called 'Qualifying Bodies'; these are Parish/Town Council-led groups or 'Neighbourhood Forums' (generally for areas not divided into Parishes). The Council promotes Neighbourhood Planning and has a duty to support and advise groups engaged in, or seeking to engage in, Neighbourhood Planning.

PLAN MAKING

- 2.6 Plan-making is setting the strategy for the future of the area over a long period, typically 15-20 years, in the form of plans and policies. These plans and policies are contained within Local Development Documents, which is collective term used to describe Local Plans and Supplementary Planning Documents.
- 2.7 Plan making can be undertaken by local communities through Neighbourhood Planning. Once adopted, these plans become part of the statutory *Development Plan* and guide decision making for the areas covered.
- 2.8 The legal requirements for the production of Local Development Documents are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Neighbourhood Planning (General) Regulations 2012 (as amended), which will subsequently be referred to as 'the Local Planning Regulations'.
- 2.9 The Council sets out its timetable for plan making in the Local Development Scheme (LDS)¹. The LDS specifies the Local Development Documents that are to be produced by the Council; the subject matter and geographical area to which each document relates; and the timetable for the preparation and revision of these documents. The LDS can be found on the Council's website. The timetables for Neighbourhood Plans as these are published separately by the relevant town or parish councils.

LOCAL PLANS

- 2.10 Local Plans are formal plans that set out the strategic priorities for future development, including the requirements for housing, the economy, community facilities and infrastructure, as well as the basis for safeguarding the environment, adapting to climate change and securing good design. Many of these requirements (for instance for housing, environment, or climate) are decided on a national level; however, Local or Neighbourhood Plan are able to address the optimal way to carry out these requirements.

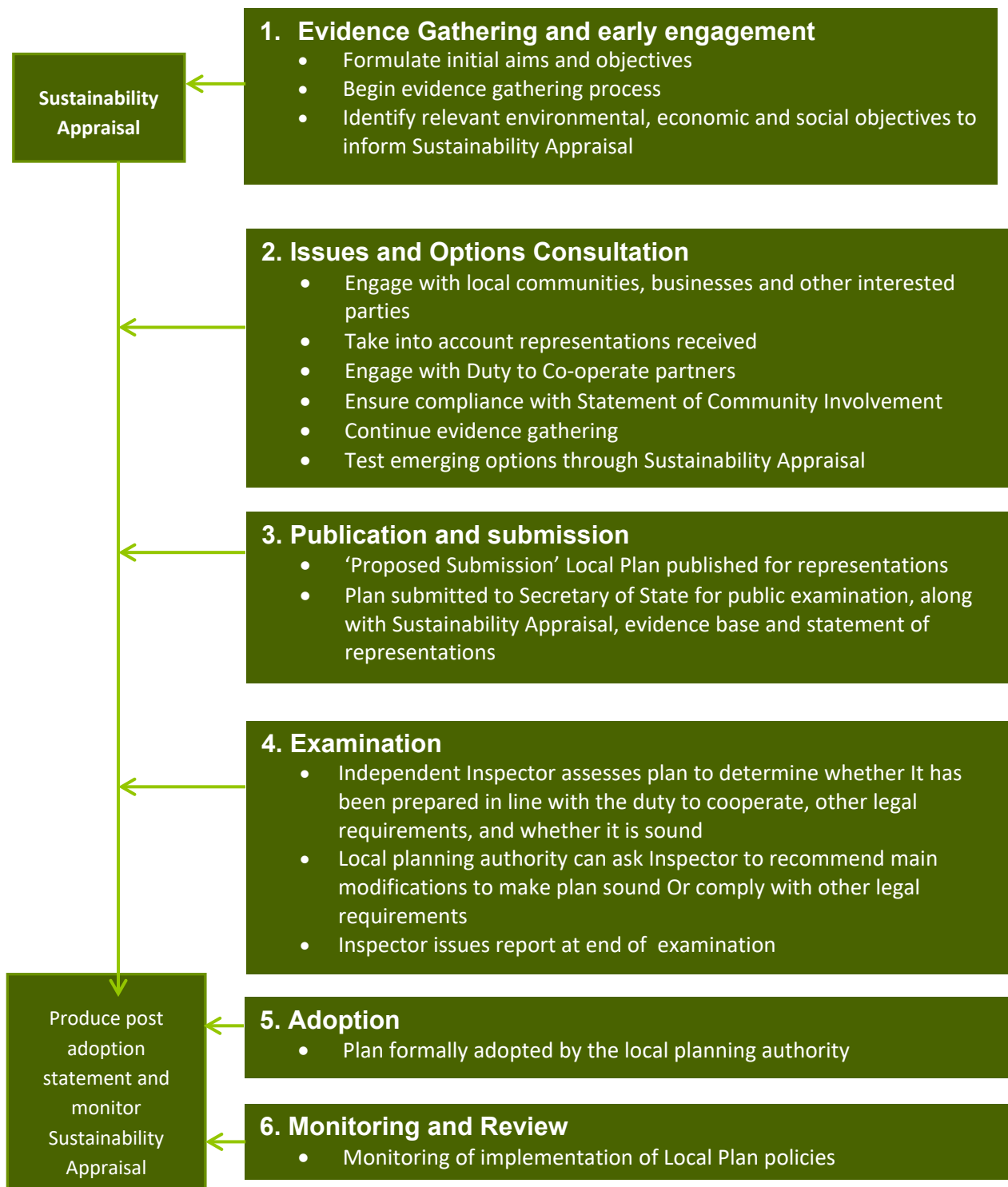
¹ www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme

- 2.11 The Local Plan sets out what opportunities there are for development in the area, what will and will not be permitted, and where. Therefore Local Plans are critical in determining what will be developed, what will be protected and what will not be given permission to be built.
- 2.12 In preparing Local Plans, local planning authorities will firstly assess the future needs and opportunities in the area. Options for addressing these issues will be presented, and a preferred approach will be identified. This process involves the gathering of evidence, carrying out of a Sustainability Appraisal to ensure that development is sustainable, and effective engagement and consultation with the local community and other stakeholders.
- 2.13 The process of preparing a Local Plan involves several stages, which are identified in Figure 1.

Sustainability Appraisal

- 2.14 Sustainability Appraisal (SA) is a process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the social, economic and environmental impacts that would result from the implementation of the policies contained within Local Plans, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have.
- 2.15 Conducting SA on Local Plans is a requirement of Section 19 of the Planning and Compulsory Purchase Act 2004. The SA incorporates the requirement to prepare a 'Strategic Environmental Assessment' from the Environmental Assessment of Plans and Programmes Regulations 2004.

Figure 1 - Stages in the preparation of a Local Plan



Adapted from Planning Practice Guidance, Paragraph 005 Reference ID: 12-005-20140306

NEIGHBOURHOOD PLANS

2.16 The Localism Act 2011 introduced new rights and powers for communities to get more involved in planning for their areas through the production of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.

- A **Neighbourhood Plan** is a planning document which establishes general policies for development and use of land in a neighbourhood, including the location of new homes, and what they should look like.
- A **Neighbourhood Development Order** means that town and parish councils can grant permission for certain types of development without the need for people to apply to Lewes District Council. These could include, for example, all house extensions in a defined area, changes of use, or development on a particular site. Certain types of development are excluded, such as minerals and waste developments, certain public and private environmental projects, and nationally significant infrastructure.
- A **Community Right to Build Order** enables small-scale development in neighbourhoods, such as housing or community facilities, but can be prepared by any local community organisation rather than just town and parish councils. As above, certain types of development are excluded.

2.17 Neighbourhood planning is usually undertaken by a town or parish council within a 'parished' area. The group preparing the Plan/Order are referred to as a 'Qualifying Body'. Once a Plan, Order or Community Right to Build Order has been agreed by a local referendum, it becomes part of the development plan for the local authority area.

2.18 Neighbourhood planning should be used positively to plan for future development and support growth, reflect and build on the strategic needs set out in the Local Plan, and conform with the National Planning Policy Framework.

- 2.19 A Neighbourhood Plan or Order is not a process that can be used to prevent development or promote a lower level of development than is set out in a Local Plan.
- 2.20 Due to the provisions of the Neighbourhood Planning Act 2017, Neighbourhood Plans which have already been ‘made’, and are part of the development plan, can be modified. There are different levels of modification that can occur, these range from correcting minor errors to making significant alterations (e.g. correcting references, adding new policies or including new site allocations). In order to make really significant changes an examination and referendum may be required. For smaller changes, an examination may still be required, but the correction of errors is not likely to require such measures.
- 2.21 The process of preparing a Neighbourhood Plan involves several stages, which are identified in Figure 2. The process for preparing a Neighbourhood Development Order or a Community Right to Build is similar, as presented in Figure 3. Detailed information and guidance on Neighbourhood Planning and the required process can be found in the Neighbourhood Planning section of the National Planning Practice Guidance.²
- 2.22 A Community Right to Build Order is a type of Neighbourhood Development Order which enables small scale developments, such as community facilities or affordable small-scale housing. It can be used to grant outline or full planning permission for specific development which complies with the order.
- 2.23 When producing a Community Right to Build Order, additional information is needed to accompany the submission of the Order to the District Council. This includes: a map of the area the proposal relates to, a statement explaining how the proposed Order meets planning regulations, a statement of those consulted and a summary of the main issues raised.
- 2.24 The key stages in the preparation of Neighbourhood Plans and Orders are identified in Figure 2 and 3.

² <https://www.gov.uk/guidance/neighbourhood-planning--2>

Figure 2 Stages in the preparation of a Neighbourhood Plan

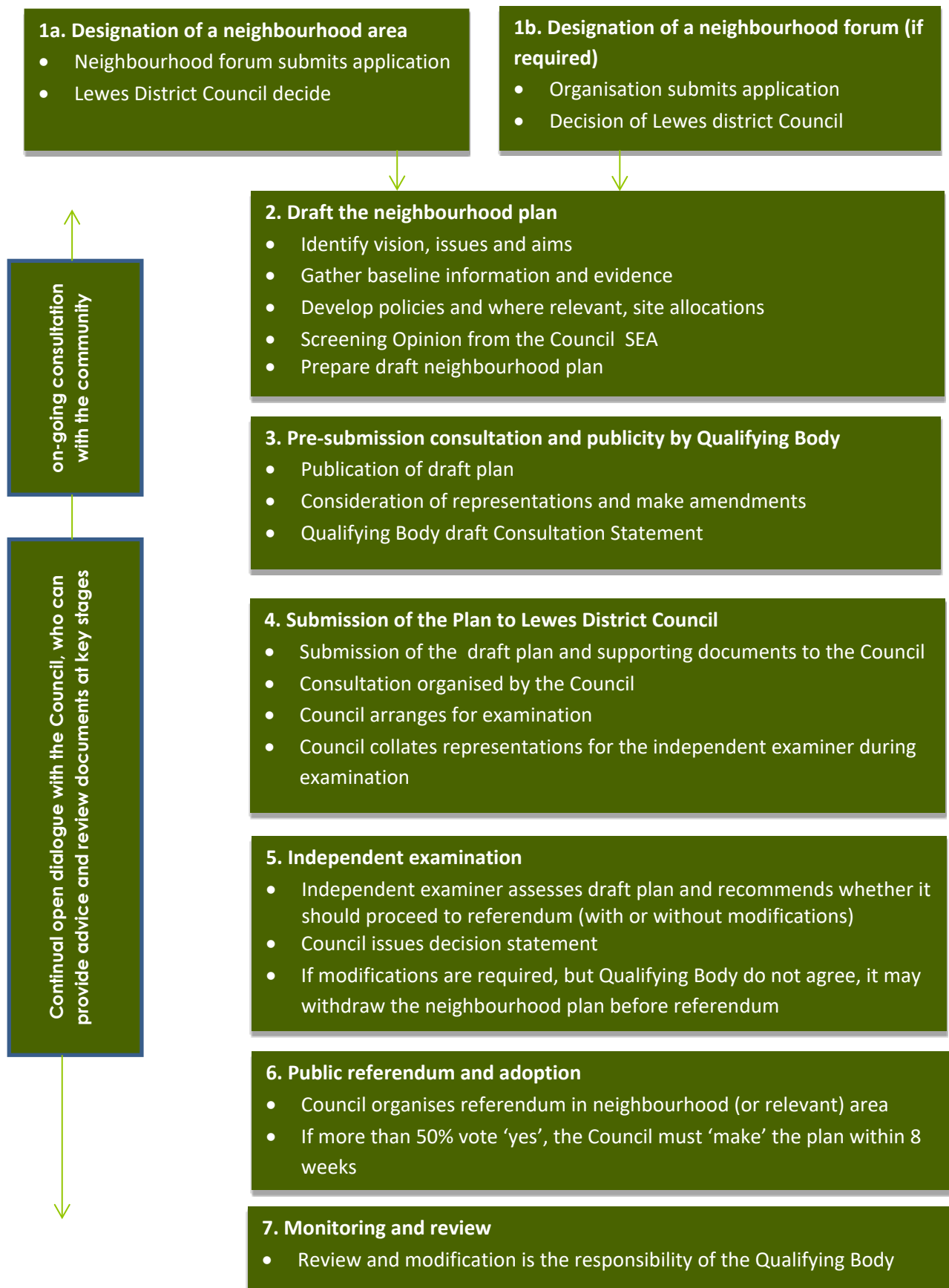
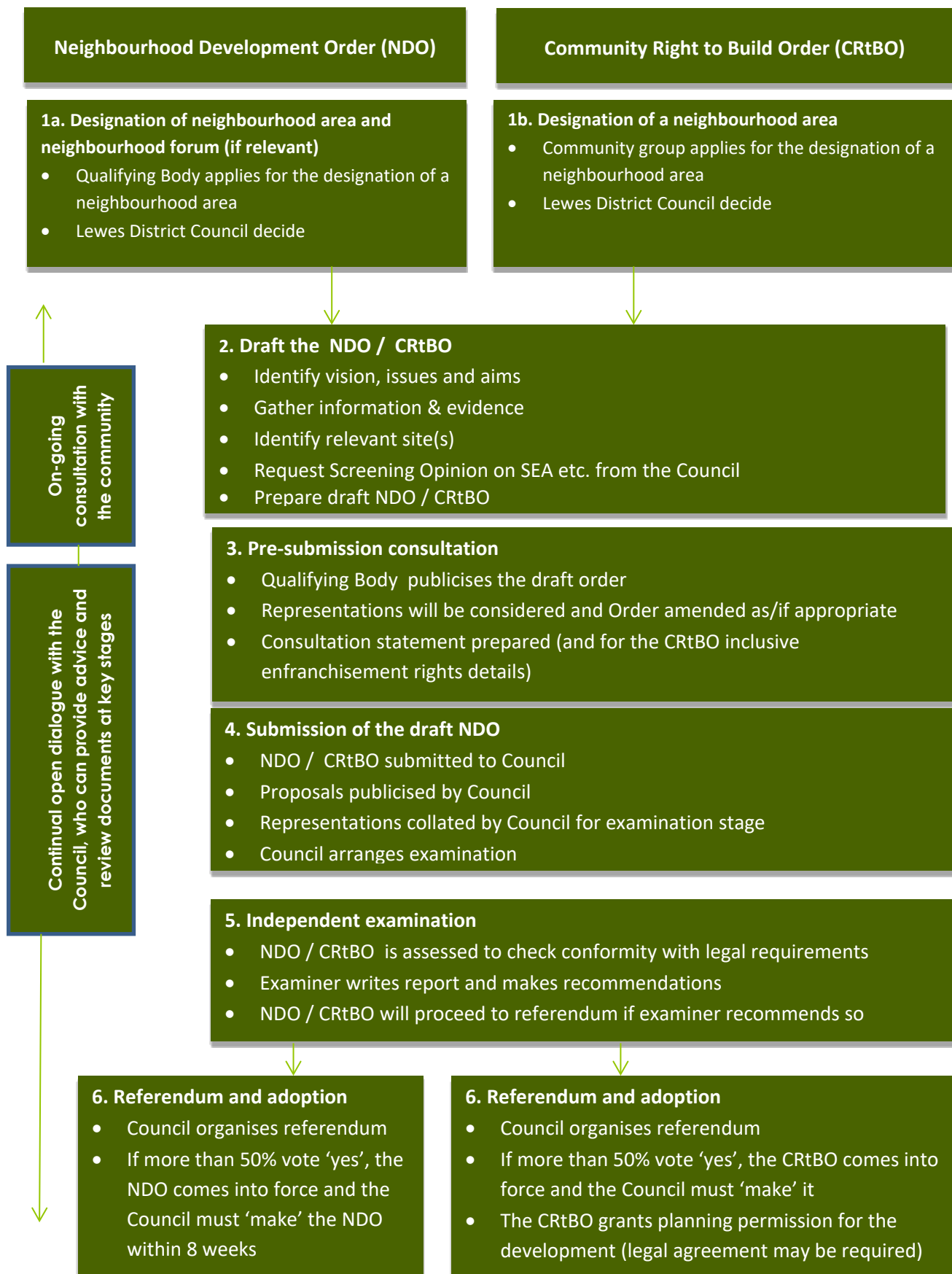


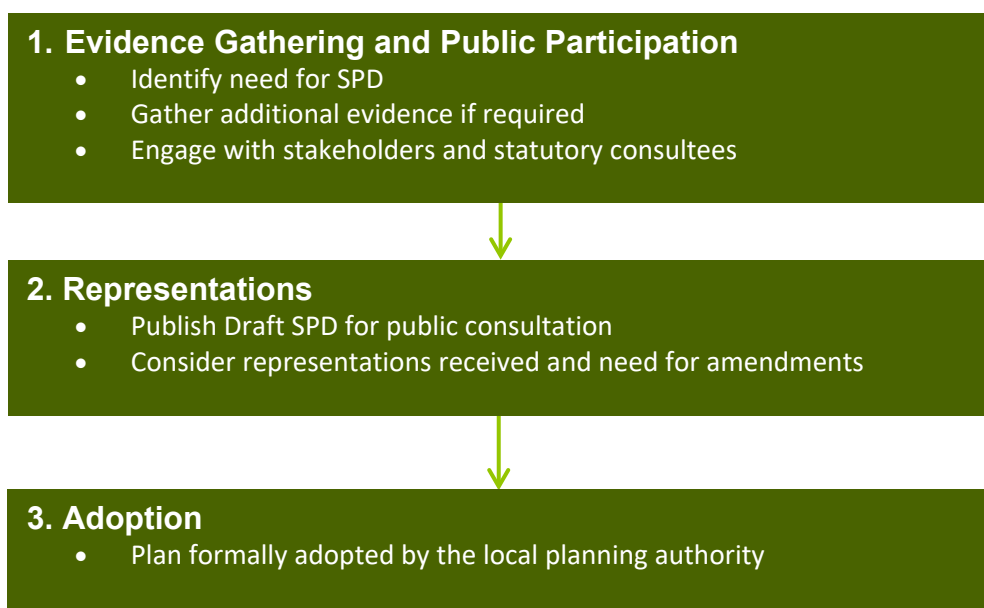
Figure 3 Stages in the preparation of a Neighbourhood Development Order and Community Right to Build Order



SUPPLEMENTARY PLANNING DOCUMENTS

- 2.25 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. The purpose of a SPD is to help applicants make successful applications. Once adopted, SPDs become material planning considerations in the determination of planning applications.
- 2.26 SPDs are not required to go through the Sustainability Appraisal process; however, in exceptional circumstances a Strategic Environmental Assessment may be required if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.
- 2.27 There are fewer stages in the preparation of a SPD compared to a Local Plan, meaning the SPDs can be produced in a shorter timeframe. The process of preparing a SPD involves several stages, which are identified in Figure 4, below.

Figure 4 - Stages in the preparation of a Supplementary Planning Document



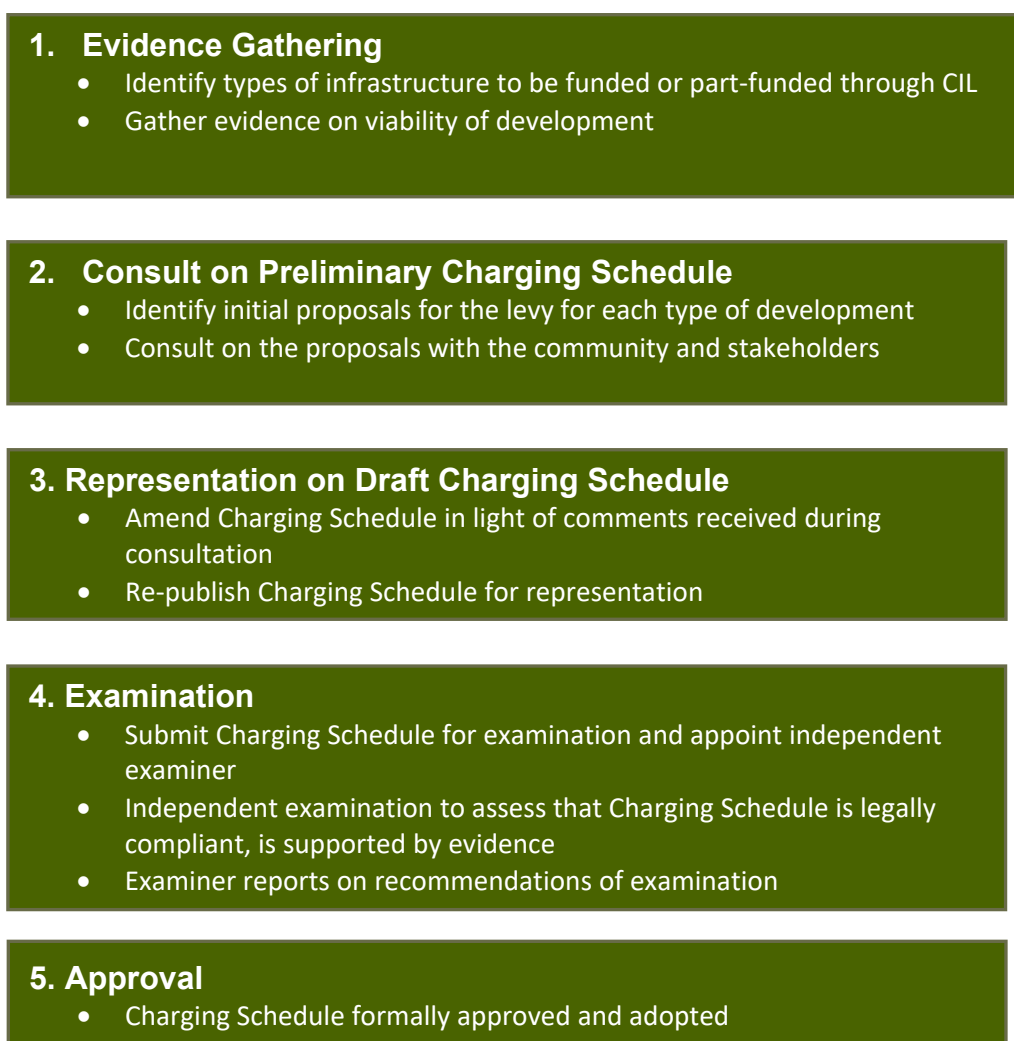
COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 2.28 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through

the Community Infrastructure Levy Regulations 2010 (as amended), which will subsequently be referred to as ‘the CIL Regulations’.

- 2.29 Lewes District Council adopted its CIL on 14 October 2015. The charging rates are set out in the CIL Charging Schedule. A proportion of the CIL income will be passed directly to the Local Parish or Town Council.
- 2.30 Charging schedules are not formally part of the Local Plan, but charging schedules should be consistent with, and support the implementation of, up-to-date Local Plans.
- 2.31 The process of preparing a CIL Charging Schedule involves several stages, which are identified in Figure 5, below.

Figure 5 - Stages in the preparation of CIL charging schedule



STATEMENT OF COMMUNITY INVOLVEMENT

- 2.32 Like SPDs, the SCI is not subject to examination, but copies of the intended final document must be made public for consultation. Any comments received will be taken into account before the final version is adopted. The consultation for the SCI will last for a minimum period of 6 weeks.

DEVELOPMENT MANAGEMENT

- 2.33 Development Management is the process of managing the development of land and buildings through the granting of planning permission. Lewes District Council is responsible for deciding whether planning permission should be granted for a proposed development when a planning application is submitted.
- 2.34 Planning permission is generally required to carry out any form of 'development'. Development means constructing new buildings or significantly changing how land or buildings are being used. However, certain types of development do not require planning permission – this is called Permitted Development. This is because the effect of such developments on neighbours or the surrounding environment is likely to be small. Also, certain areas get additional special protection against particular types of development, particularly where it is within a Conservation Area or involves a Listed Building.
- 2.36 There are a number of different types of applications that can be submitted, and these will be classed as either 'major' or 'minor'. Different applications have different timeframes for determination, for example the determination for a 'major' application should be within 13 weeks, whilst a 'minor' application should be determined within 8 weeks. By way of an agreement between the Council and the applicant/agent, an 'Extension of Time' can set a determination date outside of these parameters.
- 2.37 Whether planning permission is granted will depend on whether the application is in line with the policies and proposals within the Development Plan, or if there are other strong planning reasons or 'material considerations' that would influence a decision. A list with material consideration is set out in Appendix 2.
- 2.38 Decisions on whether planning permission should be granted will be taken via one of two mechanisms:

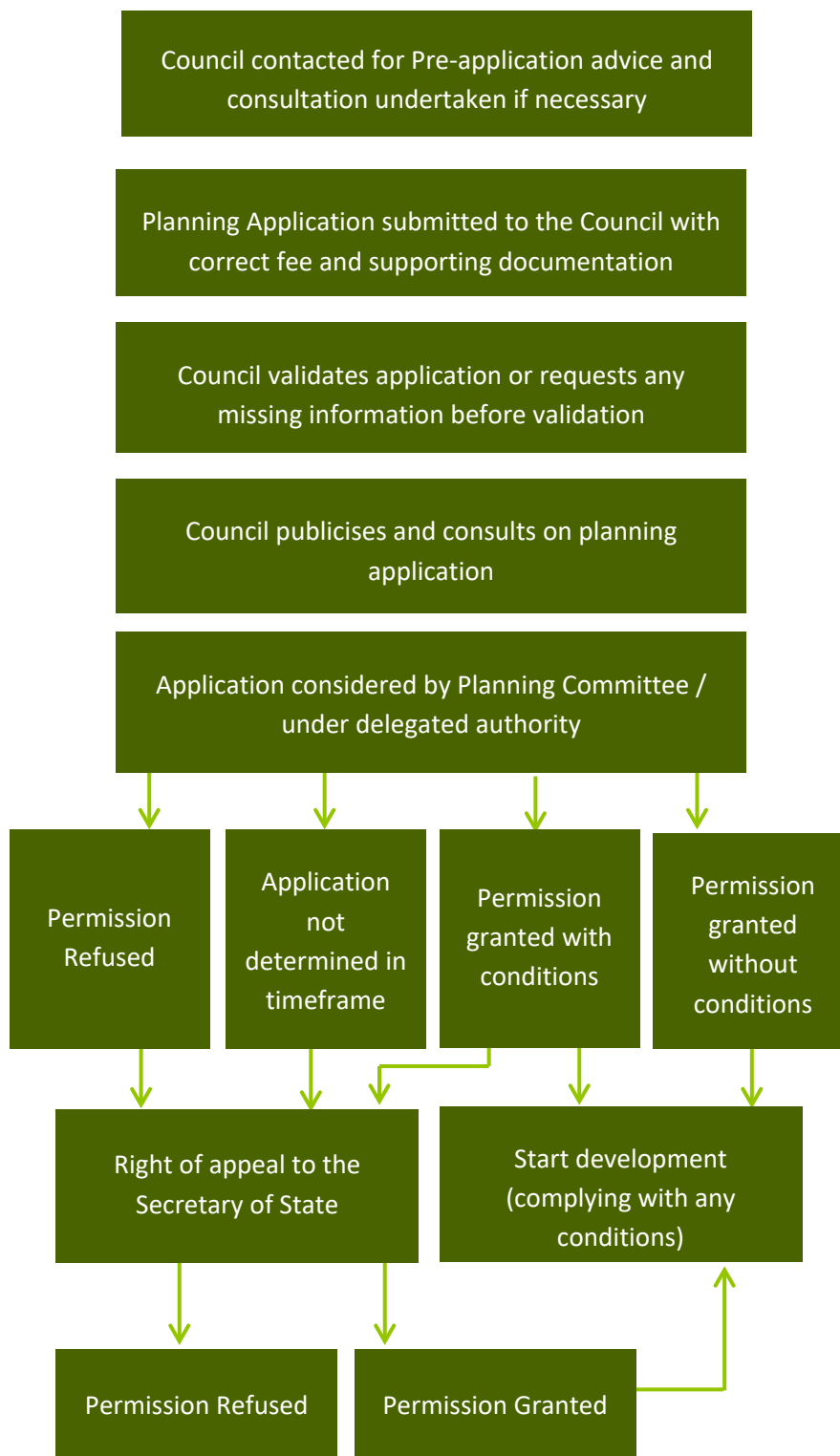
- Determination by elected Councillors on the Planning Committee
- Determination by the Senior Specialist Advisor in consultation with the Chair of Planning Committee through delegated powers

- 2.39 The criteria used to decide which applications should be determined by Planning Committee are covered at Part 9 of the Council's Constitution³. The dates for Planning Committee can be found on the Council's website⁴.
- 2.40 Where an application is refused, either by Planning Committee or through delegated powers, the applicant has the right to appeal to the Planning Inspectorate, or to negotiate an amended scheme to overcome the areas of concern.
- 2.41 A summary of the process for the determination of planning applications is described in Figure 6.

³ The powers and duties of the Director of Regeneration and Planning can be found in: <https://www.lewes-eastbourne.gov.uk/about-the-councils/constitutions>

⁴ <http://democracy.lewes-eastbourne.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Figure 6 - Stages in the processing of a planning application



Adapted from the Planning Portal website (Applications – the Decision-making process)

3.0 COMMUNITY INVOLVEMENT IN PLAN MAKING

- 3.1 The Council wants to ensure that the next round of plan making involves extensive consultation and provides opportunities for the local community and other stakeholders to put their views across. The programme for preparing Local Plans, Supplementary Planning Documents and CIL Charging Schedule is contained in the Local Development Scheme, which is available on the Council's website⁵.
- 3.2 Residents who want to get involved in consultation might not be familiar with the planning system or the issues that should be taken into consideration in plan making. Consultation, particularly at the Issues and Options stage, presents an opportunity to inform and update residents as well as seek their views. Therefore consultation material will include information on plan making issues and background.
- 3.3 In Neighbourhood Planning in Lewes District, most of the consultation is carried out by the town or parish council and they will involve the community from the early stages, this is set out in Section 4. The District Council will advise and assist the town and parish councils, and will carry out consultations required by legislation as well as publicise details of any relevant referendum. The role of the District Council in Neighbourhood Planning is described in Section 3.

WHEN WILL WE CONSULT?

- 3.4 The Local Planning Regulations 2012 describe the statutory consultation period for a Local Plan to be 6 weeks. The Regulations also require that the formal consultation period on a Supplementary Planning Document should be not less than 4 weeks.
- 3.5 In terms of the CIL Charging Schedule regulations do require at least 4 weeks consultation on a Draft Charging Schedule.
- 3.6 Consultations should last for a proportionate amount of time: consulting for too long will unnecessarily delay policy development, whilst consulting too quickly will not give enough time for consideration, and will reduce the quality of responses.

⁵ <http://www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme>

Taking this into account, this SCI proposes that formal consultation periods on planning policy documents will be determined by the type and stage of plan being consulted on.

- 3.7 Where possible, consultation over holiday periods will be avoided. If this is unavoidable, the consultation period will be extended to compensate for this.
- 3.8 In the event that a consultee requests additional time to submit a representation, this will only be accepted with the agreement of the Lead Member for Planning.

LOCAL PLAN

Evidence gathering and early engagement – This stage is likely to be an informal consultation, with the Council approaching organisations and consultation bodies for their input. There may be elements of public consultation with communities within this stage.

Issues and Options – Evidence collected during the initial stages in plan preparation will be presented for a formal consultation period. Local communities and other stakeholders will be able to comment on whether there are any other issues that need to be considered, and which of the options they would prefer to see brought forward as the basis for the Local Plan. This is the stage that the majority of people will be able to have their say of how they would like the district to develop.

Consultation period: minimum 8 weeks.

Proposed Submission – Once the Local Plan has been drafted a Proposed Submission version will be published for formal consultation. Consultees submitting representations at this stage will be given the opportunity to raise their objections at Public Examination.

Consultation period: minimum 6 weeks.

Main Modifications – During the Examination of a Local Plan, the Planning Inspector may require modifications to be made to the Local Plan in order for it to be considered 'sound'. These modifications should be subject to a formal period of consultation to allow the Inspector to consider any representations on the modifications.

Consultation period: minimum 6 weeks.

NEIGHBOURHOOD PLANS , NEIGHBOURHOOD DEVELOPMENT ORDERS AND COMMUNITY RIGHT OF BUILD ORDERS

Designation of a neighbourhood area – the Council will carry out the relevant public consultation

Consultation period: minimum 6 weeks.

Production of the Neighbourhood Plan or N.D. Order – the Qualifying Body (usually the Town or Parish Council) can ask for the support of other organisations, and is entitled to advice from Lewes District Council.

Pre-submission consultation and publicity – The Qualifying Body will carry out a consultation with the local community and other stakeholders.

Submission of the Plan or Order – The Council will check whether the plan is consistent with neighbourhood planning legislation and then will publicise the draft plan for another consultation, which will precede an examination by an independent examiner.

Consultation period: minimum 6 weeks.

Public referendum

A public referendum is held in the neighbourhood area covered by the Plan or Order (or any relevant area specified by the examiner).

SUPPLEMENTARY PLANNING DOCUMENTS

Evidence gathering and public participation – In the initial stages of the preparation of a SPD, there will be public engagement to identify issues relating to the interpretation of policy through the SPD. This stage is likely to be informal consultation, with the Council approaching organisations and consultation bodies for their input.

Representations on a Draft SPD – Once the SPD has been drafted, it will be published for formal consultation with the local community and other stakeholders. Consultees can raise any issues or changes that they think the Council should consider, and the Council will provide a response to these representations before the SPD is adopted.

Consultation period: minimum 8 weeks.

STATEMENT OF COMMUNITY INVOLVEMENT

Draft Statement of Community Involvement – The Draft SCI will be published for formal consultation with the local community and other stakeholders. Consultees can raise any issues or changes that they think the Council should consider, and the Council will provide a response to these representations before the SCI is adopted.

Consultation period: minimum 6 weeks.

CIL CHARGING SCHEDULE

Draft Charging Schedule – The Draft Charging Schedule will be published following revision and amendments resulting from comments made of the Preliminary Charging Schedule.

Consultation period: minimum 6 weeks.

WHO WILL WE CONSULT?

- 3.9 Lewes District Council would like to engage anyone who may have a role or interest in the development of the district (outside of the South Downs National Park) or in the plan-making process, including residents, businesses, community groups, landowners, developers, public sector organisations and national agencies.
- 3.10 The 'Local Planning' Regulations 2012 set out the minimum legal requirements for consultation and public participation in relation to Local Development Documents. These are known as 'specific consultation bodies', and must be consulted at formal consultation stages in the production of a plan. The list of the specific consultation bodies is presented in Appendix 3.
- 3.11 In addition to this, the Local Planning Regulations 2012 also require the Council to consult with 'general consultation bodies'. These include organisations and bodies that have an interest in the District, to ensure that a wide range of stakeholders have the opportunity to get involved. The list of general consultation bodies is presented in Appendix 4.
- 3.12 The Council is committed to ensuring that local residents get an opportunity to have their say, and local people are encouraged to take part in consultations and input into the production of planning policy documents. The Council maintains a database of people and organisations who want to be kept informed or have previously responded to consultation. This database is used to inform consultees about consultation.
- 3.13 If you would like to be added to the consultation database, you can register yourself at <http://planningpolicyconsult.lewes-eastbourne.gov.uk>
- 3.14 Additional measures will be taken to engage 'hard to reach' groups to ensure that all sections of the community are engaged and consulted.

HOW WILL WE CONSULT?

- 3.15 A range of consultation methods will be used to inform and consult individuals and organisations regarding the preparation of planning documents. Wherever possible and where resources allow we will go beyond the legal minimum requirements. These are described in this section.

Basic Consultation Standards

- 3.16 The Local Planning Regulations 2012 sets out some minimum requirements for consultation. However, there is considerable flexibility open to the Council in how consultees are engaged in plan making, provided they comply with the legislative requirements and are consistent with commitments in the SCI.
- 3.17 Through this SCI, the basic consultation standards that Lewes District Council will apply as a minimum in all consultation on planning policy documents are set out below:

Consultation Portal – All consultations on planning policy issues will be hosted on the Council's on-line Consultation Portal. Each consultation on the Consultation Portal will include the opportunity to read and comment on the document in question. The Consultation Portal will also contain other documentation relevant to the consultation. The Consultation Portal can be accessed via <http://planningpolicyconsult.lewes-eastbourne.gov.uk>

Direct notifications to organisations and individuals – All organisations and individuals on the consultation database will receive direct notification of the publication of a planning policy document for consultation.



Deposit – Planning policy documents published for consultation will be made available in paper copy for consultees to view at Lewes District Council, Southover House, Southover Road, Lewes, BN7 1AB.

Local Media – Only applications for major developments or that affect conservation areas or listed buildings will be advertised in a local newspaper. We will write press releases for local newspapers to inform on formal periods of consultation.

Local Councillors – Local Councillors know their local areas and have many contacts within their communities. Local Councillors will help to promote consultation within their wards and encourage all residents to get involved.

Website - The consultation will be advertised on the Lewes District Council website, particularly under the 'Consultations' heading.

Email alerts will be sent to anyone who has subscribed to email notifications on Planning Policy topics via 'Keep me posted' on the Council's website.



Additional consultation methods

- 3.18 In most instances other consultation methods, in addition to the basic standards, will be employed. The use of additional consultation methods will be determined on a case by case basis depending on the type of planning policy document that is being consulted on. The additional consultation methods that may be employed include:

Social media – Social media may be used to promote consultation through updates on the Council's Facebook and Twitter pages.

A District News magazine will be sent out on a quarterly basis. It is delivered to every home in the district and sent by email to anyone who has subscribed.

Deposit in libraries and/or village halls – Planning policy documents published for consultation may be made available in paper copy to view at libraries or village halls in the District.

Public exhibitions – Where exhibitions are put on, these will initially be located within the Town or Village Hall as a central and accessible location.

Online discussion Forum – Where it is appropriate for the stage of consultation, a discussion forum could be made available through the online Consultation Portal to allow the community to debate and discuss issues and proposals related to the consultation.

Presentations and forums – Presentations and forums may be arranged to enable discussion with appropriate groups, organisations or stakeholders, or to target particular sectors of the community.

Leaflets and posters – Leaflets and posters may be produced and distributed to promote consultation events or to summarise information on consultations.

Surveys and questionnaires – Surveys and questionnaires may be used to gather information and canvass views on key issues, options and proposals.

Summary Documentation – Non-technical summaries of consultation documents may be produced in order to provide a more accessible way to access and understand the consultation.

Community and resident Organisations/Groups – It is recognised that there are some well represented and supported community organisations and groups in Lewes District such as Neighbourhood Panels and Community/Residents Associations. Engagement with them could widen the scope of participation in consultations within their local area.

WHAT WILL WE DO WITH CONSULTATION RESPONSES?

- 3.19 Representations made during formal consultation periods will be recorded through the online Consultation Portal and published. Please note that the Council is not able to acknowledge receipt of comments, other than through automated responses to emails or comments submitted through the online Consultation Portal. Individual responses to representations submitted are unlikely to be provided.
- 3.20 In accordance with the Data Protection legalisation and Freedom of Information Act 2000, representations cannot be treated in confidence and by submitting a

representation, the party commenting accepts responsibility for their comments. Copies of all representations will be made publicly available, including the name of the person submitting the representation; however personal information such as telephone numbers, emails or private addresses will not be published.

- 3.21 All responses will be carefully considered and used alongside other evidence, government legislation and national planning policy to inform the preparation or amendments to the relevant planning policy document being consulted upon. The only exception is if comments are not 'duly made', which means that comments have to:

- Be received before the deadline of the consultation period;
- Relate to the document, its content, or its preparation;
- Not be anonymous; and
- Not be offensive, libellous or otherwise breach the law.

- 3.22 Representations submitted at the 'Proposed Submission' stage in Local Plan preparation can only be taken into account where they address issues of soundness or legal compliance.

- 3.23 Following consultation, all representations received will be documented within a Statement of Consultation and Representations (with the exception of Neighbourhood Planning, which follows a different process), which will identify what consultation has been undertaken, the main issues that have been raised, and how these issues have been addressed.

- 3.24 Feedback on the consultation, including responses to the representations received and how they will be addressed in the next stage of plan making, will be published on the website.

- 3.25 It is important for local residents and other stakeholders to understand that comments submitted as part of consultation will be fully considered and are part of the evidence informing plan making, but they are not necessarily the only or determining factor. National policy or other evidence may provide good reasons why consultation comments cannot be implemented.

4.0 COMMUNITY INVOLVEMENT IN NEIGHBOURHOOD PLANNING

WHO CAN PREPARE A NEIGHBOURHOOD PLAN OR ORDER?

- 4.1 In parished areas such as Lewes District, Neighbourhood Plans/Orders are usually prepared by Town or Parish Councils, starting with an application made to Lewes District Council to designate the Neighbourhood Area (in these cases, it is usually the area within the parish boundary). The Town/Parish Council may appoint a Steering Group to advise it and carry out various tasks to progress the Neighbourhood Plan/Order, but the Qualifying Body will be the Town/Parish Council itself.
- 4.2 Alternatively, a group or organisation can apply to Lewes District Council to be designated as a Neighbourhood Forum, although this is less common in parished areas. To become a Qualifying Body, a Neighbourhood Forum will need a minimum of 21 people who live in the Neighbourhood Area, or work there. There can only be one Qualifying Body serving a designated Neighbourhood Area.
- 4.3 Once an application for designating a Neighbourhood Forum has been received, Lewes District Council will publicise the application and invite comments from the public on the designation. Lewes District Council will take any comments into account in deciding whether or not to agree the application and designate the forum.

WHEN WILL CONSULTATION TAKE PLACE?

- 4.4 Community engagement in developing a Neighbourhood Plan/Order is the responsibility of the Town or Parish Council, except for the consultation mentioned in Section 3. The requirements for consultations carried out by the Qualifying Body are set out below.

Consultation Periods in consultations carried out by the Town or Parish Council (Qualifying Body)

Type of Document	Stage in Preparation	Consultation Period
Neighbourhood Plan/Order	Evidence Gathering and early engagement	On-going (no formal period)
	Pre-submission consultation	Minimum 6 weeks

THE COUNCIL'S POLICY OF ADVICE AND ASSISTANCE TO NEIGHBOURHOOD PLANNING

- 4.5 Lewes District Council must give advice or assistance to Town or Parish Councils (or other relevant qualifying bodies) in all appropriate circumstances for the purpose of, or in connection with, facilitating the making of proposals for Neighbourhood Plans and Neighbourhood Development Orders (including their modification). The Council is committed to supporting communities to pursue neighbourhood planning. The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation sets out the Council's responsibilities as:

COUNCIL'S RESPONSIBILITIES

- Designating the area for a Neighbourhood Plan/Order
- Designating Neighbourhood Forums
- Advising and/or assisting communities in the preparation of a Neighbourhood Plan/Order
- Formally considering Neighbourhood Plan/Order proposals when submitted
- Arranging for and covering the costs of the independent examination of the Plan/Order
- Determining whether the Neighbourhood Plan meets the Basic Conditions and other legal requirements following recommendations made by the independent examiner
- Arranging and covering the costs of the relevant referendum/s for Neighbourhood Plans/Orders
- If successful at referendum, bringing the plan legally into force (unless the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights, within the meaning of the Human Rights Act 1998)
- Providing advice on and duly considering proposals to modify 'made' Neighbourhood Plans/Orders and facilitating all of the required processes to enable this.

- 4.6 The Council is also responsible for the relevant publicity of each of the above stages in the development of the Neighbourhood Plan/Order, which are set out in legislation (including the Neighbourhood Planning (General) Regulations 2012 (as amended)). However, it is not required to give financial assistance to the community to facilitate the making of Neighbourhood Plan/Order proposals.

- 4.7 All Town or Parish Councils (or other qualifying bodies) and the Plans/Orders they seek to make will be different. The level of assistance given by Lewes District Council and the times at which it is required by those preparing the Plans/Orders will vary depending on their needs and wants. The Council will adopt a flexible approach to best suit the Town or Parish Council and will adhere to the timescales legally required by it. Assistance and advice will be given over the phone, by email or at meetings. Some of the methods of support will be as follows:

METHODS OF SUPPORT

- Giving initial advice regarding the suitability of completing a plan or order and its potential scope
- On-going advice and support throughout the process including detailed technical input into each key stage. This support will be provided both on an informal basis, but also on a formal basis when responding to specific consultations. The focus will be on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework but guidance will also be provided to ensure that allocations and policies are fit for purpose and deliverable
- Providing guidance on key issues such as: timetabling, the role of the qualifying body, community engagement and undertaking consultation events, site selection and relevant legislation including SEA
- Practical assistance such as mapping, where appropriate
- Providing examples of best practice from plans or case-law
- Providing relevant contact information for consultation bodies and advice on undertaking consultation, publicity and engagement
- Giving guidance and interpretation of the relevant legislative requirements
- Ensuring the suitable involvement of local councillors and other interested parties to enable timely decision making at key stages
- Advising in relation to the monitoring and review of adopted Plans/Orders

5.0 COMMUNITY INVOLVEMENT IN DEVELOPMENT MANAGEMENT

- 5.1 Lewes District Council is committed to informing and engaging with the community on planning applications. It is important that a balance is struck between providing the community with a genuine opportunity to comment and determining applications within the statutory determination period.
- 5.2 Opportunities exist for the community and/or stakeholders to be informed and consulted on development proposals at each of the following stages:

- Pre-application consultation
- Planning applications
- Planning appeals

- 5.3 Community involvement in Development Management not only involves the local community, but also statutory and non-statutory consultees, depending on the nature and location of the proposals.

Statutory Consultees

- 5.4 Planning law prescribes circumstances where consultation must be undertaken with statutory bodies on a planning application. These organisations are under a duty to respond to consultations within 21 days (article 22 of the Development Management Procedure Order), or such longer period as may be specified in other legislation, and must provide a substantive response to the application.
- 5.5 A list of statutory consultees on applications for planning permission is available via the National Planning Practice Guidance⁶ (Table 2 within the Guidance).

Non-Statutory Consultees

- 5.6 Where there are planning reasons, other non-statutory consultees who may have an interest in a proposed development may be consulted on planning

⁶ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

applications, even though they are not designated in law. Non-statutory consultees should respond within 21 days of being notified of the application.

- 5.7 A list of the organisations identified in national policy and guidance who may have an interest in development and may be consulted as non-statutory consultees are identified in the National Planning Practice Guidance⁷ (Table 3 within guidance).

PRE-APPLICATION STAGE

- 5.8 Prior to submission of an application for development, the Council encourages the applicant to engage with the local community, statutory consultees and service providers on their proposal. For very large-scale development, pre-application consultation is a requirement under the Localism Act 2011.
- 5.9 Effective pre-application consultation provides an opportunity for applicants and developers to find out the views of local residents about their development proposals, and allows the local community to make suggestions which can then be taken into account by the developer in finalising their planning application. This process can help reduce local opposition, resolve early design and development problems and ensure that high quality planning applications are received.
- 5.10 The Council expects applicants to carry out their own pre-application consultation. The level of community consultation at the pre-application stage should be appropriate and proportionate to the scale of the application.
- 5.11 It would be expected that this consultation will be documented in a 'Statement of Community Involvement' for the proposal, which should describe in detail the pre-application consultation that has been undertaken by the applicant and how the comments have been addressed in progressing the proposal. This document should be submitted with the application.
- 5.12 The Council provides a pre-application advice service. Appointments for this advice should be made in advance. This service increases the chance of a successful application and is likely to speed up a decision on a planning proposal.

⁷ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

The charging schedule for pre-application advice is to be found on the Council's website⁸.

PLANNING APPLICATION STAGE

5.13 It is important that all relevant planning issues associated with a proposed development are identified and considered in the determination of a planning application. The Council is required to undertake a formal period of consultation so therefore publicises applications that are submitted and invites comments from the local community and other consultees and stakeholders. Anyone can respond to a planning consultation.

5.14 Relevant planning issues are:

- National, local planning policies, neighbourhood plans
- Government Guidance including Orders and Circulars
- Case Law and previous decisions
- Highway safety, traffic, parking
- Noise, disturbance, smells
- Design, appearance, layout, materials, character
- Overshadowing, loss of privacy, residential amenities
- Effect on Listed Buildings, Conservation Areas, trees

5.15 However, there are certain issues which are not considered relevant. These include:

⁸ <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/development-management/apply-for-pre-application-planning-advice/>

- Matters covered by other laws, e.g. licensing
- Private property rights
- Effect on the value of property
- Loss of view from a private property
- Possible future development
- Preferable alternative development
- Personal circumstances (except in exceptional cases)
- Moral/religious issues

- 5.16 Consultees may be able to offer particular insights or detailed information which is relevant to the consideration of the application, and comments made that are addressing 'material considerations' will be taken into account in the determination of the application.
- 5.17 There are significant amounts of information relating to planning applications on the Council's website and residents are encouraged to consult this where possible.
- 5.18 It is important that residents and other stakeholders understand that whilst comments addressing 'material considerations' will be taken into account in determining the application, they are not necessarily the only or determining factor. Local or national policy, or other material considerations, may lead to a decision that is contrary to views expressed during consultation.
- 5.19 Article 15 of the Town & Country Planning (Development Management Procedures) (England) Order 2015 sets out the minimum requirements for publicising and consulting on planning applications. The requirements vary according to the type of development proposed, and are set out in National Planning Practice Guidance⁹ (Table 1 within the Guidance).
- 5.20 The methods that the Council uses to publicise application and consult the community, which exceed these minimum requirements, are as follows:

⁹ <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

Neighbour Notification Letters

The Council will notify any neighbours immediately adjoining a development proposal by letter or email. The letter provides details of the planning application, where to view plans, how to make comments and by what date.

Site Notice

Site notices are displayed on or near to the application site. Site notices provide details of the planning application, where to view plans, how to make comments and by what date.

Publication on the Council's website

Weekly lists of applications received and decisions made are available on the Council's website. All planning applications that have been or are being processed, including appeals, are also available to view on the Council's website.

Public Notice

A Public Notice is placed in a local newspaper for certain types of planning applications. For example, major or significant development proposals, departures from local policy or where there is a statutory requirement such as for Listed Building Consent.

- 5.21 The deadline for submitting comments on a planning application will be set out in the publicity accompanying the planning application. This will be not less than 21 days. The Council is under no obligation to consider comments submitted after the deadline.

Re-consultation following amendments to an application

- 5.22 Where an application is amended after it has been submitted, further consultation may be undertaken if the proposed changes are significant. Any representations received subject to any round of consultation will be taken into account in evaluating the merits of the application. Any representation received outside of the consultation period may not be fully considered. The timeframe for responses to re-consultation will be decided on a case-by-case basis.

- 5.23 If a new planning application is required, this will be subject to new public consultation.

Decision Making on Planning applications / Planning Committee

- 5.24 The Council will make decisions on planning applications by considering the advice of Planning Officers, the Local Plan and other relevant material considerations. Such decisions are made in two ways. These are by:
- Delegated powers; and
 - Planning Committees.
- 5.25 The majority of planning applications in Lewes District Council are determined under a delegated scheme to the Head of Development Management.
- 5.26 Where five or more objections are received in relation to a planning application (that has been recommended for approval by the appointed planning officer) it will be determined by Planning Committee.
- 5.27 Planning Committee is a public meeting which anyone is able to attend. Interested parties have an opportunity to speak at Planning Committee for a maximum of three minutes per person. Appendix 5 provides full details about how to speak at Planning Committee.
- 5.28 Meetings of the Planning Committee take place in the County Hall, St Anne's Crescent, Lewes. The meetings start at 5.00 pm and are held every three weeks on a Wednesday. Agendas are published a week before the meeting on the committee pages on the Council's website.

APPEALS

- 5.30 When a planning application is refused, the applicant may lodge an appeal against the decision with the Planning Inspectorate. An appeal may also be submitted when the applicant considers any conditions of approval to be unacceptable, or in the event that an application is not determined by the relevant deadline.

- 5.31 Only the applicant can appeal against a planning decision. There is no ‘third party’¹⁰ right of appeal for other people who disagree with the Council’s decision. However, anyone can challenge a planning decision in the courts if they have evidence that the decision was not made following the proper procedures. Legal challenges cannot take into account whether the decision was right or not in planning terms, only whether regulations and conventions about making decisions were properly followed.
- 5.32 All those who were notified of the original application or submitted comments will be informed if an appeal is made. There is then an opportunity for additional comments to be submitted directly to the Planning Inspectorate, who will determine the appeal, either through written representations, an informal hearing or a public inquiry, depending on the nature and scale of the application. Where it is decided that the appeal should be determined by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector at the hearing or inquiry.
- 5.33 The Inspector will consider the evidence and decide whether the Council’s decision was correct. The Inspector’s decision is binding on the Council, although it can be challenged by anyone on a point of law in the High Court.

PLANNING PERFORMANCE AGREEMENTS

- 5.34 A Planning Performance Agreement (PPA) is a project management tool which the Council may enter into with applicants to agree timescales, actions and resources for handling particular applications, in order to determine an application in advance of the determination target. The Council may make an additional charge for the administrative work associated with this.
- 5.35 PPAs can assist in identifying an approach to community engagement, including the identification of the communities to involve, the process of engagement and

¹⁰ The ‘first party’ in planning is the applicant for planning permission and the ‘second party’ is the local authority. ‘Third parties’ are anyone else with a view on a planning application, whether they have a direct interest (e.g. as owner of the land on which the application is submitted) or a personal interest (e.g. as a neighbour) or a wider interest (e.g. as a parish council or interest group).

the best approach to incorporating their views. Any consultation on an application with a PPA should be consistent with this SCI.

6.0 MONITORING AND REVIEW

- 6.1 The SCI will be reviewed every 5 years. It will then be decided if a revision of the SCI is required. This can be the case when it is considered that the SCI becomes out of date or if there is a significant level of dissatisfaction from the local community and stakeholders about how they are being involved in the preparation of Local Plans.
- 6.2 It is considered that the SCI is sufficiently flexible to allow for appropriate changes in the approach to community involvement as a result of changes in national policy, or to make improvements to the process as a result of new or different approaches to consultation.

APPENDICES

APPENDIX 1: GLOSSARY

Term	Definition
Adoption	The final confirmation of a Development Plan / Local Plan or Supplementary Planning Document status by a Local Planning Authority.
Authority Monitoring Report (AMR)	Local Planning Authorities are required to prepare and publish an Authority Monitoring Report containing information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in the Local Plan documents are being achieved. Also known as <i>Annual Monitoring Report</i> or <i>Local Monitoring Report</i> .
Charging Schedule	The types of development that are liable to pay the Community Infrastructure Levy (CIL) and the amount that is required to be paid (expressed as pounds (£) per square metre is set out in a local authority's Charging Schedule.
CIL Regulations	See Community Infrastructure Levy Regulations 2010.
Community Infrastructure Levy (CIL)	The Community Infrastructure Levy is a charge which local authorities in England and Wales are empowered, but not required, to charge on types of new development in their area. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

Community Infrastructure Levy Regulations 2010	Regulations that govern the Community Infrastructure Levy and the process of preparing the Charging Schedule.
Community Right to Build Order	A Community Right to Build Order is a specific type of Neighbourhood Development Order that can be prepared by any local community organisation rather than just a parish council or neighbourhood forum.
Community Strategy	A strategy developed by the local community, focusing on what is important to people who live, work and visit the town and to make positive changes.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance.
Core Strategy	The main planning policy document for Eastbourne that sets out the long term strategic planning vision between 2006 and 2027.
Corporate Plan	Sets out the priorities of the Lewes District Council, prepared using the findings of consultation held with residents and stakeholders.
Development Plan	The set of documents that provide the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans, any Neighbourhood Plans and the Waste & Minerals Local Plan.
Development Plan Document	Statutory documents which are subject to specified consultation periods and are subject to independent examination. Also known as Local Plans.
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.

Examination / Examination in Public	The process by which a Planning Inspector may publicly examine a Local Plan for legal compliance and 'soundness' before issuing a binding report.
Infrastructure Delivery Plan (IDP)	Detailed assessment of the infrastructure required to deliver the spatial development strategy and how this will be delivered.
Inspectors Report	A report issued by a Planning Inspector regarding the planning issues debated at an Independent Examination of a Development Plan or a Planning Inquiry.
Local Development Document (LDD)	A generic term for documents prepared by Local Planning Authorities for the use and development of land or containing environmental, social and economic objectives relevant to the development and use of land which are intended to guide the determination of applications for planning permission.
Local Development Scheme (LDS)	The LDS sets out the programme for the preparation of the Local Development Documents. All plan making authorities must maintain an up to date LDS.
Local Plan (LP)	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community
Local Planning Regulations	See Town & Country Planning (Local Planning) (England) Regulations 2012
National Planning Policy Framework (NPPF)	The NPPF sets out the Government's planning policies and how these are expected to be applied. It was published on 27 March 2012.
National Planning Practice Guidance (NPPG)	A web-based resource which brings together planning guidance on various topics linked to the NPPF into one place.
Neighbourhood Plan	A Neighbourhood Plan is a plan prepared by a Town/Parish Council or Neighbourhood Forum, that once adopted becomes part of the Local Plan and the policies contained within them are then used in the determination of planning applications.

Neighbourhood Development Order	A Neighbourhood Development Order is an order prepared by a Town/ Parish Council or Neighbourhood Forum that automatically grants planning permission for a particular type of development in a particular area.
Planning and Compulsory Purchase Act 2004	The legislation that introduced a new development planning system, based on the preparation of Local Development Frameworks. The Act commenced 28th September 2004.
Soundness	<p>In order to be sound, a Local Plan must be:</p> <ul style="list-style-type: none"> • Positively prepared – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development; • Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; • Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and • Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
South Downs National Park (SDNP)	England's newest National Park, covering the South Downs and Western Weald, situated in the counties of Hampshire, and West and East Sussex. Planning responsibility within this area falls to the South Downs National Park Authority.
Statement of Community Involvement (SCI)	Document explaining to stakeholders and the community how they can be involved in the preparation of Local Development Documents, and the steps that will be taken to facilitate their involvement.

Strategic Environmental Assessment (SEA)	The term used internationally to describe the environmental integration of policies, plans and programmes. The SEA Directive (2001/42/EC) requires a formal 'environmental assessment' of plans and programmes that are to be adopted by a public authority including those in spatial planning. This assessment is often combined with the Sustainability Appraisal.
Supplementary Planning Document (SPD)	These provide additional planning policy guidance to the policies and proposals in the Local Plan. They do not need to be subject to independent examination
Sustainability Appraisal (SA)	Assessment of the social, economic and environmental impacts of proposals in Local Development Documents.
Town & Country Planning (Local Planning) (England) Regulations 2012	Regulations that govern the process for preparing Local Plans and Supplementary Planning Documents. Also known as 'Local Planning Regulations'.

APPENDIX 2: MATERIAL CONSIDERATIONS

Planning applications can only be decided on those matters relevant to planning. These matters are called 'Material Considerations'.

Material Considerations are factors considered in the determination of applications for planning permission and other consents, alongside the Local Plan. They can include (but are not limited to):

- Effects on highway safety, traffic, access and parking
- Government guidance including Orders and Circulars
- Scale and appearance of proposal and impact on surrounding area
- Loss of light, overshadowing
- Overlooking and loss of privacy
- Effect on nature conservation and loss of trees
- Effect on a conservation area, listed buildings
- Noise , disturbance, smells
- Whether the use would be appropriate for the area
- Design, appearance, layout, materials, character
- National, regional and local planning policies

Often residents want to comment on matters that cannot be taken into account because they are not controlled by planning legislation. These are Non-material Considerations.

Non-material considerations are factors that cannot be considered in the determination of applications for planning permission and other consents. They include:

- Matters covered by other laws, e.g. licensing
- Loss of property value
- Loss of view
- Private issues between neighbours such as land covenants, land boundary disputes, damage to property
- Problems associated with construction works being carried out, such as noise, dust and disturbance by construction vehicles.
- Competition between firms
- Structural and fire precaution matters
- Possible future development
- Preferable alternative development
- Applicants morals or motives

APPENDIX 3: LIST OF SPECIFIC CONSULTATION BODIES

The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) state that the following bodies must be consulted with in relation to the formation of Local Development Documents:

- South Downs National Park Authority *)
- East Sussex County Council
- Brighton and Hove City Council, Wealden District Council and Mid Sussex District Council (Adjoining Local Planning Authorities)
- West Sussex County Council (Adjoining County Planning Authority)
- Town and Parish Councils / Meetings within Lewes District
- Town and Parish Councils Meetings which adjoin Lewes District
- The Coal Authority
- Environment Agency
- Sussex Police
- Historic Buildings and Monuments Commission for England (Historic England)
- Natural England
- The Secretary of State for Transport
- The Homes and Communities Agency
- Sussex Downs and Weald Primary Care Trust
- Relevant gas, electricity and telecommunications companies who operate in the District
- Relevant water and sewerage undertakers who operate in the District.

*) The South Downs National Park Authority (SDNPA) is only a specific consultation body in respect of Local Development Documents that are produced by Lewes District Council for an area that does not include any land that is in the National Park. All other LDDs produced for Lewes District will be prepared jointly by Lewes District Council and the SDNPA.

APPENDIX 4: LIST OF GENERAL CONSULTATION BODIES

The Council, where it believes to be appropriate, will engage with a wide variety of groups and organisations through the Local Development Document Preparation process, which will include those from the following categories:

- Lewes District Local Strategic Partnership
- Local Enterprise Partnerships
- Highways Agency
- Local Community Action Groups
- Local Civic and Amenity Groups
- Local Business Groups (For example, Chambers of Commerce and Federation of Small Businesses)
- Travellers Groups (For example Friends, Families and Travellers)
- Religious Groups (For example Churches Together in Sussex)
- Countryside and Conservation Groups at local, regional and national level (For example the CPRE, Sussex Wildlife Trust and Friends of the Earth)
- Bodies that represent the interest of disabled persons in the area (For example the Access in Seaford and Newhaven Committee)
- Rural Organisations (For example National Farmers Union)
- Older Persons groups (For example Age Concern)

All of the information listed above is correct at the time of writing and is in keeping with the Planning Regulations. Should the Planning Regulations change or if new consultation guidance is forthcoming from central government then the names and types of bodies may change.

APPENDIX 5: SPEAKING AT PLANNING COMMITTEE

The following is taken from Part 10 of the Council's Constitution – Public Speaking at Planning Applications Committee.

Introduction

The Council operates a scheme whereby interested parties have the opportunity to speak at meetings of the Planning Applications Committee. The Council considers this adds value to the planning process, offering increased involvement for the public and more informed decision-making by the Committee.

These guidance notes set out how the scheme operates and what to expect at the meeting itself. They are designed to make the system as fair and easy to operate as possible.

Scope of the Scheme

The scheme only applies to applications included on the agenda for a particular meeting. For this purpose applications include Planning Applications, Listed Building and Conservation Area Consent Applications Advertisement Applications and Tree Applications. The scheme does not apply to Enforcement matters, applications for Certificates of Lawful Use or applications where the Council is not the determining authority.

Who may speak?

Anyone with an interest in an application is able to speak and to make the system manageable, the following numbers have been agreed:

Town/Parish Council 1 representative

Ward Member/s (that are not a member of the Committee and represent that ward) No limit

Objectors Up to 3 representatives

This includes local residents and any professional representative. Amenity Societies/Residents Associations are included but do not have an automatic right to speak.

Applicant/Agent/Supporters Up to 3 representatives

Local residents, Amenity Societies etc. may also be supporters. The applicant (or nominee) will have priority in deciding who should speak.

Applicants/Agents and those who have commented on an application will be notified of the date when it is to be considered by the Planning Applications Committee so that they can register their interest in speaking (see section below on Registering an interest to speak).

Speakers are selected on a “first come, first served” basis until the above numbers have been reached. Subsequent objectors/supporters are put in touch with those who have already registered to speak so that they can agree what they want to say, either for or against an application, and who will speak.

Time limits for speakers

The maximum time for each speaker is three minutes, other than the Ward Member/s and Town/Parish Councillors who have five minutes, and this is strictly controlled with start/stop lights.

Procedure at meetings

Those who have registered their interest to speak should arrive at the venue at least 20 minutes before the start to be briefed on the procedure. The sequence of speakers is as follows:

- 1 Presentation of application by Planning Officer
- 2 Town/Parish Council representative*
- 3 Objectors (up to 3)*
- 4 Applicant/Agent/Supporters (up to 3 with Applicant having priority)*
- 5 Further clarification by Planning Officer (if required)*
- 6 Ward Member (if not on Committee)
- 7 Committee debate and decision.

** if the “Opportunity to Speak” is taken up*

Committee members are not able to question speakers directly but are permitted to ask “closed” questions to seek clarification or provide more information through the Chair only.

Speakers are asked to make verbal presentations only (unless special disability circumstances apply). If a written copy of a presentation is submitted this is included on

a supplementary report, provided it is received by Planning Services not later than the day before the meeting. If an application is deferred, speakers are allowed an opportunity to speak at a subsequent meeting when the application in which they have an interest is considered again.

Venue and time of meetings

All meetings start at 5pm. Meetings of the Planning Applications Committee are held on a three weekly cycle on a Wednesday in Lewes. However, it may sometimes be necessary to change the venue to another part of the District and prior notice will be given.

Registering an interest to speak

If you wish to speak you must register your intention not later than 12 noon on the day before the Committee meeting. See:

<https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planning-applications/speaking-at-planning-committee/>.

FURTHER ADVICE AND INFORMATION SOURCES

Further information and advice on planning matters is available from Lewes District Council. Please contact:

Lewes District Council Offices, Southover House, Southover Road, Lewes, BN7 1AB
(01273) 471600 www.lewes-eastbourne.gov.uk

Independent advice is available from the following sources:

The Planning Portal

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, allows you to submit a planning application, find out about development in your area and appeal against a decision and research government policy.

Website: www.planningportal.gov.uk

Email: support@planningportal.gsi.gov.uk

Department of Communities and Local Government (DCLG)

The DCLG provides general information on the planning system including the latest national planning policy, decisions on planning appeals, research and statistics and reform of the planning systems.

Website: www.communities.gov.uk

Email: contactus@communities.gsi.gov.uk

Postal Address: Fry Building, 2 Marsham Street, London SW1P 4DF

Telephone Number: 030 3444 0000

Planning Aid England (PAE)

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. It is provided by the Royal Town Planning Institute.

Website: www.rtpi.org.uk/planningaid

Email: advice@planningaid.rtpi.org.uk

Postal Address: The Royal Town Planning Institute, 41 Botolph Lane, London EC3R 8DL

Telephone: 020 7929 9494

The Planning Inspectorate

The Planning Inspectorate processes planning appeals and holds examinations into statutory planning policy documents and the Community Infrastructure Levy (CIL).

Website: www.planningportal.gov.uk/planning/planninginspectorate

Email: enquiries@pins.gsi.gov.uk

Postal Address: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Telephone: 0303 444 5000

Report to:	Cabinet
Date:	28 October 2019
Title:	Adoption ('making') of the Newhaven Neighbourhood Plan
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Councillor Emily O'Brien, Cabinet Member for Planning
Ward(s):	All, but with particular impact on: Newhaven North, Newhaven South
Purpose of report:	To consider whether the Newhaven Neighbourhood Plan should be adopted by the District Council as part of the statutory development plan following a successful referendum on October 10th 2019.
Decision type:	Budget and policy framework
Officer recommendation(s):	To recommend to Full Council that the Newhaven Neighbourhood Plan is formally adopted as part of the statutory development plan for the district
Reasons for recommendations:	To ensure the Newhaven Neighbourhood Plan is 'made' within the timeframe set out by the Neighbourhood Planning (General) Regulations 2012
Contact Officer(s):	Name: Julia Edwards Post title: Neighbourhood Planning Officer E-mail: Julia.Edwards@lewes-eastbourne.gov.uk Telephone number: 01273 085773

1 Introduction

- 1.1 The Localism Act 2011 allows local communities to shape their areas by enabling town and parish councils to prepare neighbourhood development plans. A detailed legislative framework for undertaking neighbourhood planning is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). Neighbourhood planning has been enthusiastically taken up by the many of the towns and parishes in the district (within and outside the SDNP), with 12 plans at various stages of preparation, ranging from 'made' plans to those in the earliest stage of preparation.
- 1.2 A neighbourhood plan, once adopted, forms part of the statutory development plan and sits alongside the Local Plan prepared by the Local Planning Authority (part of Newhaven parish lies within the South Downs National Park). Planning

applications submitted within an area covered by an adopted neighbourhood plan must be determined in accordance with both the neighbourhood plan and the Local Plan.

- 1.3 Newhaven Town Council, with support and advice from the District Council, has produced a neighbourhood plan which has subsequently undergone a successful examination and went to go to referendum on Thursday 10th October 2019.
- 1.4 This report considers whether the Newhaven Neighbourhood Plan should be adopted by the District Council as part of the statutory development plan.

2 Proposal

- 2.1 The Newhaven Neighbourhood Plan has undergone a successful examination. To comply with the Localism Act and provisions of the Neighbourhood Planning (General) Regulations 2012 (as amended), the local planning authority is required to 'make' a neighbourhood development plan within 8 weeks of the day after a successful referendum (unless otherwise agreed in writing with the Parish Council and South Downs National Park Authority).
- 2.2 Part of Newhaven parish lies within the South Downs National Park, however majority of the parish population is located outside the Park and so, in-line with an agreed approach that Lewes District Council and the South Downs National Park Authority have in place for such cases, Lewes District Council assumed the responsibility as the lead planning authority for the Newhaven Neighbourhood Plan.
- 2.3 An application was received from Newhaven Town Council to designate the entire parish as a neighbourhood area, however following an upheld¹ objection by Newhaven Port and Properties, Newhaven Port was omitted before the neighbourhood area was designated by Lewes District Council and the South Downs National Park Authority on 8th July 2013.
- 2.4 Statutory consultation, outlined below, has taken place on pre-submission draft of the Plan, which was amended in response to statutory and non-statutory representations before being submitted for examination June 2019.
- 2.5 The examiner determined that the neighbourhood plan met the basic conditions² (against which a neighbourhood plan is examined), subject to modifications, and recommended that the plan proceed to a referendum. This outcome was set out in the Examiner's Report (see paragraph 8.1) received in June 2019 and published by both authorities soon after (under Regulation 18).

¹ The development of the port's area is of strategic importance and impacts on a larger area than the immediate neighbourhood of the parish of Newhaven. There are larger communities of interest.

² The basic conditions that a neighbourhood plan must meet are: appropriate regard to national policy; general conformity with strategic policies of the development plan for the local area; contribute to the achievement of sustainable development; and compatible with EU obligations.

- 2.6 The Newhaven Neighbourhood Plan was amended in line with the examiner's recommended modifications. The actions taken in response to the recommendations of the examiner are detailed in a Decision Statement along with the modifications recommended by the Examiner. This was published (Regulation 19) in July 2019 confirming that both authorities were satisfied that the plan met the basic conditions and could proceed to a referendum.
- 2.7 A referendum was held in Newhaven on Thursday 10th October 2019, posing the following question to eligible voters:
- “Do you want Lewes District Council and the South Downs National Park Authority to use the Neighbourhood Plan for Newhaven to help it decide planning applications in the neighbourhood area?”**
- 2.8 In accordance with the Neighbourhood Planning Regulations, following the outcome of the referendum with a majority 'yes' vote, it will be for Lewes District Council and the South Downs National Park Authority to 'make' the neighbourhood plan so that it formally becomes part of the development plan for Lewes District and the South Downs National Park.
- 2.9 For the avoidance of doubt and to make absolutely clear with respect to compliance with the Habitat Regulations (that transpose EU obligations into UK law), Lewes District Council is the competent authority in this respect and can only approve a plan or project if it is confident that there will be no likely significant adverse effects on the integrity of an EU protected site.
- 2.10 It is hereby confirmed unequivocally that the Newhaven Neighbourhood Plan has been determined not to have a likely significant adverse effect on any EU designated habitats, either within Lewes District or beyond, either alone or in combination with other plans or projects. This statement is made in light of the conclusions of a full and detailed, robust Habitat Regulations Assessment (HRA) that has been endorsed by the statutory consultee, Natural England. It is further clarified that the HRA was substantially updated following the 'Wealden Judgement' regarding the Joint Core Strategy and responds to all the criticisms outlined in that judgement and the endorsement from Natural England follows a full update of their own internal guidance on responding to the judgement. More information can be found on the Council's Habitat Regulations webpage at: www.lewes-eastbourne.gov.uk/planning-policy/habitats-regulations

3 Outcome expected and performance management

- 3.1 Newhaven Neighbourhood Plan was successful at referendum on October 10th with a majority 'yes' vote. 14.74% of the registered electors voted, with 1105 'yes' votes and 192 'no' votes. Subsequently, if supported at Full Council, the Plan will be 'made' and will form part of the development plan for Lewes District and the South Downs National Park.
- 3.2 The Neighbourhood Plan can be reviewed after 5 years, or earlier if the policies become out of date due to strategic Local Plan policies being reviewed and updated.

- 3.3 The Newhaven Neighbourhood Plan policies can be given full weight now the Plan has passed referendum. In addition, until the Newhaven Neighbourhood Plan has been successfully made, the Local Plan policies that are specific to this designated area will also continue to be used to assess development proposals in the Newhaven area.

4 Consultation

- 4.1 The Newhaven Neighbourhood Plan has undergone two regulated public consultations under the Neighbourhood Planning (General) Regulations 2012 (as amended) . Regulation 14 undertaken by the Qualifying Body in 2017 and Regulation 16 undertake by the Local Planning Authority in 2019.
- 4.2 The Town Council carried out the statutory consultation (Regulation 14) on the draft plan between March and July in 2017. A number of amendments were then made to the plan in order to respond to feedback received from the consultation.
- 4.3 The Town Council submitted the revised plan (Regulation 15), along with other statutory submission documents, to Lewes District Council and the South Downs National Park Authority in January 2019. A further statutory consultation (Regulation 16) took place by the District Council between February and March 2019 where comments were invited on the submission documents.
- 4.4 Following the Regulation 16 consultation period, Lewes District Council and the South Downs National Park Authority (with the approval of Newhaven Town Council) appointed a suitably qualified and experienced independent examiner, Mr Tony Burton, to conduct the examination of the Newhaven Neighbourhood Plan which took place between May and June 2019.

5 Business case and alternative option(s) considered

- 5.1 Not relevant for this report

6 Financial appraisal

- 6.1 Formally adopting the Newhaven Neighbourhood Plan will allow the Town Council to benefit from a higher proportion of revenues arising from CIL chargeable development that takes place in the parish. This will rise from a capped 15% of levy revenue to an uncapped 25% when the neighbourhood plan is made. This will result in the transfer of an increased proportion of CIL levy revenue from LDC to Newhaven Town Council from applications approved after the Newhaven Neighbourhood Plan is 'made'; to spend on infrastructure required to support the development of the area.
- 6.2 There will be a financial implication in adopting the Neighbourhood Plan. In terms of the apportionment of CIL income, there will be no financial implications for the General Fund base budget.

7 Legal implications

- 7.1 The legislation governing the decision to adopt a Neighbourhood Plan proposal

is contained within S. 38 Planning and Compulsory Purchase Act 2004 and Part 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended). As well as setting out the steps to be taken in connection with the earlier stages of the process, it also sets out what steps the local planning authority must take to publicise their decision on a proposal, and for publicising any neighbourhood development plan made by Full Council.

Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended), states:

(4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made –

(a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan...

(6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

8 Risk management implications

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

- (a) As the Newhaven Neighbourhood Plan was successful at referendum (gaining a majority vote in favour of its adoption), if the council fail to MAKE to the document then the Council will be in breach of its statutory duty under the Town and County Planning Act 1990 if it does not bring it into force (i.e. 'make' it). As the legislation concerning the recommendation is quite explicit there is no way of mitigating this risk.

No new risks will arise if the recommendations are implemented.

9 Equality analysis

9.1 Equality analysis has been submitted.

10 Sustainability implications

10.1 The Newhaven Neighbourhood Plan is supported by a Sustainability Appraisal incorporating a Strategic Environmental Assessment, ensuring the Plan is economically, socially and environmentally sustainable, and that it meets European sustainability and environmental obligations.

11 Background papers

11.1 The background papers used in compiling this report were as follows:

- Newhaven Neighbourhood Plan
- Sustainability Appraisal incorporating the Strategic Environmental Assessment
- Examiners Report
- Summary of Representations
- Decision Statement

Each paper is located in the Newhaven section of the Neighbourhood Planning page:

<https://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/>

Report to:	Cabinet
Date:	28 October 2019
Title:	Property Disposal and Transfer Policy Revision
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Councillor Zoe Nicholson, Leader of the Council
Ward(s):	All
Purpose of report:	For Cabinet to agree revisions to the Property Disposal and Transfer policy to include reference to Community Asset Transfer and Devolution.
Decision type:	Key Decision
Officer recommendation(s):	To agree that revisions to the Policy Disposal and Transfer Policy to include provision for Community Asset Transfer be adopted by Cabinet.
Reasons for recommendations:	The Policy Disposal and Transfer Policy needs to be updated to include provision for Community Asset Transfer.
Contact Officer(s):	Name: Mark Langridge-Kemp Post title: Head of Property, Delivery and Compliance E-mail: mark.langridge-kemp@lewes-eastbourne.gov.uk Telephone number: 01323 415876

1 Introduction

- 1.1 On 1st July 2019, Cabinet was presented with a report entitled 'Enabling the development of Community Assets – Market Tower, Lewes and 2 Fisher Street, Lewes'; the report asked Cabinet for in principle agreement to the disposal of these community assets to Lewes Town Council and stated that a further report would be brought back to Cabinet regarding a future Community Asset Transfer (CAT) policy. This report sets out proposed revisions to the Property Disposal and Transfer Policy in order to include reference to CAT.

2 Proposal

- 2.1 Cabinet adopted the Corporate Asset Management Plan (AMP) in 2017. The AMP focuses on 4 key areas:
- Improving yield from the investment portfolio.
 - Reducing maintenance costs and liabilities.

- Delivering efficiencies through smarter procurement.
- Increasing the capital value of the Council's asset base.

The AMP provides the strategy framework for the Council to manage and maximise the potential of its property portfolio. A key part of the AMP is the need to unlock potential through Asset Challenge and ensure that retained assets combine social, cultural, environmental and economic benefits.

- 2.2 A number of policies were adopted in support of the AMP, including a Property Disposal and Transfer Policy; this policy has now been revised to include reference to CAT and Devolution.
- 2.3 CAT is the transfer of management and/or ownership of property to an organisation where there is an identified social, economic or environmental benefit. Community-based organisations can sometimes be better placed than local authorities at securing investment through sources such as the National Lottery, crowdfunding, sponsorship and legacies. Having control over their assets can enable these organisations to become more self-sufficient, secure and sustainable whilst also ensuring the long-term community benefit of assets. The revised policy is attached at Appendix A.
- 2.4 The Property and Disposal Policy has been updated to ensure future assets disposal considers the financial impacts on the Council's Medium Term Finance Plan. Other updated sections include–
- Working strategically with partners to reduce the Council's Carbon Footprint through identifying the least efficient properties and ensuring disposal properties are compliant with all existing and future energy requirements;
 - Definition of surplus asset for disposal;
 - Disposal of surplus assets by freehold or leasehold disposal;
 - Financial criteria for disposals;
 - Valuations for disposal and updating the Council Asset Register;
 - Procedures re the disposal of land.
- 2.5 The AMP itself is due for a refresh in 2020 and reference to CAT will be included at that time.

3. Corporate plan and council policies

- 3.1 The Property and Disposal Policy is a key part of the AMP which meets the following aspirations of the Corporate Plan: Resilient, healthy and engaged communities - protecting the future of assets for local communities and enabling their future investment; Improved customer service and Delivering sustainable services – by reducing on-going liabilities and expenditure by the Council; and, Prosperous economy – enabling future community uses;
- 3.2 In addition, this proposal meets the aims of the adopted Corporate Asset Management Plan by reducing maintenance costs and liabilities and ensuring that the Council only holds property that meets corporate aims and objectives.

4. Financial appraisal

- 4.1 There are no immediate financial implications arising from the recommendation in this report other than those already contained within existing budgets. Future assets disposal activity arising from adoption of this revised policy will be subject to viability analysis and due financial diligence.

5. Legal implications

- 5.1 The revisions to the policy relate to Community Asset Transfers (“CAT”) and the policy includes the additional legal considerations required when considering a CAT which relate to disposals at an undervalue and state aid.
- 5.2 The revisions to the policy also relate to devolution of open spaces to Town and Parish Councils and state that devolution is guided via the Devolution Committee. The policy also includes the further procedural requirements relating to advertisement that must be complied with on disposal of open space land.

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6. Risk management implications

- 6.1 The proposals in this report do not create any additional risks for the Council. Revision of the Disposals and Transfer Policy to include provision for Community Asset Transfer will provide a clear and transparent process for dealing with future proposals where transfer of a property to a community organisation is considered.

7 Equality analysis

- 7.1 An equality analysis has been undertaken and has not identified any equality impacts as a result of this policy revision. Where proposals are brought forward for Community Asset Transfer, these will require individual assessments to ascertain any equality impacts.

8. Sustainability implications

- 8.1 There are no sustainability implications as a result of this policy, which is essentially about protecting assets for future community use.

9 Appendices

- Appendix A: Property Disposal and Transfer Policy – Revised Version

10. Background papers

- Corporate Asset Management Plan 2017-2020
<https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/259505.pdf>

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Lewes District Council



Working in partnership with **Eastbourne Homes**

Document name:	Property Disposal and Transfer Policy
Document type:	Policy to support the Corporate Asset Management Plan

Authority(ies) covered:	Aligned
Responsible (Executive Lead):	Ian Fitzpatrick Director of Regeneration & Planning
Accountable (Operational Lead):	Mark Langridge-Kemp Head of Property, Delivery and Compliance
Version (e.g. first draft, final report):	DRAFT - Revised 2019 : now includes reference to Community Asset Transfer and Devolution
Approved by:	Revised policy to be considered by Cabinets 2019
Date of publication:	
Revision due:	12 months from publication
Final Equality and Fairness Analysis (EaFA) report approved by:	The Councils' Equality Groups
Date final EaFA report approved:	Analysis of original policy completed as part of adoption of the Corporate Asset Management Plan 2017-2020 final approval 9 August 2017.

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Property Disposal and Transfer Policy

Introduction

This strategy applies to the disposal or transfer of all interests in any non-residential property by Lewes District Council (LDC) or Eastbourne Borough Council (EBC), 'the Councils'. It sets out procedures that are open, transparent and consistent, to ensure maximum benefit from disposal of the Councils' assets. Within this framework the policy will ensure the Councils achieve best value, act within the appropriate legal framework, and perform in a demonstrably fair and open manner.

Whilst this strategy outlines the guiding principles and procedures around disposals, it does not bind either Council to a particular course of action. As such, alternative methods of disposal or transfer, not specifically mentioned in this policy, may be used where appropriate, subject to the relevant approval.

Commercial Business, Property and Development (CBPD)

CBPD will lead on all commercial property disposals on behalf of LDC and EBC.

The service will:

- Work within the guidelines of the Property Disposal and Transfer Strategy and relevant delegated authority at all times;
- Seek disposal opportunities that will further the corporate aims and objectives of LDC and EBC;
- Ensure the local property market and relevant external influences are monitored for market risk;
- Use accurate building performance information to feed into the Asset Challenge process and identification of surplus properties outside of Asset Challenge;
- Hold an accurate and up to date record of surplus properties and expected capital receipts;
- Dispose of properties no longer required as efficiently as possible;
- Dispose of the least efficient properties taking into account service needs, community, social, cultural, economic and environmental benefits and risks;
- Work strategically with partners to review opportunities to enhance disposal receipts, learn from our common experience and share best practice;

- Work strategically with partners to reduce our Carbon Footprint through identifying the least efficient properties and ensuring disposal properties are compliant with all existing and future energy requirements.

Identifying Property for Disposal

Usually property will only be disposed of where it has been identified as surplus to requirements or suitable for CAT, having first been through the Asset Challenge process. In some circumstances, properties may be identified for disposal in advance of Asset Challenge where they are underperforming or there is a strategic importance, or where a community organisation involved with the asset has registered an interest in a CAT.

Parks and open spaces relevant for possible devolution to Town and Parish Councils have already been identified by LDC, however, additional sites may come forward. Devolution of this land is guided via the Devolution Committee which makes recommendations and progress reports on devolution to Cabinet.

Definition of surplus assets for disposal

A property may be determined as surplus for disposal following a property review and option appraisal if some or all of the following criteria apply:

- Where there is a clear business case that an alternative organisation is better placed to own/manage the asset in order to maximise positive benefits for local communities;
- It does not meet the aspirations or key aims of the Corporate Asset Management Plan;
- It does not have combined social, cultural, environmental and economic benefits;
- It makes no contribution to the delivery of the Councils services and is unlikely to be required for service delivery in the future;
- It is no longer appropriate for service provision;
- It has no potential for future strategic or regeneration/ redevelopment purposes (including affordable housing);
- The net income generated from the site is below that which could be achieved from disposing of the site and investing the capital receipt/ proceeds;
- The land or property is not adjacent to a larger area of land or property in the ownership of the Council where a strategic reason may apply for retaining the asset.

Disposal of surplus assets by freehold or leasehold disposal

The Councils should plan to dispose of all surplus land or property identified for disposal within its portfolio subject to the following criteria:

- That the disposal does not have a negative impact on the Council Medium Term Financial Plan (MTFP);
- Terms to be approved by an independent valuer where appropriate;
- Best financial consideration to be obtained unless social, environmental or economic benefits are evidenced;
- The method of disposal determined on a case by case basis;
- Any long leasehold disposal transfers all liabilities to the tenant;
- Prior to final disposal, short term intermediate use should be considered where possible to ensure that disposal can be progressed when viable.

Methods of Transfer

The Councils may consider one of the following options for the transfer of an interest in land:

Freehold Disposal

This is the complete transfer of all rights and responsibilities of continuing to hold that property. The transfer may be subject to certain claw back or overage restrictions that seek to secure further payments in the event of excess development profits (see Due Diligence section for further information).

Leasehold Disposal

The grant of a long lease (usually over 99 years), where the Councils wish to retain control of a surplus asset, or where the income stream is assessed to be of greater value than the foregone capital receipt that may be achieved through its sale, or where the Councils decide to receive a premium for a long leasehold interest and reduced revenue return for strategic purposes.

Community Asset Transfer (CAT)

The role of local authorities is changing, partly in response to the current financial climate, but also the recognition that local authorities are not always best placed to deliver community services or own community buildings. The Councils have a desire to ensure that community assets are owned, managed and run in a way that best meets the needs of the communities they serve and provides the best future prospects for that asset, where a future is viable and desirable.

CAT is the transfer of management and/or ownership of property to an organisation where there is an identified social, economic or environmental benefit; sometimes, but not exclusively, the transfer may be at undervalue justified by that benefit – this could be via a freehold/leasehold disposal, short lease or licence.

Community-based organisations can sometimes be better placed than local authorities at securing investment through sources such as the National Lottery, crowdfunding, sponsorship and legacies. Having control over their assets can enable these organisations to become more self-sufficient, secure and sustainable whilst also ensuring the long-term community benefit of assets. Consideration of CAT might be appropriate in instances involving community and voluntary groups, Development Trusts, Community Interest Companies or Town/Parish Councils (where this is related to buildings rather than parks and open spaces).

Devolution of Parks and Open Spaces

In LDC, where there are Town and Parish Councils, a process of devolution is taking place to transfer the ownership and responsibilities for relevant parks and open spaces to Town or Parish Councils.

Financial criteria for disposals

An option appraisal should be carried out which assesses the capital and revenue implications of each option, including the impact of the current economic and the VAT implications. Valuations should be obtained for all viable options, provided by an independent valuer.

Once sites are approved as being suitable for disposal and a programme for disposal has been agreed, this should be included on a disposal plan which is then used to inform the MTFP/Asset Register. However, until exchange/ completion of contracts has taken place, or the lease has been completed, there will always be a risk that the disposal will not take place in the time periods programmed.

Valuations for disposal for inclusion in Asset Register

The Finance Team must be provided with copies of valuation documents and details of the following values when a property is disposed of by freehold sale:

- Unrestricted value
- Restricted value (if relevant)
- Actual disposal value

Due Diligence

Due diligence will be carried out prior to consideration of a disposal, to include consideration of:

- Best consideration;
- Existing lease arrangements regarding the property (to include minimum length of the unexpired lease terms, covenant strengths, legal encumbrances, 3rd party rights);
- Asset maintenance liability and building condition true lifecycle costs;
- Future planning, and/or regeneration potential and impacts on enhanced disposal receipts;
- Community, social, cultural, economic and environmental benefits and risks;
- Crichel Down Rules, State Aid, and Contract Procedure Rules;
- Potential for including restrictive covenants and overage clauses;
- In addition, for property taken through the CAT process, future management and use of the property and the relevant organisation's skills, governance and financial arrangements.

Best consideration and advertising disposal – section 123 Local Government Act 1972

Local Authorities have an overriding duty under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of property, subject to certain exceptions set out in the Local Government Act 1972: General Disposal Consent 2003. The Consent removes the requirement for authorities to seek specific consent from the Secretary of State where the disposal:

- will help the Council to secure the promotion of the improvement of the economic, or environmental well-being of its area; and
- where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 or less.

The Councils must still comply with their duty to obtain best consideration for the restricted value and comply with normal and prudent commercial practices, including obtaining the view from a professionally qualified and independent Chartered Surveyor.

There are further procedural requirements to be complied with on disposal of open space land. A local authority is required to advertise its "intention" in a local newspaper for two consecutive weeks and to consider objections. The advertising process should be undertaken before any final decision is made on the disposal so that proper consideration is given to the responses that are received.

Crichel Down Rules

The Rules apply in certain circumstances where land that is to be disposed of was previously acquired by or under threat of compulsion. Where the Rules apply, former owners will, as a general rule, be given a first opportunity to re-purchase the land previously in their ownership.

State aid

In disposing of any land or interest in land the Council must ensure that it does so in accordance with State aid rules. There is an automatic assumption that no State aid is present in a sale for "market value" through (i) an open and unconditional bidding process or (ii) an expert valuation. If the automatic assumption does not apply it will be necessary to look at other aspects of the proposal, including whether the disposal falls outside of the State aid regime because it does not fulfil all of the State aid tests.

Contract Procedure Rules

Subject to certain exceptions, the Council's Contract Procedure Rules say that no freehold sale of land, where the value exceeds £50,000, shall be made, except after auction or the invitation of tenders or expressions of interest following appropriate public advertisement, unless authorised by Cabinet.

Restrictive covenants and overage

Consideration may be given to:

- Imposing restrictive covenants in freehold transfers limiting the future use of the properties.
- Including overage clauses in freehold transfers enabling the Councils to share in any future increase in value in the properties realised after the properties have been sold. This would enable the Councils to share in any uplift in value if planning permission is granted to develop the properties for something much more valuable, e.g. residential use. The precise terms of the overage, including the percentage share and duration of the overage rights, would have to be settled after taking professional advice.

An Equality and Fairness Impact Assessment will be undertaken for each disposal, or where relevant, group of property disposals to assess community, social, cultural, economic and environmental benefits and risks.

CBPD will enter into detailed discussions on behalf of the Councils only when Cabinet has agreed to a proposal or there is agreement through the relevant delegated authority.

Types of transfer

There are a number of ways in which a property can be transferred including, but not limited to:

Private Sale/Transfer: Sale/transfer of property negotiated with one or a small number of purchasers/community organisations. A binding legal agreement is created on 'exchange of contracts' between the Councils and the purchaser/transferee.

Public Auction: Sale of property by open auction available to anyone. The sale will be advertised in advance. A binding legal agreement is created upon the acceptance of a bid by the auctioneer.

Informal Negotiated Tender: Sale of property after a public advertisement that requests informal offers or bids that meet a given specification or set of objectives. The Council may then negotiate further or more detailed terms with one or more individuals submitting the most advantageous bid or bids. A binding legal agreement is not created until the exchange of contracts between the authority and the chosen bidder.

Formal Tender: Sale of property by a process of public advertisement and tenders submitted by a given date in accordance with a strict procedure. A binding legal agreement is created upon the acceptance of a tender by the Council.

Exchange of Property: A transaction involving the exchange of Council owned property with another land owner. The land acquired by the Council will meet at least one of its corporate objectives and will be 'equal' in value to the property exchanged or there can be an equality payment made by either party.

A freehold or leasehold transfer may be considered appropriate, depending on the circumstances.

Decision Making

LDC and EBC retain sovereignty over their respective property assets. Overall authority for agreeing disposals will generally sit with the relevant Cabinet, but officers will normally have first consulted LDC/EBC Strategic Property Board.

The following procedures relate to the disposal of land:-

- Approvals for declaring land surplus to the Council's requirements, and authorising its disposal will be obtained in accordance with procedures set out in Councils Constitutions;

- Local Members are consulted on all property disposals at an early stage including when the land is in the process of being declared surplus. It is recognised that local members, because of their local knowledge of the district that they represent, will be able to contribute to the discussion as to the value or otherwise of continued retention of the asset and also provide valuable market intelligence such as potential special purchasers. Therefore engagement should be sought and encouraged at an early stage of the disposal process.
- Where delegated by Cabinet, the final decision to dispose of a property and at what terms will be at the discretion of the relevant Lead Member as advised by the Director of Regeneration and Planning in accordance with the scheme of delegation.
- Where delegated by Cabinet, decisions to approve the terms of any disposal of land are made by either the Director of Regeneration and Planning in conjunction with the relevant Lead Member or on some major projects, the Director of Regeneration and Planning alone.
- Where a property has been previously acquired through or under the threat of compulsory purchase means and is now surplus to Council requirements, consideration of the Crichel Down rules may apply.

Report to:	Cabinet
Date:	28 October 2019
Title:	Housing Development Update
Report of:	Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning
Cabinet member:	Councillor William Meyer, Cabinet member for housing
Ward(s):	Newhaven Denton and Meeching, Newhaven Valley, Ouse Valley and Ringmer, Lewes Bridge, Lewes Castle, Lewes Priory.
Purpose of report:	To gain approvals for a new sustainable Council housing project and to amend plans for ongoing housing developments schemes, ensuring they have a focus on sustainable design and delivery.
Decision type:	Key
Officer recommendation(s):	<ul style="list-style-type: none">(1) To note and approve the updated Lewes Town & Ringmer Council Housing Infill programme, as laid out in appendix 1, subject to a final costed plan being approved by Cabinet.(2) To approve an in principle programme of Council housing on infill land in Newhaven, as laid out in appendix 2, subject to a final costed plan being approved by Cabinet.(3) To note the updated development scheme at Anchor Field, Ringmer(4) To approve the sale of HRA land to Aspiration Homes LLP (AHLLP) for the construction of 11 affordable rented homes at Anchor Field, Ringmer and associated loan to deliver the affordable housing. The delegations for the sale of HRA land and loan facilities are as contained in the Cabinet report of 23rd April 2018 entitled “Housing Development Update”.

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

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1 Introduction

- 1.1 The background to the Council's responsibility to supply affordable housing and the reasoning behind selling land to AHLLP are covered in a Cabinet Report of 23rd April 2018 entitled "Housing Development Update". There was an appendix to the report that identified various housing development programmes including the Lewes & Ringmer Infills Programme and the development at Anchor Field.
- 1.2 A further programme of new Council homes being delivered on infills sites is now also ready to be progressed.

2 Proposals

2.1 *Lewes and Ringmer Infill Programme (Infills Phase 2)*

The Council's second phase of Infill developments for Council housing was outlined in the January 2018 and April 2018 Cabinet Reports entitled "Garage Sites Redevelopment Phase 2" and "Housing Development Update". During the period since then, a main contractor has been appointed and worked upon the feasibility of developing the sites, which has taken much longer than was originally anticipated. There were originally 9 sites approved for progression by the Cabinet, of which:

- Three remain with very good potential for development and will be put forward for local consultation and planning applications submissions during the autumn 2019.
- One site remains available for a community led housing scheme
- Two sites are being reviewed as also being made available for community led housing schemes
- Three sites have been removed from the programme, assessed as being unfeasible

The April 2018 report approved a plan to sell the above sites to AHLLP to develop, however national changes the borrowing capacity of the Council's Housing Revenue Account (HRA) now mean that it is more financially viable to

develop these homes within the HRA. There is also now a more rigorous requirement from LDC for its new homes to be sustainable, both in the way they are constructed and through the long-term use of the buildings.

Further details of the changes to the Infills Phase 2 programme can be found in appendix 1.

A report will be brought back to Cabinet with the fully costed programme with planning permission for final approval, which would include details of whether the programme would take place within the HRA or AHLLP.

2.2 *Newhaven Infill Programme (Infills Phase 3)*

Further to Infills Programmes 1 and 2, a programme of infill sites has been identified within Newhaven.

Due to the changes that occur in the evolution of a development, the April 2018 Cabinet Report proposed that the Infills Programme Phase 2 would come back to Cabinet for final approval prior to construction taking place. Therefore the programme for the Infills Phase 3 has similarly been planned to also come back to Cabinet following the design work, local consultation, planning approvals and a procurement costings process being completed. The full cost of this work is estimated to be up to £100,000 on phase 3 (covering surveys and consultants fees) which will be paid for from the HRA development feasibility budget, previously agreed by Cabinet – although these costs could be significantly reduced if one or more sites are found to be unfeasible at an early stage. These costs have already been factored in total project viability assessments. As above, a new report would then be presented to Cabinet with the fully costed programme with planning permission for final approval, which would also include details of whether the programme would take place within the HRA or AHLLP.

The most recent Council requirements for new homes to be sustainable in the way they are constructed and in the long term use, will be a significant factor in the design and procurement of the new Council homes.

Further details of the Infills Phase 3 programme can be found in appendix 2

2.3 *Anchor Field, Ringmer*

A Cabinet Report in July 2018 was approved to use Council land holdings in the delivery of a wider project of enabling new housing and community sports facilities within Ringmer. At the time a specific mechanism of disposing of land in exchange for affordable homes was envisaged, although an amendment to the report was added by Cabinet to delegate authority to the Director of Regeneration and Planning to agree changes to the structure of the deal as necessary.

The previously planned scheme brought forward by a third party developer was for 96 new homes, including 26 affordable homes. Due to planning restrictions the scheme was reduced to 77 new homes, including 23 affordable homes, 12 of which could be delivered off site via a commuted sum.

Independent valuations have been carried out on all LDC plots of land being disposed of to ensure that the Council will receive market value. A further plot of land is being retained for the construction of 11 affordable rented homes that was given a residual land value of Nil (£0) based upon the achieved planning permission. As outlined in the July 2018 Cabinet report, the affordable housing plot will be sold to AHLLP for the development and future management of the new homes.

In addition to delivering 11 affordable rented homes and the sale of land and access rights for the development of market homes, LDC's involvement in the wider project includes working with Ringmer Parish Council to deliver a new skate park.

3 Outcome expected and performance management

- 3.1 As further feasibility work has been undertaken on the Infill Programme Phase 2 it is now clearer how many of the sites will be feasible to develop. It is expected that a smaller number of sites will now be delivered. Once some of the Council homes are given approval, following planning permission, they will have milestones and completion targets set up through the Corporate performance monitoring procedure.
- 3.2 The Infill Programme Phase 3 will be progressed through design, consultation, planning and construction procurement, with feasible sites being brought back to Cabinet for approval for construction.
- 3.3 The plot of land designated for affordable housing at Anchor Field forms part of a wider project with many interdependent transactions. The Council is now contractually obliged to deliver the 11 affordable rented homes on the land, subject to a large number of other transactions taken place by both the Council and other parties. It is expected that the affordable housing land will be sold to AHLLP for a nil receipt and developed as part of the wider residential development.

4 Consultation

- 4.1 Initial consultation with local residents, Ward and Town Councillors has taken in December 2017 to April 2018 on Phase 2 Infill Sites, with further consultation on some sites expected by the end of 2019.
- 4.2 Newhaven Town Council has been presented with an outline of the Phase 3 Infills Programme in early 2019, and local resident consultation is planned following the approval of this report.
- 4.3 Extensive consultation has been undertaken on the wider project at Anchor Field, with public meetings and close working with the Parish Council. Further consultation is planned to progress plans for the new skate park.

5 Corporate plan and council policies

- 5.1 The overall outcomes of these projects support the Cabinet's Corporate Policies

to address:

- “Sustainability and Climate Change” The Infills Programme Phases 2 and 3 will have significant sustainability features design in the fabric and procurement low carbon energy.
“Affordable Housing” – All three projects highlighted in the report are bring forward affordable rented homes that will be directly managed by the Council for local people in need.
“Community Wealth Building” – The changes to Infills Phase 2 allow more opportunities for sites to be developed as community led housing projects, and Infills Phase 3 will prioritise local employment requirements in the construction of the new homes.

6 Business case and alternative option(s) considered

6.1 The summary of development appraisals for both Phase 2 and 3 of the Infill programmes will be included with future Cabinet Reports submitted for final construction approval.

6.2 A number of options for disposing of Infill sites have been considered, including the disposal of them to community led housing groups. This route had already been highlighted in a previous Cabinet Paper for The Lynchets garage site, and now 2 further sites are being considered. The remaining feasible sites, outlined in Appendix 1 are able to be delivered sooner directly by the Council.

LDC have begun to promote and assist several community groups who have the desire to build affordable housing within their local area. This includes work with the Lewes Community Land Trust who are working with LDC to develop their business case to build at least 5 affordable homes, and the Ringmer Community Land Trust on the development of 4 affordable homes on a rural exception site. There is also work underway to support the development of 4 other affordable housing sites with community groups.

6.3 The Business case for the delivery of the Anchor Field project is outlined in the Cabinet Report of 1st July 2018.

7 Financial appraisal

7.1 *Lewes & Ringmer Infill programme:* The proposal for infills sites to remain and be developed for housing within the HRA, rather than being sold to AHLLP will be subject to a final costed plan that will be approved at a later date by Cabinet. Therefore there are no financial implications to highlight at this stage.

7.2 *Newhaven Infill programme:* The recommendation to design and apply for planning permission for new homes can be approved within the Development Feasibility Budget and a fully cost plan will be approved at a later date by Cabinet. Therefore there are no financial implications to highlight at this stage.

7.3 *Anchor Field* – The LDC Capital programme contains a budget for a loan provision to AHLLP and the terms of that agreement were set out in the Housing Development Update Cabinet Report April 2018

8 Legal implications

8.1 Infill programmes

Legal implications will depend on whether the housing is developed within the HRA or disposed of to AHLLP and developed by that entity. Legal advice will be provided on an ongoing basis and legal implications included in the Cabinet report once a development route is confirmed and costings are coming back to Cabinet for final approval.

Disposal of land at Anchor Field from HRA to AHLLP

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

Consent A3.2 of the General Consent enables the Council to dispose of vacant land. "vacant", in this context means land on which (a) no dwelling houses have been built or (b) where dwelling-houses have been built, such dwelling houses have been demolished or are no longer capable of human habitation and are due be demolished. The Council can therefore dispose of the land at Anchor Field to AHLLP pursuant to the General Consent.

Further legal advice will be obtained in relation to the terms of any loan agreement from the Council to AHLLP.

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9 Risk management implications

9.1 The following risks associated with these projects have been identified:

- If the development of new Council housing on the projects does not go ahead there is danger that the Council will not be meeting their priorities around delivering affordable housing (Strategic Risk) **Mitigation: sites for possible residential developments constantly being monitored.**
- Build material costs could rise above current build estimates following uncertainly over Brexit (Project Risks). **Mitigation: A new feasibility assessment will be carried out prior to schemes coming to Cabinet for construction approval.**

10 Equality analysis

10.1 An equality impact assessment has been undertaken and has not identified any equality impacts.

11 Sustainability implications

- 11.1 The two infills programmes will undergo a full review sustainability features, both for the construction and usage of future residents.
- 11.2 The acquisition of affordable homes at Anchor Field, Ringmer is part of the wider scheme planning requirement, designed and built to be the same as the adjacent market homes. The planning requirement will ensure that all homes are built with a fabric first approach to energy saving. The scheme will also have as low carbon energy generation, and electric car charging points.

12 Appendices

- Appendix 1 – Lewes & Ringmer Infills Updated Programme
- Appendix 2 – Newhaven Infills Programme

13 Background papers

The background papers used in compiling this report were as follows:

- January 2018 Cabinet Report - Garage Sites Redevelopment Phase 2
- April 2018 Cabinet Report - Housing Development Update
- July 2018 Cabinet Report – Anchor Field, Ringmer

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Appendix 1 - Lewes & Ringmer Infills Updated Programme

	Location	Update	Approximate Capacity
Shelly Close	Lewes	Removed from the programme as unfeasible due to retaining wall.	N/A
Waldshut Road	Lewes	Placed on hold subject to review of potential for a development by a community led housing group.	2-3
Prince Charles Road	Lewes	Removed from the programme as unfeasible due to vehicle access .	N/A
Malling Close	Lewes	Removed from the programme as unfeasible due to tree root protection areas.	N/A
The Lynchets	Lewes	Available for purchase by a community led housing group.	6
Queens Road	Lewes	Placed on hold subject to review of potential for a development by a community led housing group.	7
Kiln Road	Ringmer	Good development potential and due for community consultation and submission of a planning application	4
Mill Road	Ringmer	Good development potential and due for community consultation and submission of a planning application	4
Broyle Close	Ringmer	Good development potential and due for community consultation and submission of a planning application	5

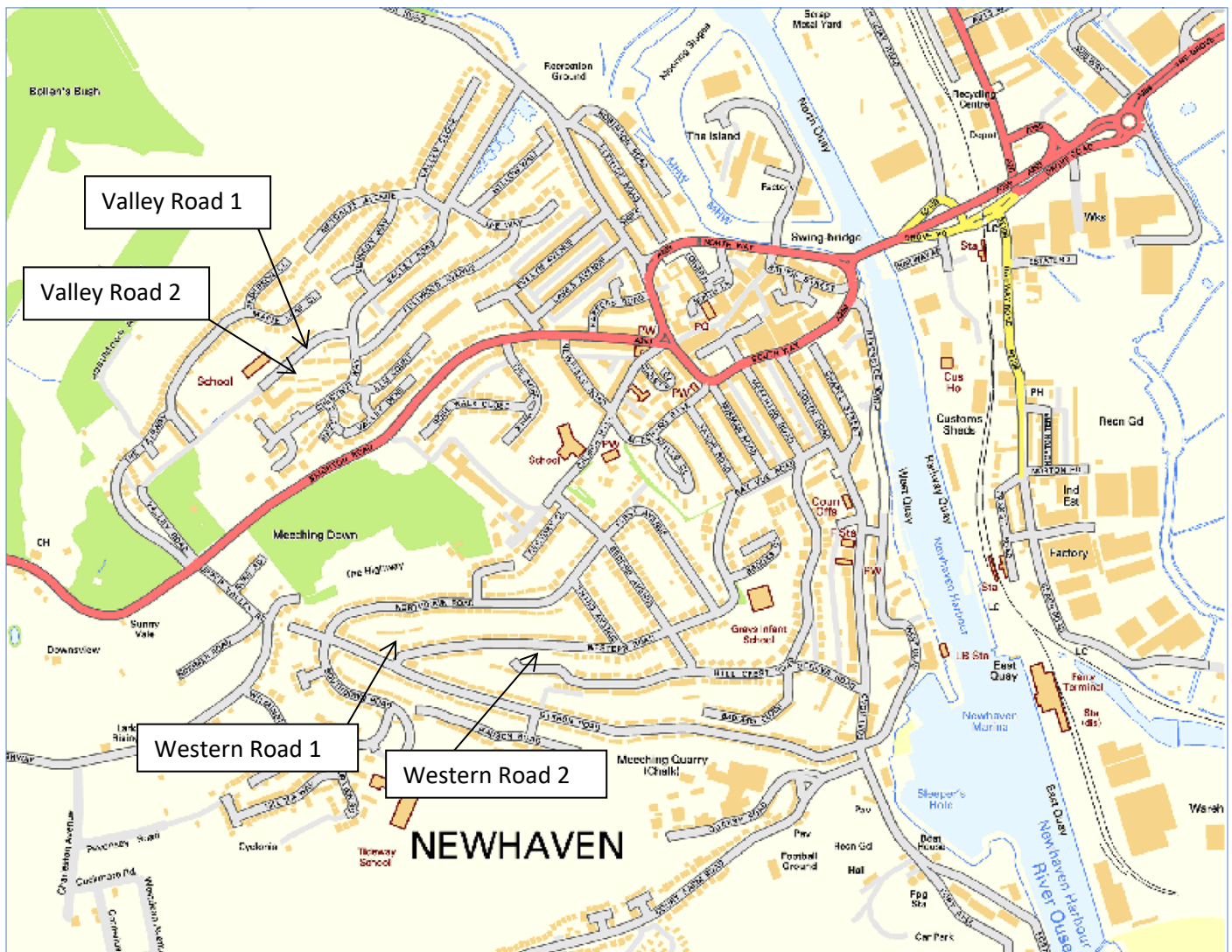
*A site at Long Park Corner, Ditchling was also included in the January 2018 Cabinet Report, but is not part of the Lewes & Ringmer Infills Programme.

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Appendix 2 - Newhaven Infills Updated Programme

	Location	Current Use
Valley Road 1	Newhaven	Garage site
Valley Road 2	Newhaven	Garage site
Western Road 1	Newhaven	Garage site
Western Road 2	Newhaven	Garage site

*Further small sites could be added to this programme at a later date, subject to Cabinet approval



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