

Report to:	Cabinet
Date:	5 February 2020
Title:	Downland Whole Estate Plan
Report of:	Director of Regeneration and Planning
Cabinet member:	Councillor Jonathan Dow, Cabinet member for Climate Change
Ward(s):	All
Purpose of report:	For Cabinet to approve the draft Downland Whole Estate Plan, subject to further consultation February- April 2020.
Decision type:	Key Decision
Officer recommendation(s):	<p>(1) To provide comments and agree the draft Downland Whole Estate Plan, subject to the outcome of public consultation;</p> <p>(2) To delegate authority to the Director of Regeneration and Planning in consultation with the Cabinet Member for Climate Change to approve the final Downland Whole Estate Plan, following completion of consultation on the draft Plan.</p>
Reasons for recommendations:	The Downland Whole Estate Plan requires formal adoption by the Council prior to endorsement by the South Downs National Park Authority.
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 The South Downs National Park Authority (SDNPA) is seeking to collaborate with landowners across the National Park in the development of Whole Estate Plans (WEPs), a non-statutory plan that seeks to protect the Park and demonstrates the aspirations of its landowners. The Whole Estates Plan process seeks to assist SDNPA and large estate organisations to work together in delivery of this vision.
- 1.2 The Council has been developing a WEP for the Downland Estate over the last 18 months. In June 2019 Cabinet agreed the vision for the plan which focussed on conservation and preservation of the estate, supporting the tenant farmers and

enabling a self-sustaining, financially resilient Estate with high quality attractions for visitors and tourists.

- 1.3 Following further Member and public engagement, the draft WEP has been completed and will now be subject to an 8 week consultation period commencing 9th February. A copy of the draft plan is attached to this report at Appendix 1 and Cabinet is asked for any further comments and agreement of the draft prior to final sign-off once public consultation has ended and comments have been considered.
- 1.4 In recognition of the importance of the Eastbourne Downland, EBC is set to be the first Council to adopt a WEP.

2 Proposal

2.1 Officers have worked closely with SDNPA in production of the Eastbourne Downland WEP, which has been produced in accordance with the guidelines set down by SDNPA. There are four main sections of the plan:

- Vision: this was agreed by Cabinet in June 2019;
- Asset Audit : this audit establishes a complete picture of all of the assets on the Downland;
- Ecosystem Service Analysis: this includes a SWOT (Strengths, weaknesses, opportunities and threats) analysis of the many eco systems on the Estate which provide life's essentials such as clean air and water, food, fuel and raw materials and opportunities for improved health and wellbeing.
- Action Plan: this takes the opportunities and threats identified in the Ecosystem Services Analysis and identifies the actions required and the specific projects attached to achieving those actions.

2.2 In many ways, the Action Plan is the most important aspect of the plan as this identifies projects that could be taken forward. Recognising the Council's financial situation and limited officer capacity, it is suggested through the Action Plan that a Trust or similar body (a "Trust Body") be set up to act as a fundraiser and main stakeholder liaison to prioritise and take projects forward. The Council would have a significant role in terms of setting up key elements of the Trust Body, such as the charitable objects (where charitable status is sought), the governance arrangements and the assets to be transferred to the body. The Trust Body could be set up on the basis that the Council has voting rights that enable it to influence the body's governance.

2.3 Full details of suggested projects are outlined within the Plan but summarised below; there is no financial commitment from the Council to any projects over and above those that are already planned and budgeted for:

Short Term

- Support a safe and sustainable woodland;
- Continued scrub management and control;
- Work with partners to explore opportunities for social prescribing (enabling health and care professionals to refer people to a range of local, non-clinical services to address people's needs in a holistic way, aiming to support individuals to take greater control of their own health);

- Work with the tenant farmers to prepare for the transition from the current subsidy arrangements;
- Work with partners to promote best practice in sustainable land management to protect the aquifer;
- Increase opportunities for holiday lettings.

Medium/Longer Term

- Creation of an Eastbourne Downland Trust Body to fundraise and progress projects;
- Prepare for the roll out of the new Environmental Land Management system;
- Maximise the biodiversity and amenity value of the Estates woodlands including upgraded/new tracks and walking routes with new focal points;
- Contribute to a Nature Recovery Network, identify opportunities for habitat restoration and creation on the Estate;
- Exploring opportunities for Biodiversity Net Gain ensuring developments in the borough leave biodiversity in a better state than before;
- Consider access charging for non-local residents on the Beachy Head Road;
- Improving the visitor centre offer;
- Improving the educational offer, recognising and support opportunities for outside learning in the natural environment;
- Diversification and re-purposing of redundant farm buildings;
- Further opportunities for providing additional tourist accommodation;
- Improving the provision of public transport;
- Maintaining and, where possible, restoring the Estate's dew ponds;
- Putting the Estate's water supply on a more sustainable footing;
- Encouraging visitor donations;
- Building a value-added brand for produce from the Estate.

2.4 Final public consultation on the draft WEP runs from 9th February to 5th April. Comments will then be considered and amendments made, where appropriate, with a view to final sign-off of the plan by end April 2020. SDNPA has its own process for endorsement of WEPs and aims to endorse the plan in early June.

3. Corporate plan and council policies

- 3.1 This proposal meets the following aspirations of the Corporate Plan:
- Prosperous economy: by improving Eastbourne as a destination through securing the future of the Bandstand and supporting employment
 - Sustainable performance: by making the best use of our assets and proactively working to improve building performance.

In addition it supports achieving the 2026 Partnership vision of Eastbourne being a premier seaside destination.

3.2 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 exploit the potential of its property portfolio, part of which is ensuring that future maintenance liabilities are reduced and opportunities for increasing social and economic value are maximised wherever possible, which are supported through this proposal.

4. Financial appraisal

- 4.1 There are no financial implications arising directly from this report, which recognises the Council's financial situation and limited officer capacity. The report suggested through the Action Plan that a Trust/body be set up to act as a fundraiser and main stakeholder liaison on behalf of the Council to prioritise and take agreed projects forward. Any future financial implications arising from the Downland Whole Estate Plan will be reported to Members alongside the established financial/performance monitoring reports.

5. Legal implications

- 5.1 A further report relating to the creation of the Trust Body will be brought to Cabinet in due course. In the meantime the following high level comments can be made in connection with the Trust Body.
- Establishing the Trust Body with charitable status could bring a number of benefits including tax reliefs. As an example, various tax incentives are available to encourage individuals and businesses that pay tax in the UK to make gifts to charities and to individuals to invest in charities. The availability of such fiscal advantages is important in the context of the Trust Body being able to act as the main fundraiser. It is therefore assumed that charitable status is a core principle of the proposal to set up the Trust Body.
 - Charity trustees are those persons having the general control and management of the administration of a charity. The main duty of charity trustees (the directors in the case of a charitable company) is to ensure that the charity's assets are applied in pursuance of its charitable objects, for the public benefit. A charity trustee has a duty to act at all times in the best interests of their charity and its beneficiaries. Council nominated trustees would have to act on this basis. A similar level of accountability applies even in the absence of charitable status. For example, the directors of a non-charitable company have a general duty to act at all times in the best interests of their company.
 - The level of control that could be exercised by the Council is subject to the limitations mentioned above. However, the following observations should be noted.
 - If the Trust Body is set up as a charitable company this could be done on the basis that the Council is a member of the company in addition to having the right to nominate a certain number of directors (trustees). The primary function of the membership is scrutiny of the directors. The members have rights to vote to influence the charitable

company's governance.

- A lease of the Estate to the Trust Body (as outlined below) would give the Council a certain level of control over the activities of the Trust Body in the context of the landlord and tenant relationship. For example, it is usual for tenants to be constrained by controls relating to the use of the land, alterations to the land and sublettings.
- It is suggested that the freehold of the Estate should remain in the public ownership of the Council to secure it for future generations. When setting up the Trust Body the assets transferred to the body by the Council could include a long lease that would enable the body (as lessee) to manage the Estate in accordance with its charitable objects and the obligations contained in the lease. Consideration should be given to including a forfeiture clause allowing the lease to be terminated where the tenant is in breach of its obligations under the lease or on the occurrence of certain events specified in the lease, such as the tenant's insolvency.
- Parts of the Estate are affected by pre-emption rights. Any asset transfer to the Trust Body involving a lease would have to take account of the pre-emption rights.
- A detailed analysis of the appropriate legal structure for the Trust Body will be carried out as the project progresses. The current thinking of the Council's in-house legal team is that there are clear advantages in using a charitable company limited by guarantee as the legal structure for the Trust Body.

7 January 2020 Ref: 008843-EBC-MR

6. Risk management implications

- 6.1 Producing a WEP is the best way in order to ensure that the Eastbourne Downland Estate is protected, meets future environment priorities and is enhanced for future generations. Once adopted, the Council will have a clear action plan setting out its future commitments to the operation of the Estate that stakeholders can help support and take forward.

7. Equality analysis

- 7.1 An equality screening has been undertaken and has assessed that an Equality Analysis is not conducive to this report.

8. Environmental impact analysis

- 8.1 The WEP by its very nature seeks to conserve and preserve the Downland Estate and the Action Plan sets out workstreams that will help support the Council's ambition for a carbon neutral town by 2030.

9. Appendices

- Appendix 1 – Draft Eastbourne Downland Whole Estate Plan (please note that the plan will be re-formatted and finalised post consultation)

10. Background papers

- Cabinet report 5th June 2019 'Downland Whole Estate Plan'
<https://democracy.lewes-eastbourne.gov.uk/documents/s10195/Downland%20Whole%20Estate%20Plan.pdf>