

**Report to:** Cabinet

**Date:** 2 February 2023

**Title:** Purchase of land at Landport Brooks

**Report of:** Tim Whelan, Director of Service Delivery

**Cabinet member:** Councillor Matthew Bird, Cabinet member for sustainability

**Ward(s):** All

**Purpose of report:** Approval to buy land at Landport Brooks

**Decision type:** Key

**Officer recommendation(s):** (1) That Cabinet approves the strategic approach presented and agrees as follows:

a. To purchase the Land at Landport Brooks to put Lewes District Council in a position to deliver a range of environmental, ecological, flood mitigation and health and wellbeing outcomes subject to valuation, legal advice and the usual due diligence

b. To develop the business case to reflect that this is a long-term investment with environmental and potential commercial opportunities for LDC.

(2) That officers work with stakeholders and the community to deliver the best outcomes for the site, to achieve biodiversity gains, improving floodplain storage capacity and other environmental benefits.

(3) To authorise the Director of Service Delivery, in consultation with the Portfolio Holder for Sustainability to carry out all necessary actions to facilitate the project including negotiating the purchase of the land and determining the terms of, and authorising the execution of, all necessary documentation.

**Reasons for recommendations:** As a public authority in England LDC has a duty to have regard to conserving biodiversity as part of policy or decision-making. Conserving biodiversity can include restoring or enhancing a population or habitat.

**Contact Officer(s):**      **Name: Christopher Bibb**  
   **Post title: Specialist Advisor Green Consultancy (Projects)**  
   **E-mail: [Christopher.bibb@lewes-eastbourne.gov.uk](mailto:Christopher.bibb@lewes-eastbourne.gov.uk)**  
   **Telephone number: 01273 085113**

**Name: Jane Goodall**  
**Post title: Environment Lead**  
**E-mail: [Jane.Goodall@lewes-eastbourne.gov.uk](mailto:Jane.Goodall@lewes-eastbourne.gov.uk)**  
**Telephone number: Tel: 07788 515359**

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## **1 Introduction**

- 1.1 A 36.80-acre parcel of land has become available for purchase at Landport Lewes. The land is formed of 2 separate parcels divided by the Lewes to London trainline but joined by an underpass under the railway line. The eastern boundary (approximately 1km long) is the River Ouse and to the west is Landport Estate and a flood defence bank sits on the land that is maintained by Lewes District Council to protect properties at the bottom of the estate. The land is low lying alluvial marsh with no development potential. It is currently laid to grass and grazed between March and October.
- 1.2 The north of the site is part of the Offham Marshes SSSI, totalling approximately 6.1 acres of the parcel of land for sale.  
Three amphibian species breed in large numbers in the ditches on the SSSI. These include several thousand common toads *Bufo bufo*, making this one of the best sites in the county for this species. Less obvious are the smooth newt and the palmate newt. Smaller numbers of common frogs breed more frequently in the shallow pools that form in the fields.  
These large amphibian populations provide a food supply for grass snakes, which breed on the site. The ditches support the scarce hairy dragonfly, the variable damselfly, and many water beetles, including Britain's largest species, the rare great silver beetle. The damp fields support several uncommon flies.
- 1.3 LDC would purchase the land to realise biodiversity enhancements and stackable environmental benefits including potential commercial returns. It would be an asset for the council that would allow it to achieve these benefits.

## **2 Proposal**

- 2.1 Proposals can be summarised as:
- Purchase the land at Landport Brooks
  - Develop business and management plans for the site including the area under SSSI designation
  - Work with the community and stakeholders to understand the best outcomes for the site and realise the most benefits
  - Attract incentive-based conservation funding and other funding sources

### **3 Outcome expected and performance management**

3.1 Working with partners the council could use the land to realise stackable benefits that could include:

- Obligations under the Biodiversity Duty - applying best practice towards achieving no net loss and preferably a net gain of biodiversity through the thorough application of the mitigation hierarchy (avoid, minimise, rehabilitate/restore, offset)
- Biodiversity Net Gain (internal/external)
- Improving floodplain storage capacity and flood alleviation
- Carbon sequestration/offsetting
- Attract incentive-based conservation funding
- District Level Licencing (Great crested newts)
- Environmental land management schemes (ELMS)/ Countryside stewardship
- Public amenity
- Health and wellbeing outcomes
- Income generation through grazing

### **4 Consultation**

4.1 The Cabinet member for sustainability attended a meeting of interested local stakeholders on 2<sup>nd</sup> December 2022 to discuss the council's position and hear their views.

### **5 Corporate plan and council policies**

5.1 Owning the land would afford opportunities for delivery on our Climate Change and Sustainability Strategy, Biodiversity Strategy, Pollinator Strategy and LDC Natural Flood Management plans.

5.2 There are synergies with the major project taking place on the outskirts of Lewes that will see the realignment of a local stream, the Cockshut, and the creation of a new wetland habitat. The project is a partnership between the council, Ouse and Adur Rivers Trust, Lewes Railway Land Wildlife Trust and South Downs National Park Authority and will bring huge biodiversity benefits and reduce flood risk in the area.

5.3 Officers will explore 'stackable benefits' through, for example, possible natural flood management, biodiversity net gain and carbon offsetting income potential as the frameworks, guidance and national requirements become clearer and funding becomes available.

### **6 Business case and alternative option(s) considered**

6.1 The land is marketed by Lambert & Foster for £275,000. This works out at approximately £7500/acre. Negotiations with the landowner are ongoing:  
<https://www.lambertandfoster.co.uk/property/lf003034/>

- 6.2 There is potential for income generation through a number of sources including natural flood management, offsetting and Biodiversity Net Gain.
- 6.3 A robust business case and management plan will be developed in consultation with the community and stakeholders

## **7 Financial appraisal**

- 7.1 The recommendation is to agree that funding be earmarked from the Council's capital programme in order to purchase the Land at Landport Brooks that will put the Council in a position to deliver a range of environmental, ecological, flood mitigation and health and wellbeing outcomes.

The current Capital Investment Programmes for the Council does not include a provision to purchase the Land at Landport Brooks, the capital outlay might need to be funded through either the realignment of existing capital resources and/or availability of capital receipt. The funding for this land will now be included within the 2023/24 capital programme for approval - subject to capital receipts availability, i.e., proceeds received from the disposal of surplus assets (such as land or buildings), which can only be used to buy or fund capital expenditure. The wider financial implications from the business case including potential income generation will need to be incorporated into the overall Council's revenue budget and capital programme.

## **8 Legal implications**

- 8.1 As a local authority, LDC is under an obligation pursuant to the Natural Environmental and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity in exercising its functions.

LDC will carry out all appropriate due diligence in relation to the purchase of the property.

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## **9 Risk management implications**

- 9.1 The land could be bought by others and managed in a way detrimental to the SSSI and not aligned to the strategies of LDC.
- 9.2 This land is an active flood plain already and by purchasing it LDC will be better able to explore how the flood plain is managed in manner which helps reduce flood risk, by ensuring it drains down quickly after an event and so makes space for the next flood alongside creating more space for flood water.
- 9.3 Loss of potential future income to LDC from commercial and environmental opportunities afforded by this purchase.

## **10 Equality analysis**

- 10.1 The Equality Act does not have key relevance to this report, which is chiefly aimed at land management considerations.

However, access to nature is paramount to healthy, thriving communities, noting that Landport is in Castle Ward – one of the most deprived 20 per cent Lower-layer Super Output Areas in England\*.

Working with communities and increasing their access to nature, climate resilience and improving their local environment, contributes to improving their sense of place and improving wellbeing.

## **11 Environmental sustainability implications**

- 11.1 The council is committed to supporting measures to help arrest biodiversity losses, restore habitats and species and work for climate resilience to promote healthy and thriving communities. The purchase of this land gives the council opportunities to really deliver on nature-based solutions, build climate resilience and enhance and increase biodiversity and nature across Lewes district.

## **12 Contribution to Community Wealth Building**

- 12.1 The Corporate Plan prioritises Sustainability and Community Wealth Building. The council is considered 'an anchor institution' and can use its substantial spending power and influence to drive investment in the local economy to enable a green economic recovery and local job creation and retention. LDC must ensure that the land they do own is run by and for the people. Parks and other land holdings help to create good local economies, ensure sensible environmental stewardship, and advance social justice. Community wealth is a thread that runs through the overarching climate change and sustainability strategy particularly in relation to procurement but also training and skills.

## **13 Appendices**

- Appendix 1 – Briefing note

## **14 Background papers**

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

- \* The Index of Multiple Deprivation 2019 is the official measure of relative deprivation for small areas (or neighbourhoods) in England. [Indices-of-Deprivation-2019-final.pdf \(eastsussexjsna.org.uk\)](https://www.eastsussexjsna.org.uk/indices-of-deprivation-2019-final.pdf)
- [Environmental land management schemes: overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/environmental-land-management-schemes)
- Details of the land sale [Landport Road, Lewes - Lambert & Foster \(lambertandfoster.co.uk\)](https://www.lambertandfoster.co.uk/landport-road-lewes)