

Report to	-	Council
Date	-	25 February 2019
Report of the	-	Executive Director
Subject	-	Decisions taken as a matter of urgency at Cabinet Meetings

The Council is asked to receive the report of Cabinet, in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules and 17(a) of the Overview and Scrutiny Procedure Rules, on decisions taken as a matter of urgency at its meetings held on 19 December 2018 and 14 January 2019. (Council to note that there were no urgent decisions taken at the Cabinet meeting held on 11 February 2019).

CABINET – 19 December 2018

CB18/52. TICEHURST NEIGHBOURHOOD PLAN

Ticehurst Parish Council had prepared a Neighbourhood Plan (TNP) following designation of the parish as a Neighbourhood Area in 2015. The TNP was currently subject to a formal public consultation until 21 December 2018. Representations received would be considered by an independent Examiner to determine whether the TNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process. It was noted that so as not to compromise the Council's ability to comment on the draft TNP by the due deadline, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The TNP consisted of 19 policies and related to the period 2018-2028 in line with the end date of the Council's Core Strategy (CS). Following consultation with the Council, the TNP was considered generally comprehensive, well-presented and included proposed housing allocations at Flimwell and Ticehurst. It was noted that permissions granted since 2013 had already met and slightly exceeded the CS target. Recent permissions received had reduced the outstanding requirement to nine dwellings in Flimwell. The Council's proposed representations were detailed in Appendix 1 to the report.

The TNP identified two sites, one at Orchard Farm, Ticehurst (six dwellings) and one at Wardsdown House, Flimwell (nine dwellings), both of which met housing targets and were supported. One at Singehurst, Pashley Road (10 dwellings) was not supported and considered would have an adverse effect on the Area of Outstanding Natural Beauty, village and setting of several heritage assets.

The majority of development policies were found to be in general conformity with the CS. The TNP introduced a number of 'Green Gaps'

which, with the exception of an appropriate gap between Flimwell and Ticehurst, did not appear to be vulnerable to risk of coalescence; therefore the Flimwell-Ticehurst Green Gap was supported and the policy for other Gaps should be deleted or amended.

Members were advised that amendments were proposed to Policy H4 and Policy RS relating to affordable housing and supporting biodiversity respectively.

Councillor Johnson, Portfolio Holder for Strategic Planning acknowledged the amount of work and effort that had gone into the production of the TNP by the Neighbourhood Plan Group and Council Planning officers.

Cabinet acknowledged the efforts that Ticehurst Parish Council / Steering Group had made developing the TNP and agreed that all representations be forwarded to the independent Examiner for consideration by 21 December 2018.

RESOLVED: That the representations, set out at Appendix 1 to the report (together with any supporting material) be submitted for consideration by the Examiner in relation to the submitted Ticehurst Neighbourhood Plan.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council's representations to be made on Ticehurst Parish Council's Neighbourhood Plan by 21 December 2018.

(Cabinet Agenda Item 6.2)

CB18/53. **RYE NEIGHBOURHOOD PLAN**

Rye Town Council had prepared a Neighbourhood Plan (RNP) following designation of the parish as a Neighbourhood Area in 2013. The RNP was currently subject to a formal public consultation until 11 January 2019. Representations received would be considered by an independent Examiner to determine whether the RNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process. It was noted that so as not to compromise the Council's ability to comment on the draft RNP by the due deadline, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The RNP consisted of 20 planning policies, 20 community aspirations and related to the period 2016-2028 in line with the end date of the Council's Core Strategy (CS). Following consultation with the Council, the RNP which represented Rye only was considered comprehensive, well-researched and covered a wide range of complex issues which set out a blueprint for the town to 2028. It was considered that the RNP was in general conformity with the Council's adopted CS and with the inclusion of 'community aspirations' provided a wider framework for community action.

The RNP identified six sites through which it aimed to provide 160 dwellings exceeding the CS requirements of 112 dwellings, 40 of which to be built at Rye Harbour. Thirty dwellings were proposed at the Freda Gardham School site and additional housing at the former Lower School site as a result of lack of operator interest for retail development. There was apparent tension between some allocations, notably housing allocations on existing employment/business sites. For consistency, as well as the maintenance of employment opportunities, it was considered necessary to insert cross reference in the supporting text to relevant site allocations.

The RNP was also accompanied by a Sustainability Appraisal/Strategic Flood Risk Assessment which justified the choice of proposed development sites with regard to the economic and social needs of the town.

Ten areas were considered as 'local green spaces' (LGS) because of their environmental character, local recreational facilities and as a source of biodiversity. One of these was Gibbets Marsh overspill car park. It was considered that the river corridor constituted an important LGS and the overspill car park provided much needed additional car parking during the busy summer visitor periods, which should be protected. Accordingly, an amendment to the LGS was sought.

Congratulations were extended to Rye Neighbourhood Group, Vice-Chair Colonel Kimber, consultants and Council Planning officers for the amount of work and effort that had gone into the production of the RNP.

Cabinet considered the representation recommendations proposed and agreed that the Executive Director be granted delegated authority to submit the Council's representations (together with any supporting material) on RNP for consideration by the Examiner.

RESOLVED: That the Executive Director be granted delegated authority to submit representations in accordance with the conclusions set out at paragraph 23 of this report (together with any supporting material) for consideration by the Examiner in relation to the submitted Rye Neighbourhood Plan.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council's representations to be made on Rye Town Council's Neighbourhood Plan by 11 January 2019.

(Cabinet Agenda Item 6.2)

CB18/54. **BUSINESS RATES PILOT 2019/20**

Members considered the report of the Executive Director on the Business Rates Pilot 2019/20 Scheme.

In November 2018, Cabinet was advised that as part of the East Sussex Business Rates Pool (ESBRP), the Council had expressed an interest to participate in the Government's pilot 75% Business Rate

Retention Scheme. This would enable the Council to retain a greater share of any business rates growth, as currently only 50% was retained. A recent Government announcement had confirmed that ESBRP's application had been successful. It was noted that so as not to miss the Government's deadline of 30 days (12 January 2019) from the announcement of the Pool application being accepted, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The report detailed the current 50% scheme, pooling arrangements, the pilot application and comparison of the 50% scheme with the 75% pilot scheme at Appendices A, B and C respectively to the report.

Across the county an additional £4.3m of income was anticipated to be retained under the pilot scheme compared to £3.2m under the 2018/19 pooling arrangements; Rother's share was expected to rise by £100,000 to £400,000. Prior to finalising the 2019/20 Revenue Budget, business rates levels would need to be considered, therefore it would be sensible that no core spending was reliant on this funding.

The Government expected pilot councils to demonstrate how they would use funding to benefit their local area. The ESBRP recommended two elements: financial stability (50% gain) and economic development (25% additional gain). East Sussex County Council and East Sussex Fire Authority would be asked to consider allocating additional funding towards town centre regeneration.

Consultants, LG Futures had been employed to collate and advise on the financial viability of the scheme which would also provide a degree of objectivity and impartiality for all parties. Wealden District Council was currently the lead authority for the ESBRP and had indicated that they would be prepared to continue this role for the pilot scheme.

A Memorandum of Understanding (MoU) had been drafted at Appendix D to the report. The MoU underpinned how the ESBRP would operate and, in particular, the sharing of risk and reward between the partners. The MoU required finalising and it was proposed that delegated authority be given to the Assistant Director Resources in consultation with the Cabinet Portfolio Holder for Finance, Resources and Value for Money to complete this. Cabinet agreed this proposal.

Cabinet fully supported the Council's participation in the East Sussex Business Rates 75% Retention Pool and agreed that the additional income would financially support the Council's regeneration objectives including the Property Investment Strategy.

RESOLVED: That:

- 1) Rother District Council participates in the East Sussex Business Rate 75% Retention Pilot for the financial year 2019/20;

- 2) Wealden District Council be nominated as the lead authority for the East Sussex Business Rate 75% Retention Pilot for the financial year 2019/20;
- 3) the basic principle be agreed that no authority will receive a lower level of funding than they would have received without the East Sussex Business Rate Pool;
- 4) resources gained on the growth in business rates be shared as follows: 26% to East Sussex County Council, 5% to the East Sussex Fire Authority and the remaining 44% split amongst the district/borough councils;
- 5) the financial stability and economic development share of funding be agreed, with the economic development funding being encouraged to go to improvements in town centre regeneration; and
- 6) the Assistant Director Resources be authorised to finalise the Memorandum of Understanding in consultation with the Cabinet Portfolio Holder for Finance, Resources and Value for Money.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council to participate in the East Sussex Business Rate 75% Retention Pilot by 12 January 2019.

(The Leader had accepted this item onto the Agenda as an Additional Agenda Item in order for the Council to participate in the East Sussex Business Rate 75% Retention Pilot by 12 January 2019).

(Cabinet Agenda Item 6.4)

CABINET – 14 January 2019

CB18/61. CROWHURST NEIGHBOURHOOD PLAN

Crowhurst Parish Council had prepared a Neighbourhood Plan (CNP) following designation of the parish as a Neighbourhood Area in 2015. The CNP was currently subject to a formal public consultation until 25 January 2019. Representations received would be considered by an independent Examiner to determine whether the CNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process. It was noted that so as not to compromise the Council's ability to comment on the draft CNP by the due deadline, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The CNP consisted of 16 policies and related to the period 2018-2028 in line with the end date of the Council's Core Strategy (CS). Overall, the CNP was considered a comprehensive and well-presented document which had resulted from discussion and dialogue between the Neighbourhood Plan Group and Planning Officers from RDC.

The report gave details of the suggested representations that the Council should make, in summary, these related to:

- the assessment that the submitted Crowhurst Neighbourhood Plan was in general conformity with the Council's strategic policies contained within the adopted Local Plan Core Strategy;
- support for the scale and location of housing allocations, together with the revised development boundary, in protecting the setting of the village;
- the landscape importance of the High Weald AONB, as recognised within the CNP policies, was welcomed;
- the planning policy need for certain areas of land to have three designations was questioned (Policy CE1(2) contained three designations HWAONB, Open and Natural Space and Important Open Areas). The rationale and supporting evidence base for the areas of land designated as Open and Natural Space was not clear and therefore the requirements and wording of Policy CE1(2) needed to be reviewed;
- as drafted, the requirement in policy CE3 Biodiversity would be disproportionate for some development and it was suggested that Policy CE3 2(i) should be prefixed with 'Where appropriate new development should be' Similarly, the footnote should be prefixed by 'Where appropriate, completion of the CNDP Environment Planning.....' as this could not be applied to all development.

Councillor G.P. Johnson, Portfolio Holder for Strategic Planning acknowledged the amount of work and effort that had gone into the production of the CNP by the Parish Council and Council Planning officers. Cabinet also acknowledged the efforts that Crowhurst Parish Council / NP Steering Group had made developing the CNP and agreed that all representations be forwarded to the independent Examiner for consideration by 25 January 2019.

It was noted that this was the third NP progressing to the examination stage, with Ticehurst and Rye just prior to Christmas. The process was a long one, and whilst examiners were in place, the timetable for any resulting referendums was dependent on the Examiners' findings and could not be confirmed at this stage. Members were disappointed to note that despite the enormous amount of effort that was required to produce a NP, the lifespan of an agreed NP was relatively short.

RESOLVED: That the representations in accordance with the conclusions set out within the report, (together with any supporting material) be submitted for consideration by the Examiner in relation to the submitted Crowhurst Neighbourhood Plan.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council's

**representations to be made on Crowhurst Parish Council's
Neighbourhood Plan by 25 January 2019.**

(Cabinet Agenda Item 8.3)

Dr Anthony Leonard
Executive Director