

Cabinet

Date and Time - **Monday 25 July 2022 – 6:30pm**
Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), S.M. Prochak, MBE (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field, A.K. Jeeawon, H.L. Timpe and J. Vine-Hall.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on Monday 27 June 2022 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

6. **ARTICLE 4 DIRECTION - COASTAL LAND AT FAIRLIGHT COVE** (Pages 1 - 66)
7. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING DRAFT 2021/22 OUT TURN** (Pages 67 - 74)
8. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING AS AT QUARTER 1 - 2022/23** (Pages 75 - 82)
9. **ANTI-POVERTY STRATEGY** (Pages 83 - 108)
10. **THE RAVENSIDE GATEWAY ROUNDABOUT IMPROVEMENT PROJECT UPDATE** (Pages 109 - 110)
11. **DEVOLUTION OF PUBLIC CONVENIENCES IN BEXHILL** (Pages 111 - 118)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 15 July 2022

Rother District Council

Report to: Cabinet

Date: 25 July 2022

Title: Article 4 Direction – Coastal Land at Fairlight Cove

Report of: Ben Hook, Director of Place and Climate Change

Cabinet Member: Councillor Jonathan Vine-Hall

Ward(s): Southern Rother

Purpose of Report: To approve the making of an Article 4 Direction in respect of the land and those classes of development described in this report.

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED**: That:

- 1) the making of an Article 4 Direction in respect of the land and those classes of development described in this report be approved;
- 2) the Director of Place and Climate Change be granted delegated authority to confirm the Article 4 Direction following a 21 day consultation period, subject to consideration of any representation response received, so that it comes into effect at the end of a 12 month notice period; and
- 3) the Director of Place and Climate Change be granted delegated authority to make an immediate Article 4 Direction within the 12 month period specified in 2) above, if warranted, i.e. if development is identified which constitutes a threat to the amenities of the area.

Reasons for

Recommendations: It has been shown that development near the cliff edge at Fairlight Cove has the potential to impact on land stability and therefore it is necessary for such development to be subject to a planning application so that the risks can be properly assessed.

Introduction

1. Fairlight Cove has experienced ongoing problems of coastal erosion and cliff instability that have led to a number of properties being lost since the 1980s as a result of cliff retreat. Since that time, a phased programme of coastal protection works and drainage has been undertaken, which has helped to slow down the rate of cliff recession. While these engineering works control erosion and land loss they do not prevent it, and it remains prudent to limit development

that may have an effect on loading near the cliff or the flow of water in the ground near the cliff edge.

2. National Planning Practice Guidance (PPG) confirms that the planning system has an important role in considering land stability by: minimising the risk and effects of land stability on property, infrastructure and the public; and helping ensure that development does not occur in unstable locations or without appropriate precautions. The PPG notes that removing “permitted development” rights in specific circumstances is one option that planning authorities may need to consider in planning for land stability.
3. An article 4 direction is a direction under article 4 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.
4. The effect of an article 4 direction at Fairlight Cove would be to remove permitted development rights from specified residential properties close to the cliff edge for certain forms of householder development. These forms of development include residential extensions and outbuildings, the uncontrolled development of which could have adverse effects on land stability in the coastal margin. The removal of these specific permitted development rights would mean that planning permission would be required. The submission of a planning application would allow such effects to be properly assessed before development is permitted to proceed.
5. An independent report by a Chartered Geologist and Chartered Civil Engineer specialising in coastal science, coastal risk management and landslide management has been undertaken, to evidence the need for the article 4 direction and inform its scope and geographical coverage. The report is attached at **Appendix 1**.
6. The report finds that cliff instability can result from both natural physical processes such as the cliff face weathering, sliding and retreating, or a change in drainage regime, as well as from human activity, and the most significant factor is likely to be natural cliff processes rather than human activity. However, loading or surcharge, occurring as a result of a change in the weight imposed on the top of a cliff, may cause the top of the cliff to fail and lead to cliff retreat (depending on the weight of the materials and the proximity to the cliff edge). On the cliffs above Fairlight Cove, human activity will be the most likely cause of surcharge and usually as a result of a load such as soil being deposited or by actual construction works. Along some sections of the Fairlight cliff line the top of the cliff has yet to reach a state of equilibrium (balance) and such surcharge may accelerate the instability processes, particularly at, or after, times of rainfall. In view of the greater level of risk and sensitivity of particular properties, largely on the seaward sides of Sea Road, Cliff Way and Rockmead Road, the removal of permitted development rights, in the form of an article 4 direction, can be justified.
7. There are existing planning policies which apply to planning applications for development at Fairlight Cove. Policy DEN6 of the Development and Site Allocations (DaSA) Local Plan is relevant to development on unstable or

potentially unstable land. Supporting text to the policy confirms that planning applications for development within a 50 metres wide “coastal zone” along the cliff face at Fairlight Cove must be accompanied by a structural engineer’s survey and a geo-technical report to demonstrate there would be no increase in ground loading. Policy DEN6 also prevents the use of soakaway drains in the coastal zone. However, the requirements of planning policy do not extend to development not requiring planning permission, hence the need for an article 4 direction in addition to existing planning policies.

8. The independent report confirms that for the short to medium term, the most vulnerable properties are up to 12 in number, which are closest to the cliff line. However, the report also notes that while not all developments require planning permission, the Building Regulations provide a complementary mechanism helping to ensure that land stability issues are suitably addressed in those developments not requiring planning permission. It is actually the case that for small developments such as residential extensions, an assessment of the impact of the development on ground stability is unlikely to be required through the Building Regulations either, and furthermore, there are a number of types of developments, such as small detached buildings with no sleeping accommodation, which are exempt from the Building Regulations.
9. Consequently, in order to offer appropriate protection in terms of reducing risks to ground stability, it is proposed that the article 4 direction would cover land within which there are 28 residential properties. These are all of the properties located on the seaward sides of the roads closest to the cliff edge, where the gardens either extend directly to the cliff-edge or where there is little intervening land. This is considered to present a reasonable and consistent approach. Furthermore, it is in line with the recommendation of the report for the introduction of an article 4 direction for an “Outer Zone” bordering the cliff line, rather than for the entire “coastal zone” as defined in the DaSA Local Plan.

Details of the proposals

10. It is proposed that the article 4 direction removes permitted development rights for all identified properties closest to the cliff edge, as shown on Map 1 and List A in **Appendix 2**, in respect of:
 - (i) Schedule 2, Part 1 of the GPDO - Development within the Curtilage of a Dwellinghouse - Classes: A (enlargement, improvement or other alteration of a dwellinghouse); AA (enlargement of a dwellinghouse by construction of additional storeys); B (additions etc to the roof of a dwellinghouse); D (porches); E (buildings, enclosures, pools, containers etc incidental to the enjoyment of a dwellinghouse); F (hard surfaces incidental to the enjoyment of a dwellinghouse).
 - (ii) Schedule 2, Part 20, of the GPDO - Construction of New Dwellinghouses - Classes: AC (new dwellinghouses on terrace buildings in use as dwellinghouses) and AD (new dwellinghouses on detached buildings in use as dwellinghouses).
11. In addition, it is proposed that the article 4 direction removes permitted development rights for a number of other residential properties where the rear gardens extend to the cliff edge (but the house is further back), as identified on

Map 1 and List B in **Appendix 2**, in respect of Schedule 2, Part 1, Class E (buildings, enclosures, pools, containers etc incidental to the enjoyment of a dwellinghouse).

12. There are additional Classes within Schedule 2 to the GPDO which give additional “permitted development” rights to householders for other minor developments such as roof windows, chimneys, roof antennae, boundary fences and walls. It is not proposed to include these forms of development within the article 4 direction because they are unlikely to involve placing significant additional weight on the ground, cause vibrations, or increase drainage into the ground, i.e. they are unlikely to have any noticeable effect on land stability.
13. The approach which has been followed, in obtaining evidence and limiting the extent and coverage of the direction to that found to be necessary, complies with the National Planning Policy Framework (NPPF) which requires (amongst other things), at paragraph 53, that the use of article 4 directions should: be limited to situations where it is necessary to protect local amenity or the well-being of the area, be based on robust evidence, and apply to the smallest geographical area possible.

Next Steps

14. The Council makes a non-immediate article 4 direction and adheres to the procedures set out in Schedule 3 of the GPDO. This requires that the Local Planning Authority will publish a notice of the article 4 direction by local advertisement, by displaying site notices and if practicable, by individual notification to all owners and occupiers.
15. Notice of the article 4 direction must (amongst other things) allow a period of at least 21 days within which any representations can be made to the Local Planning Authority and specify the date on which it is proposed that the article 4 direction will come into force, which date must be between 28 days and two years following the date on which the representation period began. A copy of the article 4 direction and notice must be sent to the Secretary of State on the same day as it is first published or displayed.
16. Compensation can be payable by the Council to affected householders following the imposition of an article 4 direction in certain circumstances. This is further detailed under “Financial Implications” below. Compensation can only be payable if a planning application is made within 12 months of the article 4 direction taking effect. No compensation is payable if a Local Authority gives notice of the article 4 direction taking effect between 12 months and 24 months in advance.
17. Therefore, there are two options: (a) to give the minimum notice period which would mean the article 4 direction comes into effect quickly, removing “permitted development rights” from the affected properties within 28 days, but carrying a risk of compensation; or (b) to give a notice period of 12 months, thereby removing the risk of compensation but enabling affected property owners to commence developments within that time period, without needing planning permission, should they wish to do so.

18. It is not possible to determine whether a successful compensation claim against the Council is likely, nor the monetary value of any potential claim (although the value could potentially be significant, particularly if it relates to the difference in the value of the land if planning permission is refused). Having regard to this, together with the findings of the independent report that while an article 4 direction can be justified for a limited geographical area, natural cliff processes are likely to be a more significant factor in cliff instability than human activity, it is proposed that the Council make a non-immediate article 4 direction giving a notice period of 12 months.
19. Notwithstanding this, during the 12 month period it is intended that any development that goes on in the locality will be closely monitored, and if any significant harm is identified then this could be addressed by making an immediate article 4 direction to withdraw permitted development rights straight away. If an immediate article 4 direction were to be made, the Council could still be liable to pay compensation but in these circumstances, it is felt that this risk could be outweighed by the necessity to prevent harm caused by development. It should be noted, however, that article 4 directions cannot prevent development which has been commenced, or which has already been carried out.
20. The article 4 direction will come into force on the date specified but only if it is first confirmed by the Council taking account of any representations received or unless the Council receives a direction from the Secretary of State cancelling or modifying it.

Conclusion

21. It has been shown that development close to the cliff edge at Fairlight Cove has the potential to impact on land stability and therefore, it is necessary for such development to be subject to a planning application so that the risks can be properly assessed. An article 4 direction, as set out, is recommended.
22. Cabinet is recommended:
 - 1) To approve the making of an Article 4 Direction in respect of the land and those classes of development described in this report;
 - 2) To delegate authority to the Director of Place and Climate Change to confirm the Article 4 Direction following a 21 day consultation period, subject to consideration of any representation response received, so that it comes into effect at the end of a 12 month notice period; and
 - 3) To delegate authority to the Director of Place and Climate Change to make an immediate Article 4 Direction within the 12 month period specified in 2) above, if warranted, i.e. if development is identified which constitutes a threat to the amenities of the area.

Financial Implications

23. The Town and Country Planning Act 1990 includes the provision that compensation can be claimed by anyone whose permitted development rights have been withdrawn. The Council may be liable only where planning permission is refused where it would otherwise have been permitted development, or where the grant of planning permission is subject to

conditions which are more limiting than the permitted development rights. The claim may be made only on grounds of abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works. Compensation is only payable in respect of planning applications made within 12 months of the date an article 4 direction takes effect. Local Planning Authorities can minimise compensation liability on withdrawal of the permitted development rights by publicising their intention to make an article 4 direction at least one year, and not more than two years, ahead of the article 4 direction coming into force.

Legal Implications

24. The legal effect of the recommendation would be that the permitted development rights granted under Classes A, AA, B, D, E and F of Part 1 of Schedule 2 and Classes AC and AD of Part 20 of Schedule 2 of the GPDO will be removed in the areas identified in this report and as more fully set out in paragraphs 8 and 9.

Environmental Implications

25. The report relates to an environmental matter, that is, minimising the risk and effects of land stability on property, infrastructure and the public; and helping ensure that development does not occur in unstable locations or without appropriate precautions.

Human Resources Implications

26. There are Human Resources implications for the proposals within this report. The preparation, making and serving of the Article 4 Direction will necessitate support from Legal Services. The administration of the Article 4 Direction will fall predominantly to the Directorate of Place and Climate Change.

Risk Management

27. The making of an Article 4 Direction requires compliance with Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended). The Council needs to be mindful that paragraph 53 of the NPPF states that the use of article 4 should be limited to where they are necessary to protect local amenity or the well-being of the area and be based on robust evidence and apply to the smallest geographical area possible.

Equalities and Diversity Implications

28. Having regard to the Council’s duty under Section 149 of the Equality Act 2010, there is not considered to be any implications for those with protected characteristics arising from the proposal.

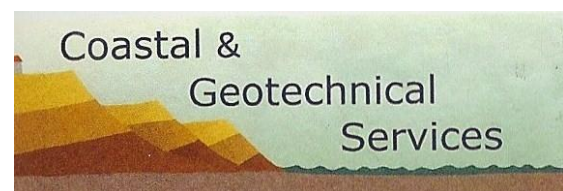
Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No

Crime and Disorder	No	External Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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e-mail address:	holly.harrison@rother.gov.uk
Appendices:	Appendix 1: Assessment on the potential impacts of development on ground stability at Fairlight Cove Coastal Zone (Coastal and Geotechnical Services, 2021). Appendix 2: Lists and maps of properties to which the article 4 direction will relate.
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

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‘ASSESSMENT ON THE POTENTIAL IMPACTS OF DEVELOPMENT ON LAND STABILITY AT FAIRLIGHT COVE COASTAL ZONE, EAST SUSSEX’



Professor Robin McInnes OBE FICE FGS FRGS FRSA

DOCUMENT CONTROL GRID

Project Name..... ‘Assessment of the Potential Impacts of Development on Land Stability at Fairlight Cove coastal Zone, East Sussex’

Company name..... Coastal & Geotechnical Services

VAT Registration Number..... n/a

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Front Cover Images

Top: Oblique view of the whole of the Fairlight frontage with coastal defences completed. June 2021.

Photo: Gully Moy.

Bottom Left: View of Fairlight Cove from the east showing coastal protection and slope works in progress. Photo: Professor Roger Moore.

Bottom Right: Extract from Rother District Council Local Plan (2019) showing the Coastal Zone Buffer in red.

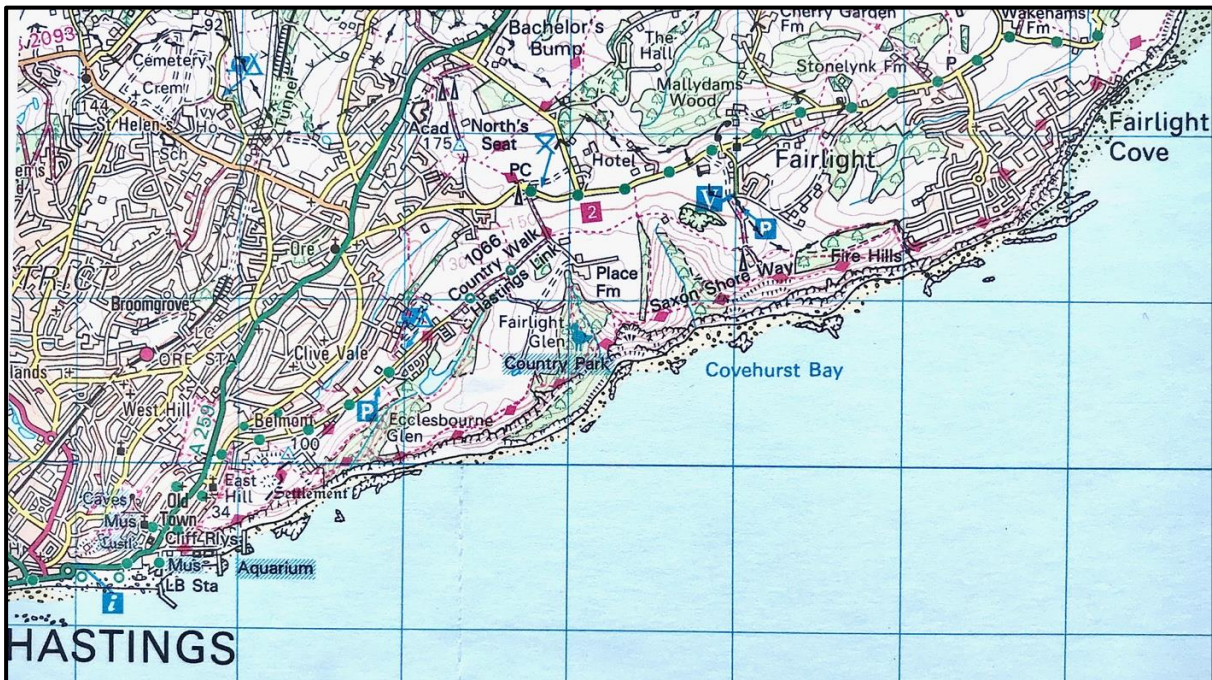


Figure 1.1: Location Map showing Fairlight Cove to the east of Hastings, East Sussex. Map reproduced with the permission of Ordnance Survey on behalf of controller of Her Majesty’s Stationary Office Crown Copyright. All Rights Reserved.

TABLE OF CONTENTS

1. Executive Summary.....	3
2. Study Background - Understanding and Managing Coastal Instability Risks.....	4
3. What is the Scale of Coastal Instability at Fairlight Cove?.....	7
4. How are Coastal Risks currently being Managed?.....	12
5. What are the Risks now and into the Future?..... Addressing the Study Brief Questions I – V	26
6. Introducing A Cliff Risk Management Strategy Approach.....	32
7. Article 4 Direction and Forms of Development..... Addressing the Study Brief Questions VI – VIII	34
8. Additional Information Needs and Stability Reports..... Addressing the Study Brief Questions IX – XII	36
9. Discussion.....	43
10. Conclusions.....	48
11. Recommendations.....	49
Appendix 1.....	50

ACKNOWLEDGEMENTS

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1. Executive Summary

The coastline of East Sussex is considered by many to be one of the most beautiful and iconic coastal regions of Great Britain. Some parts of this striking scenery, so important for a visitor-based economy, are strongly influenced by the underlying geology, coastal erosion and resulting instability problems. These same factors have presented particular challenges for the village of Fairlight, which lies 3km to the east of the town of Hastings. Occupying land adjacent to the clifftop the community at Fairlight has experienced ongoing problems of coastal erosion and cliff instability that have led to a number of properties being lost since the 1980s as a result of cliff retreat. Since that time the current and future impacts of coastal erosion and cliff instability have been investigated and a phased programme of coastal protection works and drainage has been undertaken, which has helped to slow down the rate of cliff recession.

However, despite this, predicted impacts of climate change over future decades including sea level rise, increased winter rainfall and an increase in coastal storms could potentially reduce the effectiveness of the existing coastal risk management measures that are in place along this frontage (Committee on Climate Change, 2018¹). The potential for long-term coastal change was recognised in the *South Foreland to Beachy Head Shoreline Management Plan* (Halcrow, 2006²), with long-term (50-100 years) defence policies being set out for the whole of the developed Fairlight frontage.

Rother District Council, as Local Planning Authority, has developed and implemented policies for the sustainable management of the village of Fairlight and these are set out in its *'Development and Site Allocations Local Plan'* (Rother DC, 2019³) and support the policy recommendations contained in the Shoreline Management Plan. In view of the proximity of part of Fairlight village to the sea cliff and resulting coastal erosion and cliff instability risks local planning policies are already in place, which seek to prevent inappropriate development that might otherwise have adverse impacts on coastal land stability. The Council wishes to explore whether these instability risks could be reduced still further by making an *Article 4' Direction under the Town & Country Planning (General Permitted Development) (England) Order 2015*, which would withdraw existing 'permitted development' rights within a defined area of the Fairlight coastal zone. In particular the Council is seeking evidence on the value or otherwise of the introduction of this legislation and, if introduced, the scope and geographical coverage that the Direction should encompass. The recommended approach to both the coastal risk management and geotechnical questions (posed in Section 2.7. I – III of the Study Brief), and the planning-related questions (posed in V – XII) have been assessed and evaluated drawing on best practice advice and guidance, where available, from other UK coastal risk sites and internationally.

References

1. Committee on Climate Change, 2018. *'Managing the Coast in a Changing Climate'*. London. www.theccc.org.uk.
2. Halcrow. 2006. *South Foreland to Beachy Head Shoreline Management Plan Round Two*.
3. Rother District Council. 2019. *Development and Site Allocations Local Plan*. www.rother.gov.uk

2. Study Background – Understanding and Managing Coastal Instability Risks

Local authorities such as Rother District Council, working with key partners including the network of Coastal Groups, the Environment Agency and local stakeholders have gained a long-standing experience of addressing risks that can arise from both coastal erosion and land instability. The evolution of shoreline management planning, which provides a long-term, forward-looking strategy for managing coastal risks, has developed progressively over the last three decades. Decision-making is now supported by a range of technical data and information, monitoring programmes and non-technical guidance (Defra, 2011¹; Defra, 2020²; McInnes & Moore, 2011³; 2014⁴; Moore & McInnes, 2021⁵; Bradbury et al. 2007⁶).

Today many of those involved in coastal management regard climate change as one of the most serious threats to coastal communities and this highlights the need for effective policies to be put in place to help address these concerns (Moore and McInnes, 2021⁵). The rate and scale of change that is now being experienced, and which is widely expected to increase over the next decades, demands closer integration between the coastal risk management and planning disciplines, both at the national policy level and particularly at the local government level. Whilst coast protection is a non-statutory function the Planning system is statutory and, therefore, provides an effective framework for setting out policies for the management of risks arising from coastal change. Such policies are established with the aim of building more resilient communities at locations such as Fairlight through encouraging increased awareness of the importance of risk reduction as an integrated component of sustainable development.

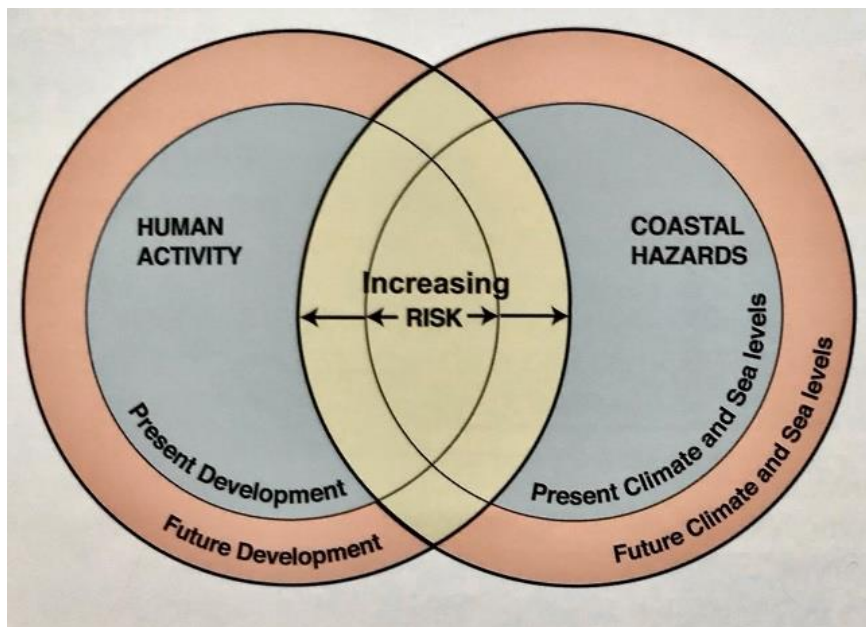
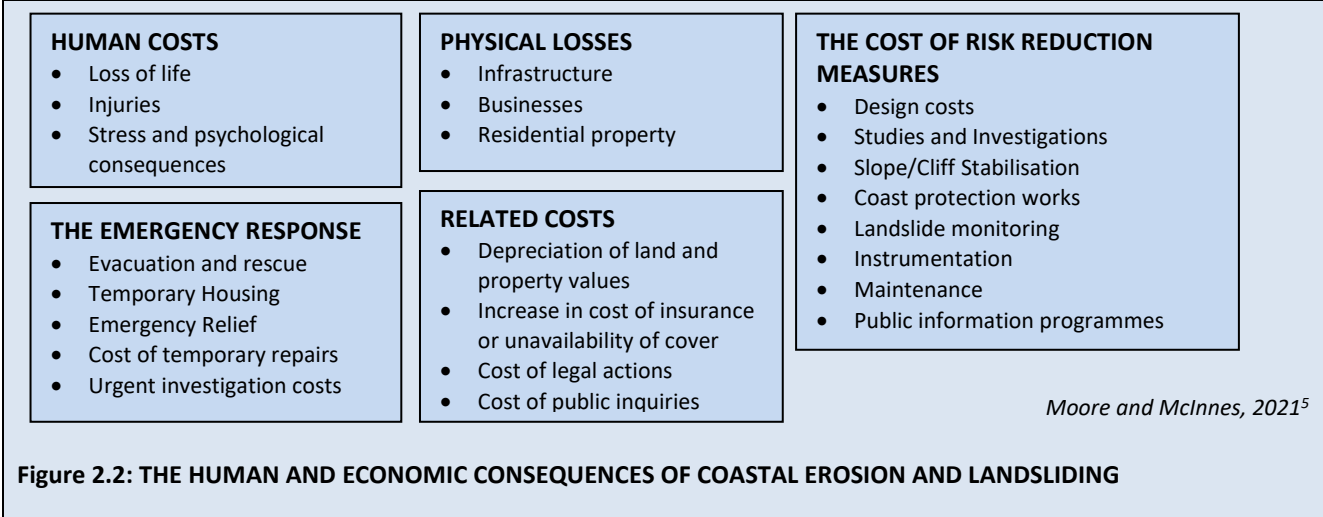


Figure 2.1: The concept of risk as the interaction of the human environment with the physical environment such as at Fairlight is illustrated here. Only when the two systems are in conflict do the hazards of coastal instability and erosion become a threat to the local community. Over the last centuries urban development has spread progressively along our coastlines and interacted with hazards. This results in an increased level of risk (adapted from DOE).

It can be seen from Figure 2.2 (below) that coastal erosion and land instability can result in a variety of consequences, and many of these have been experienced along the Fairlight coastal zone over the last thirty years. Therefore, a range of risk reduction measures can often offer the best long-term solution for such vulnerable locations. Experience has shown that such measures achieve greatest success if they're accompanied by stakeholder engagement with affected local communities, interest groups and individuals and this has been particularly successful at Fairlight.



The development and implementation of a system of coastal risk management has become increasingly complex in recent years, and solutions often involve the reconciliation of conflicting demands and, not least, finding the necessary funding to address these local needs. At Fairlight technical solutions to coast protection have had to be designed in sympathy with the environmental and geological significance of the coastline and its Area of Outstanding Natural Beauty.

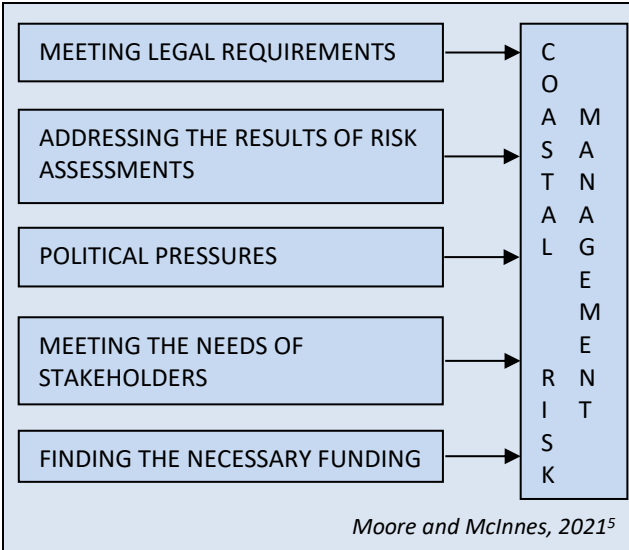


Figure 2.3: Effective coastal risk management involves the reconciliation of a range of demands including the legislative requirements, political pressures, the needs of the local population and funding for implementation.

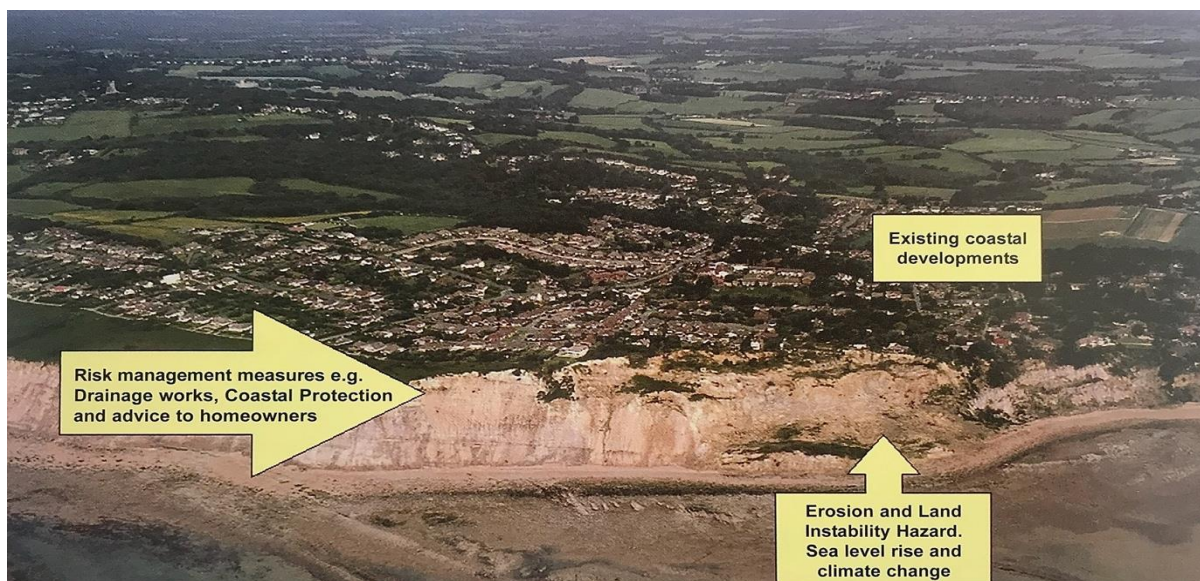


Figure 2.4: Since the late 1980s meeting the challenges of coastal risk management at Fairlight Cove has involved extensive investigations, research, physical coast protection works, drainage and updated planning policies for managing coastal land instability. Collectively, the measures provide significantly improved standards of protection for the frontage in the future.

Coastal instability and erosion risk management involves mitigating and monitoring risks and the outcomes of a coastal risk assessment (such as a Shoreline Management Plan and geotechnical advice) will be either that:

- The risks are tolerable, or even acceptable and no mitigation options need be considered; or
- The risks are intolerable, and risk mitigation options need be considered. This has been the case along the Fairlight frontage where the implementation of planning policies, coast protection schemes, drainage and monitoring of ground water levels have significantly reduced the level of risk for many previously threatened coastal residences.

Projections of cliff recession as a result of coastal instability and coastal erosion are fundamental to coastal planning and shoreline management. Indications of the likely position of the coastline at various points in time over the next 100 years have provided the economic justification for grant-aided coast protection and drainage works at Fairlight. An understanding of coastal change is required to inform land use policy-making and to avoid locating new developments in areas at risk of cliff recession. Projections can, therefore, be used by coastal authorities to adopt a proactive approach to evaluating the risks to existing development, to provide warnings of potential risks and to mitigate the potential impacts of cliff instability and recession events through various adaptation measures.

References

1. Defra. 2011. *Shoreline Management Plans Guidance. Vols. 1 & 2.* Crown Copyright.
2. Defra. 2020. *Shoreline Management Plans Refresh Supplementary Guidance.*
3. McInnes, R.G and Moore, R. 2011. *Cliff Instability and Erosion Management in Great Britain – A Good Practice Guide.* Halcrow. 88pps.
4. McInnes, R.G and Moore, R. 2014. *‘Living with Ground instability and Landslides – An International Good Practice Guide’.* CH2MHILL. 80pps
5. Moore, R and McInnes, R.G. 2021. *‘Coastal Erosion and Climate Change – Guidance for Policymakers, Planners and Stakeholders, A Global Guide.* Jacobs. 88pps.
6. Bradbury, A.P; Mason, T and Cope, S. 2007. *Benefits of a Long-term Regional Coastal Monitoring Programme for Southern England.* Proc. Of the ICE Coastal Mgt. Conf. Cardiff. Thomas Telford.

3. What is the scale of the coastal instability problem at Fairlight?

3.1 Site History

Fairlight lies 3 km to the east of the town of Hastings. The village and the neighbouring community of Fairlight Cove have experienced ongoing problems of cliff erosion and land instability in the vicinity of Sea Road and Rockmead Road in particular. This has led to a number of cliff top properties being lost as a result of cliff retreat. Subsequently the construction of three phases of coastal protection works in 1990, 2008 and 2016 together with slope drainage and provision of pneumatic pumps have reduced risks significantly along the frontage.

The coastal geology at Fairlight comprises weak clay-stones, siltstones and sandstones of the Lower Cretaceous Ashdown Beds, a sub-unit of the Hastings Beds, which, in turn, form the lowest sequence of the Wealden Series. Near the base of the cliff a 1.8 metre thick clay horizon is present, which extends along a 340 metre frontage (Palmer, 2002¹); this outcrop has had a marked effect on the stability of the cliffline.

The site is of significant geological interest and was designated a Site of Special Scientific Interest (SSSI) on account of its Wealden stratigraphy and its illustration of the '*Alpine Structure of Southern England*'. The coastal cliffs and countryside adjoining Fairlight lie within the High Weald AONB, which extends from Hastings Cliffs to Winchelsea.

At Fairlight Cove prior to the coast protection works an insufficient beach allowed marine erosion of the basal clay bed within the sea cliff, thus undercutting the overlying siltstone and sandstone beds. Sea spray and groundwater, together with the reduction in horizontal stress due to erosion cause softening of the clay to take place. Joints in the overlying beds of massive siltstone blocks opened eventually falling from the cliff. The talus (debris) at the base of the cliff was very quickly removed by the sea, enabling the process of events to initiate once more.

Superimposed upon these erosion processes a second slower process was evident particularly along the north-east section of the Cove. Slaking of the clays and weaker siltstones at the base and higher up in the cliff, due to wetting and drying effects of spray, rainwater, groundwater seepage and the sun, causes the gradual denudation of these horizons beneath stronger siltstone beds. Softening occurs, joints open and blocks rotate forward. Debris accumulates in the joints and groundwater causes this material to swell, exerting pressure on the jointed blocks. Individual blocks detach and contribute to the partial or complete collapse of the cliff (Palmer, 2002¹).

There were significant rates of cliff retreat at Fairlight prior to the coastal protection schemes being undertaken. For example, along the Rockmead Road frontage annual retreat of up to 17 metres has been observed whilst fronting Sea Road the rate of recession has typically been up to 3 metres per annum (East Kent Engineering Partnership, 2015²). There has been a long history of investigation of cliff instability problems at Fairlight together with remedial options put forward (Moore, 1986³; Palmer, 2002¹, East Kent Engineering Partnership, 2015²). To limit the rate of cliff recession a number of schemes were considered including solutions proposed by the Fairlight Preservation Trust, a pro-active group of well-informed local residents.

In the late 1990s the Council's technical advisors, Halcrow, consulted with the Nature Conservancy Council (now Natural England) and a mutually acceptable rock berm scheme that would reduce erosion to acceptable limits and be environmentally acceptable was developed for the Sea Road frontage covering a length of 500 metres. This comprised a rubble mound bund constructed on the foreshore running parallel to the cliff. The construction of the foreshore bund first, prevented the direct wave erosion of the basal clay layer and, second, allowed talus to accumulate at the bottom of the slope and provides a further element of protection to the face against weathering and cliff face denudation. As a result of this scheme the overall rate of erosion was greatly reduced, although, as anticipated, minor local collapses from the cliff face did continue particularly after prolonged wet periods.

By 2002, Rother District Council, the Coast Protection Authority, and cliff top residents represented by the Fairlight Cove Preservation Trust, the Fairlight Residents' Association and the Parish Council were becoming increasingly concerned about cliff retreat and slope failures in the vicinity of Rockmead Road which was resulting in loss of properties. As a result, it commissioned the Halcrow Group in December 2002 to inspect and report on the cliff failures and carry out a further inspection in June 2003.

Halcrow reported that erosion of the toe was promoting further displacement of a coastal landslide in this area and that high groundwater levels were a major cause of the ongoing displacement and instability. A further study estimated that between 148 to 195 properties could be lost if cliff failure was allowed to continue uninterrupted for the next 100 years (Oakes, 2004⁴). The long-term Coastal Risk Management Strategy for Fairlight was set out in the South Foreland to Beachy Head Shoreline Management Plan (Halcrow, 2005⁵), which proposed the following policy options for three time epochs (0-20 years, 20-50 years and 50-100 years):-

Table 3.1 SHORELINE MANAGEMENT PLAN POLICIES FOR FAIRLIGHT COVE

Frontage	0 - 20 Years	20 - 50 Years	50 - 100 Years
Fairlight Cove East* (Sea Road)	Managed Realignment	Managed Realignment	Managed Realignment
Fairlight Cove Central ** (Rockmead Road)	Hold the Line	Hold the Line	Hold the Line
Fairlight Cove West	No Active Intervention	No Active Intervention	No Active Intervention

*The intention of these policies is to maintain but not improve the coastal defence rock bund.

** The intention of these policies is to maintain the defences for the first 50 years and thereafter to allow shoreline retreat.



Figures 3.1 (above) and Figure 3.2 (below) showing work in progress on the phase 2 scheme for coast protection and drainage works along the Rockmead Road frontage in 2008. Photos: Prof Roger Moore.





Figures 3.3 (above) and 3.4 (below): In order to preserve the geological interest of the cliffs at Fairlight Cove the rock berm was not set directly against the base of the cliff. This means that an element of erosion and weathering will continue to occur. This can lead to shallow slides and rockfalls particularly after long, wet periods. Following completion of the first two phases of coast protection there remained an undefended vulnerable gap in the defences between the two rock berms. With the assistance of grant aid and partnership funding provided by the Parish Council and Fairlight residents the stage three 250 long berm scheme was completed in early 2017 thereby providing a significantly higher level of coast protection for the whole village frontage.

Photos: Gully Moy.



Representatives from the Fairlight Preservation Trust visited the Isle of Wight in 2003 to discuss with the author of this report how schemes had been undertaken successfully there. Cliff instability issues and environmental concerns had to be addressed in order to establish whether such approaches, as implemented on the Isle of Wight, were applicable at Fairlight (Moore and Longman, 1991⁶; McInnes, 2007⁷). Through joint-working with Defra and Natural England a second phase 250 metre long scheme comprising toe protection, cliff profiling, pneumatic pumped wells and drainage was completed at Fairlight in 2008; this scheme helped to reduce risks for the cliff top residents whilst helping to try and maintain the environmental importance of the cliff and slopes. Following completion of the first two phases of coastal protection there remained an undefended, vulnerable gap in the defences between the two rock berms. With the assistance of grant aid, and partnership funding provided by the Parish Council and residents of Fairlight, the stage three 250 metre long berm scheme was completed successfully in early 2017 thereby providing a significantly higher level of coastal protection for the whole village frontage.

3.2 The challenges for the Fairlight frontage looking ahead to the end of this century are:-

- 1. Ongoing weathering of the face of the cliffs by rain, wind, frost and emergent groundwater leading to undermining and cliff falls, but at a much reduced level as a result of the coast protection and drainage works;**
- 2. Rising sea levels and overtopping by waves of the rock berms leading to removal of beach and cliff materials behind the berm;**
- 3. Changes in the groundwater regime and drainage patterns;**
- 4. Impacts of any further cliff top developments such as increased loadings.**
- 5. The current approaches to risk reduction being adopted by the Council as *Coastal Risk Management Authority* are described in Section 4 below.**

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Figure 3.5: View looking westwards along the Fairlight frontage from above Rockmead Road with Channel Way beyond. June 2021. Photo: Gully Moy.

4. How are Coastal risks currently being managed at Fairlight Cove?

4.1 Planning Policy Measures

The government is committed to ensuring that planning policies help coastal communities to adapt to the hazards and risks arising from coastal change, particularly in the face of climate change (Defra, 2020¹). Land use planning, therefore, has an important role to play in helping locations such as Fairlight to manage risk and adapt to these changing conditions.

Being a branch of both physical and socio-economic planning, land use planning assesses the values or limitations in the way that coastal land can be used. This often involves a range of studies and baseline mapping, analysis of environmental and hazard data, formulation of land use planning options and design of a long-term plan for different geographical and administrative scales. Such plans should take a long-term view and a proactive approach to mitigating and adapting to coastal change, considering the implications for coastal erosion, cliff instability and the wider implications for landscapes and biodiversity. *“Planning policy should be developed with the objective of supporting appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts on the coast, such as coast protection measures or relocation of vulnerable development and infrastructure”* (MHCLG, 2019²). More details on implementation of these objectives are set out in the government’s *Planning Policy Guidance on Flood Risk and Coastal Change*’ (MHCLG, 2014³).

4.1.1 Rother Local Plan

Rother District Council has set out its overall vision for future land use in its *Core Strategy* (Rother DC, 2014⁴) within which Policy OSS3 considers the suitability of land for development, and constraints such as land instability and coastal erosion. Furthermore, the Council has embedded land stability issues in its *Development and Site Allocations Local Plan* (Rother DC, 2019⁵) through Policy DEN 6 (Land Stability), which covers the need to assess instability, safe development practices and drainage. Importantly also a *Coastal Buffer Zone* is delineated within and adjacent to which specific requirements such as Ground Stability Reports may be required.

4.1.2 Coastal Hazards and Risk Management

More widely local government encourages a proactive approach to mitigating and adapting to coastal climate change, considering the long-term implications for cliff instability and erosion risk. The development of policies that support future resilience of coastal communities such as Fairlight to climate change hazard impacts are particularly important. New development can be planned in ways that avoid increased vulnerability to the range of coastal hazards and climate change impacts that have been described above.



Figure 4.1: Map showing the designated Coastal Buffer Zone at Fairlight. The map is included within the Council's Development and Site Allocations Plan 2019 Appendix 6.

Coastal planning policy for Fairlight supports a risk-based approach towards managing the impacts of coastal change by:

- Ensuring proper consideration of the impacts of climate change in formulating planning policies and in determining planning applications;

avoiding inappropriate development in areas threatened by coastal erosion and cliff instability directing development away from the areas of risk;

Across Rother District the Council is taking coastal change into account when dealing with all planning policy issues within its coastal frontages and this generally involves:

- Reducing the occurrence of potentially damaging events through active coastal management in order to reduce the magnitude and frequency of erosion and cliff instability; this has involved the use of permissive powers to intervene and prevent coastal erosion or to protect cliffs and slopes through appropriate defence measures along much of the Fairlight frontage.
- Avoiding vulnerable areas, such as through measures to control new development in areas of risk from natural hazards;
- Ensure that decision-making in such vulnerable areas is based on a thorough understanding of the hazards and the potential for change over time, whilst still recognising that uncertainties do exist.

An appropriate approach to new development in areas that may potentially be at risk from erosion or cliff instability is to require an assessment of the risk acceptability of a proposed development in terms of both current and potential instability problems. The scope and content of this assessment should be tailored to the degree of risk and the scale, nature and location of the development. In essence, such an assessment should satisfy a number of criteria:

Ensuring that the new development does not impair and, where possible, may enhance the ability of communities and the natural environment to adapt sustainability to potentially changing coastal conditions;

Ensure a new development will be safe through its planned lifetime without increasing risks to life or property, or requiring expensive additional coastal defence or ground stability measures, and ensuring that the natural balance of instability in the area concerned does not exacerbate change in adjoining areas upslope or downslope, or adjacent to it.

The Council does take land stability into account when dealing with all planning applications within its geographical area. Hazard and risk maps prepared for the Isle of Wight Council for example, as Figure 4.3 overleaf, can provide information to assist making planning decisions,

although further specialist advice may be required in certain circumstances. This might involve, for example:

- Publication of summary planning guidance for applicants on land instability issues;
- Engagement with developers over pre-planning application discussions;
- Provision of a check-list for Ground Stability Reports in support of applications.

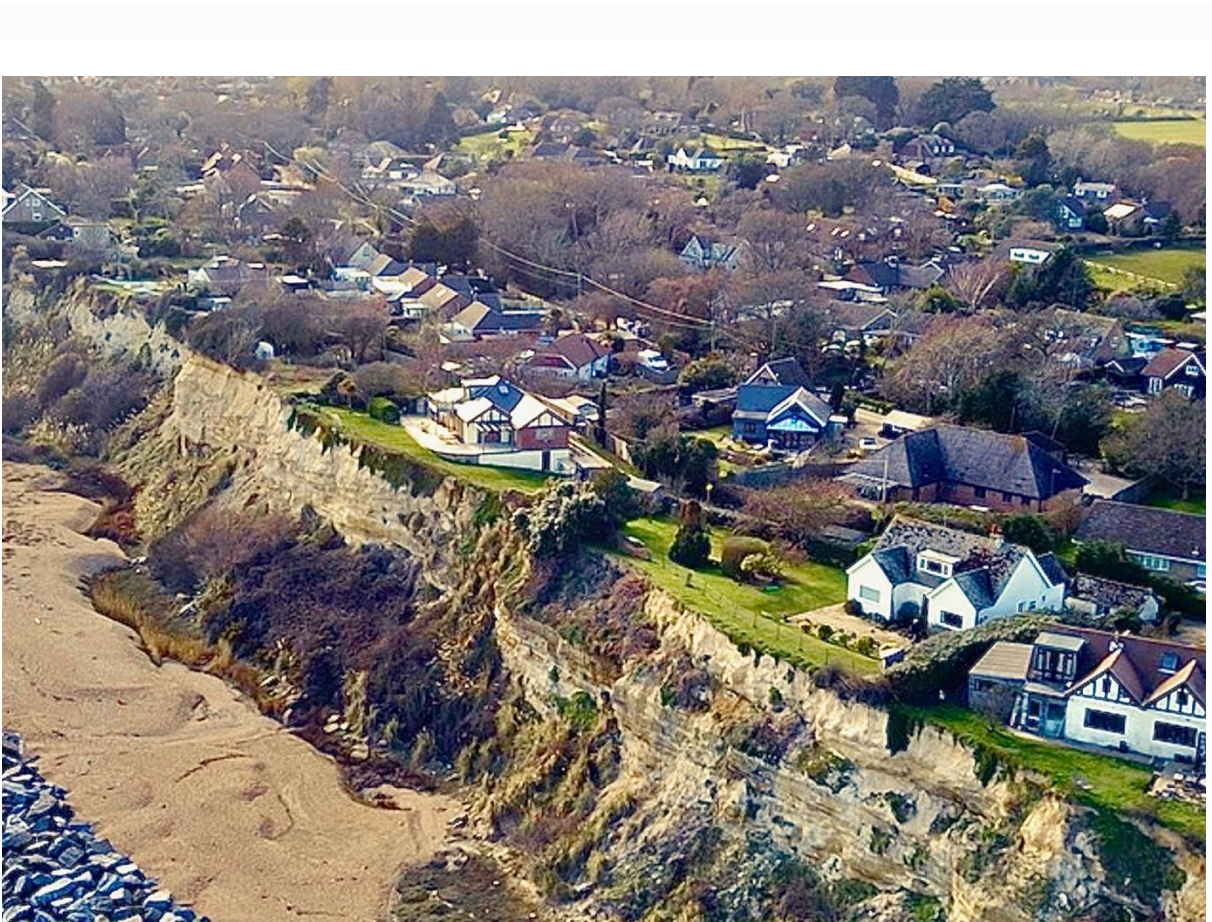


Figure 4.2: The publication of practical advice for home-owners can raise awareness amongst those living within the Coastal Buffer Zone thereby helping to encourage good practice in property management and maintenance and avoiding acceleration of cliff instability. Photo: Isobel Horsley.

KEY:

DEVELOPMENT PLAN

NOTES



Areas likely to be suitable for development. Contemporary ground behaviour does not impose significant constraints on Local Plan development proposals.

This map is one of a series which provide information about the landslide complex extending from Lucombe to Blackgang. All maps should be used in conjunction with the accompanying report by the Isle of Wight Council based on the 1:2500 scale Ordnance Survey maps with the permission of Her Majesty's Stationary Office. Crown Copyright reserved. Contours added by Huntings Survey Limited for the Natural Environment Research Council in 1980.



Areas likely to be subject to significant constraints on development. Local Plan development proposals should identify and take account of the ground behaviour constraints.

This map provides only general indications of ground conditions and must not be relied upon as a source of detailed information about specific areas, or as a substitute for site investigations or ground surveys.

Users must satisfy themselves that ground conditions are suitable for any particular land use development, by seeking expert advice and by carrying out site investigations as appropriate.



Areas most unsuitable for built development. Local Plan development proposals subject to major constraints.

The Isle of Wight Council is grateful for the expert advice and scientific contributions made by Professor J. N. Hutchinson of Imperial College, University of London and Professor D. Brunsden, King's College, University of London.



Areas which may or may not be suitable for development but investigations and monitoring may be required before Local Plan proposals are made.

The Department of the Environment, Transport and the Regions (DETR), is acknowledged for their contributions.

This map is based on geomorphological field survey and the interpretation of 1:2500 scale photographs taken in 1995.

ALL BOUNDARIES SHOULD BE CONSIDERED APPROXIMATE

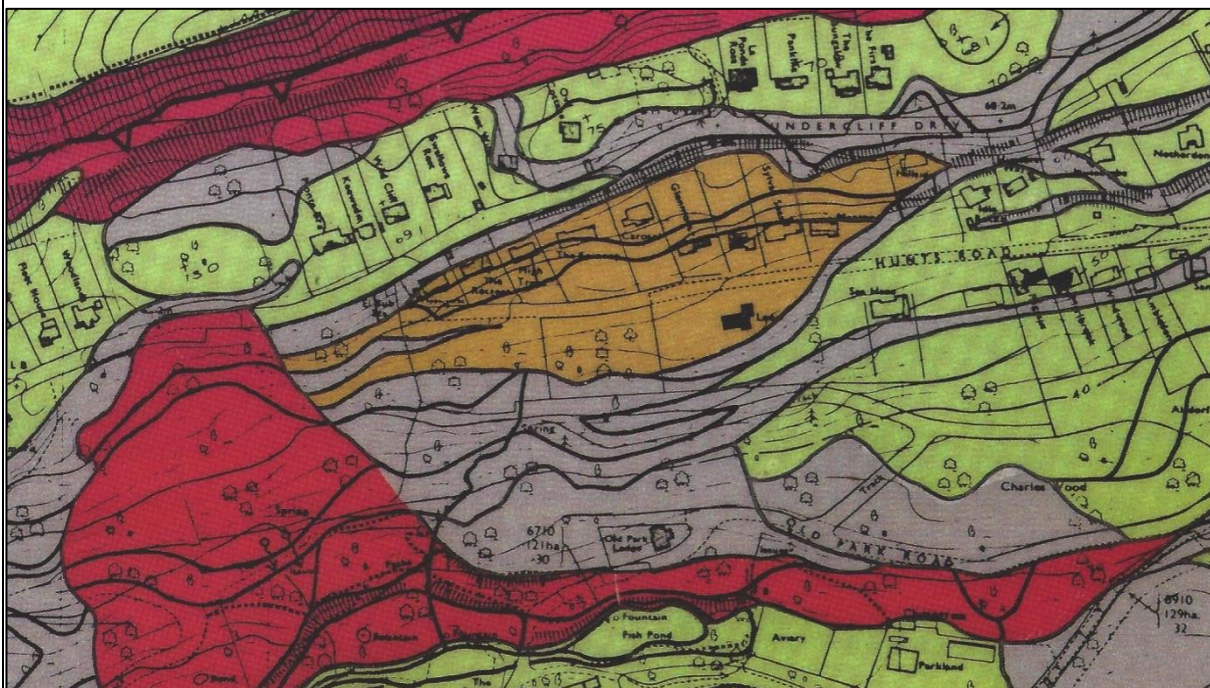


Figure 4.3: Part of a Planning Guidance Map for the Isle of Wight Undercliff, United Kingdom (image courtesy: Isle of Wight Centre for the Coastal Environment).

4.2 Development Management Measures

Over the last 20 years coastal hazard mitigation has become increasingly integrated within the planning system. The identification of policies for *Coastal Change Management Areas* have now been put in place by many planning authorities (Moore and McInnes, 2021⁵).

When considering applications for specific purposes, planners can use the information they hold on land instability together with other reports furnished by the applicant as the basis for deciding whether application sites can be developed safely.

On receipt of a planning application the Planning Department will decide whether or not land instability is a material issue for consideration in this case. This is likely to depend on the nature and scale of the proposed development and its location with respect to hazards identified through previous mapping activities or research. All applications within the Fairlight Coastal Buffer Zone are required to be accompanied by a '*Stability Report*'.

The responsibility for the stability and safe development of a site usually rests with the developer, and it is recommended that a '*Stability Declaration Form*' accompanies a Ground Stability Report, which should be submitted by the developer with the planning application. Pre-application discussions between the developer and planning department will assist in identifying specific requirements for proposals at an early stage and should be encouraged.

Issues that would normally be considered in such Planning applications include:

- The level of risk at the development site, taking particular account of the consequences of coastal erosion or instability;
- Any particular needs associated with the land use, for example, in coastal zones any possible requirement for coast protection works;
- Space that may be required for any coastal instability measures or for cliffs to achieve their future natural angle of repose after coastal defence works have been completed.

Discussions can be aided further by :-

- drawing the attention of developers to the policies on land instability that are clearly set out in Policy DEN6 of the *Development and Site Allocations Local Plan*.
- publication of concise specific planning guidance on land instability issues;
- drawing the attention of developers to a national list of suitably qualified Geotechnical Engineers who are competent in the preparation of Ground Stability Reports in support of planning proposals (see Section 8.XI below).

Some forms of development do not fall within the development management framework and the option does exist for the Council to consider making a Direction under Article 4 of the Town & Country Planning Act (General Permitted Development (England) Order 2015. This is considered thoroughly in Chapter 7 below.

4.3 Building Control Measures

The Building Act 1984 is the primary enabling legislation under which secondary legislation, the Building Regulations, are made. The legislation was introduced with the purpose of *securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings...*

The Building Regulations provide a complementary mechanism to the Planning system for ensuring land stability issues are considered in permitting development.

Part A of the Building Regulations is quite specific in this:-

'The building shall be constructed so that ground movement caused by:-

- *swelling, shrinkage or freezing of the sub-soil; or*
- *landslip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building'.*

Land instability is, therefore, clearly a factor that needs to be taken into account under these Regulations before proceeding with the design of buildings and their foundations.

The Act empowers local authorities to enter buildings, ensure compliance with work plans and deal with dangerous structures. It can be seen, therefore, that Building control can have an important role to play in relation to properties being altered or reaching the end of their lives within coastal zones affected by natural hazards such as within the Coastal Buffer Zone at Fairlight Cove.

If a site is deemed suitable for development, building controls ensure that the construction is carried out in a manner that guarantees the health and safety of people in and around the vicinity of the development. Building Regulations will normally require a developer to ensure that the construction is sufficient and appropriate so that the ground conditions will not impair the stability of any part of the building.

A range of construction measures can now be implemented to ensure that any possible impacts of ground movement on the fabric of the structure are minimised, for example through the construction of a property on a reinforced raft and by ensuring the building is of lightweight timber construction with the ability to also accommodate a degree of ground movement without incurring damage to the structure and achieving a reduced loading.

4.4 Coastal Engineering Measures

Planning policies such as those set out by the council ensure that development is only allowed to take place if the nature of the instability has been properly assessed and appropriate remedial measures are included. If, however, development is deemed essential in an area of possible risk construction-related protection measures should only be undertaken, in terms of reducing a potential hazard, where there is already a land use worthy of such protection. Coastal instability reduction measures, coast protection and surface water and ground water drainage solutions are all responses that have been used by the council at Fairlight Cove.

Coastal instability is most commonly addressed through a range of solutions, which attempt to remedy problems associated with ground water levels, loading or excavation of slopes and the impacts of past human activity. Generally, works of this kind reduce risks to development from slope movements but do not prevent risk entirely. For this reason preventative measures are often accompanied by programmes of inspection or monitoring.

In certain locations, such as at Fairlight Cove, it may be necessary to reconcile the demands for improved levels of public protection with landscape, nature and earth science conservation interests. Issues of maintaining biodiversity, geological exposures and habitats will have to be weighed up against the socio- economic and sustainability arguments for each site.

Drainage works such as those installed as part of the Phase 2 Rockmead Road scheme divert surface and groundwater more effectively within the coastal zone. This can also be achieved by means of either drainage blankets or relatively shallow land drains or deeper cut-off drains, which intercept ground water at the top of the slope landward of the area of instability. In some locations horizontal drains can be drilled into a slope or cliff to assist in removal of ground water. Finally, it is possible to remove water through pumping mechanisms by means of wells or siphons such as those provided also as part of the Phase 2 scheme at Fairlight Cove. Ongoing weathering and erosion of the Fairlight cliffs are still occurring even with the coastal protection berm in place and as evident by accumulations of cliff debris behind it.

4.5 Ground Water and Drainage Measures

Many ground movement problems can be linked to high ground water levels which, in combination with other factors such as human activity, can promote slope instability. Measures, which control these factors will assist in reducing the likelihood of future movements but they will not, however, eliminate the risk altogether.

Rainfall and groundwater can act in a number of ways in promoting cliff and slope failure, first as preparatory factors, which make the location increasingly susceptible to failure without actually initiating it. Second, as triggering factors, which actually initiate movement, changing the slope or cliff from a marginally stable state to an actively unstable one. Smaller communities sometimes have inadequate sewage and drainage systems, and leakage from water supply pipes can aggravate instability problems.

Rother District Council has recognised the importance of establishing sustainable drainage arrangements at Fairlight and also that the use of soakaways can be unacceptable because of concerns about increasing instability problems. As part of the second phase of coast protection works fronting Rockmead Road an extensive system of surface water drainage was provided within the coastal slopes and a line of pneumatic pumped wells assist in controlling ground water levels in the coastal zone. As part of this system monitoring data can be downloaded and interpreted in order to improve understanding of the hydrology within the cliff line. With predictions of a significant increase in winter rainfall over the next decades it is very important that the downloading and utilisation of monitoring data is continued so that trends can be identified.



Figure 4.4 (Above) and 4.5 (Below) show the extent of the surface water drainage provided as part of the Phase 2 scheme fronting Rockmead Road. A line of wells and pneumatic pumped drains along the road behind and parallel with the sea cliff assists in lowering groundwater levels.

Photos Gully Moy





Figures 4.6 Above and 4.7 Below show the coastal slope fronting Rockmead Road and the layout of ditches include the main line ditch, which discharges pumped groundwater flows from the drainage wells down towards the sea.



4.6 Strategic Monitoring

A tried and tested approach to coastal monitoring has been undertaken in England and Wales where local authorities and the Environment Agency, with financial support from the government, implemented a national strategic monitoring programme that commenced in south-east England in 2002. This programme has provided a systematic approach to collection, management and analysis of data for strategic and operational management of coastal erosion and flood risk. The monitoring programmes are risk-based and integrate the requirements of local authorities with coastal defence responsibilities at both strategic and operational levels. Technical and financial benefits are evident at a range of temporal and spatial scales, tailored to the specific needs of Coast Protection Authorities.

Such strategic monitoring provides a basis for capturing the data required to make reliable assessments of coastal hazards, processes and to predict future changes. The accuracy of predictions improves dramatically with an extended length of records and hence long-term data sets (ideally 20- 30 years duration) are required, with data collected at a variety of spatial and temporal scales to ensure optimal decision-making. At Fairlight the frontage is monitored regularly as part of the South-East Programme using Laser Scan Data, which will be incorporated in the 2021 Annual Report.

Alongside strategic coastal monitoring, National Coastal Erosion Risk Mapping (NCERM) has been promoted by the Environment Agency in the United Kingdom, supported by Jacobs. The aim of this long-running project has been to build climate change projections into coastal erosion projections and to illustrate the possible extent of erosion for each of three time epochs, looking ahead for 20, 50 and 100 years. Such reliable projections are fundamental to coastal planning decision-making and shoreline management.

Monitoring in locations such as Fairlight is an integral part of coastal instability investigation and on-going management because it provides a means of accurately and objectively gauging the stability conditions of unstable or potentially unstable cliffs and slopes; it can also fulfil an important role in assessing risk. Therefore, the objectives of monitoring include:

- Providing information to assist investigation of coastal risks;
- Determining the rate and scale of ground movements particularly in vulnerable coastal locations;
- Identifying links between ground movement, rainfall and ground water levels that can be used to develop a methodology for landslide forecasting;
- Providing early warning in areas where movements could affect life and property;
- Monitoring the effectiveness of landslide management strategies.

For all the monitoring programmes it is essential that accurate records are kept of inspections and that due attention is given to trends or changes in the pace of readings. Not only will monitoring allow the implementation of an emergency response if required, but data can also provide baseline information and increased scientific knowledge for locations such as Fairlight Cove (McInnes & Moore, 2011⁸).

4.7 Local Knowledge and Co-ordinating the Community Response

Whilst the risk reduction efforts of individual property owners in situations such as along the cliff tops at Fairlight may only have a minimal influence on the cliff instability problems within their community, the cumulative effect of efforts by many homeowners may be more significant. Building works such as inappropriate constructions, vegetation removal, slope regrading, cut and fill operations, lack of maintenance or inattention to leaking pipes, can all adversely affect stability in such locations. Residents, working individually or in groups, for example by area or by road, can ensure that issues such as adequate maintenance of highway drains and drainage systems are being addressed, be it the local authority or the water company. Before the onset of the autumn/winter period property drainage systems such as gutters and downpipes, should be checked by residents for leakage, and blockages in highway drainage systems and ditches should be cleared by the Highway Authority or owners of unadopted roads. A lack of maintenance will make the building all the more susceptible to slight ground movements, and so regular maintenance is particularly important (McInnes, 2007⁷).

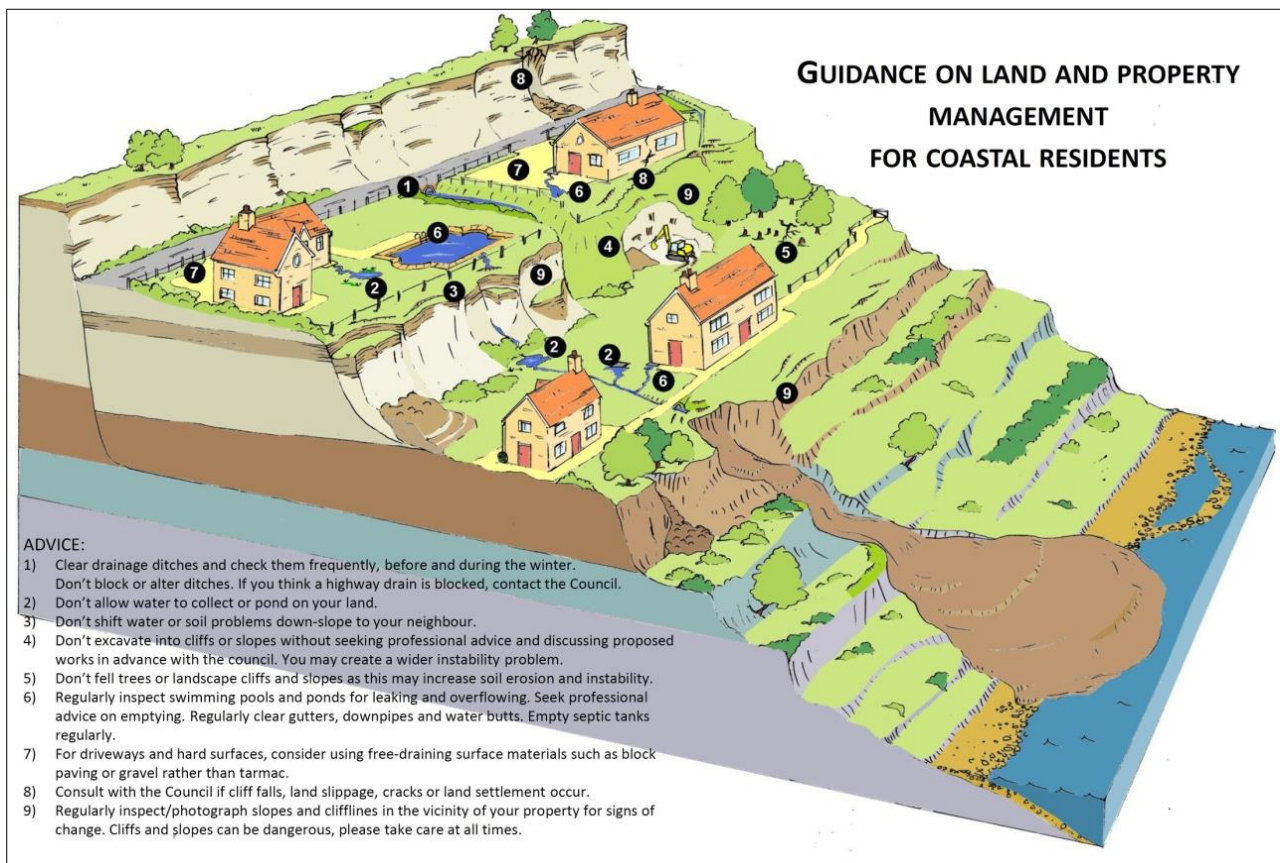


Figure 3.11: Practical advice for homeowners within a coastal zone affected by instability (McInnes & Moore, 2011).

It is highly beneficial to provide non-technical information on risks to residents living in areas affected by coastal erosion and cliff instability. Residents should be encouraged to take local action collectively to reduce risks and build resilience. Many residents will have derived benefits from living in the area for many years; full use should be made of this valuable local knowledge and expertise. As part of a Coastal Risk Management Strategy leaflets and web information can provide details of good practice on property maintenance for homeowners.

Communication with stakeholders can be achieved successfully through visual displays and online covering typically:-

- What is the history of erosion and instability in the area concerned?
- What is the scale of the problem?
- Why is there a problem at this location?
- What causes ground movement?
- How can we define coastal hazard?
- How can erosion and instability problems be managed most effectively?
- What can be done to help control the problem by local authorities, developers and homeowners, and what can individuals do to help?
- What does the future hold for the local community if it works together with the local authority?

At Fairlight both the Parish Council and the Fairlight Preservation Trust, a registered charity, have been very proactive in terms of awareness-raising, lobbying for funding for the three coastal protection schemes and ongoing community involvement. In recent years to acquire the third berm the Parish Council publicized the need for the work and raised £150,000 locally as match funding.

This involved considerable work by many residents through fundraising and donations. The Parish Council also agreed to apply for a loan from the Public Works Loan Board to make up any shortfall. This loan is being repaid from the annual Parish Council precept. In addition, the Parish Council resolved to fund half of the ongoing electricity costs to run the compressor house and wells for the Rockmead Road drainage scheme in terms of once they were in place; a contribution currently of £3,500 per year. A telephone line to enable remote monitoring of the pumping system was also funded by the Parish Council for many years.

As well as financial support, the Parish Council through its Planning Committee provides comments to the Rother District Council Planning Department each month on new planning applications. The Committee has established that soakaway drainage should not be permitted and surface water run-off should be diverted into combined sewers.

Local residents continue to support the maintenance of the cliff defences, with regular monitoring of the pumping equipment. The Fairlight Preservation Trust is also in communication with the Council to ensure ongoing maintenance of equipment and monitoring of cliff falls.

4.8 Current Key Coastal Risk Management Initiatives at Fairlight Cove

- The issue of Coastal Land Stability is firmly embedded in Planning Policy and Development Management approaches. However, it is acknowledged that not all developments require Planning consent, and may not, therefore, be evaluated in terms of their potential contribution to instability risk. The Building Regulations go, however, also provide a complementary mechanism helping to ensure that land stability issues are suitably addressed.
- The most developed frontages are now protected by major coastal defence schemes;
- Surface water and ground water drainage has been installed at several key sites;
- Fairlight benefits from particularly active local stakeholder interest and engagement.

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5. What are the Risks Now and into the Future?

STUDY BRIEF SPECIFIC QUESTIONS I - V

I. What is the impact of loading near the cliff on ground instability?

Loading or Surcharge can occur as a result of a change in the weight imposed on the top of a cliff or slope following either natural processes or as a result of human activity. Risks arising from such surcharge have been highlighted in many key publications (Moore and Lee, 1991¹; Jones and Lee, 1994²; ODPM, 2006³; McInnes, 2007⁴; McInnes and Moore, 2014⁵).

On the cliffs above Fairlight Cove human activity will be the most likely cause of surcharge and usually as a result of a load such as soil or builder's waste being deposited or by actual construction works. Depending on the weight of the materials placed on the site and the proximity of the load/construction to the cliff edge this may cause the top of the cliff to fail and lead to cliff retreat. Along some sections of the Fairlight cliffline the top of the cliff has yet to reach a state of equilibrium (balance) and such surcharge may accelerate the instability processes.

Surcharge can have an increased effect if ground conditions are wet after periods of prolonged rainfall or caused by leaking pipes and drains, which may have raised groundwater levels. The clifflines along much of the Fairlight frontage can be regarded as *Marginally Stable*; a *Marginally Stable* cliff is where the cliff is likely to fail at some time. The state of the cliff can become *Actively Unstable* if aggravated by the human influences already described. It is important to remember that although the toe of the cliffs benefit from a level of coast protection by the rock armour berms, this does not rule out gradual retreat at the cliff top through sub-aerial weathering until the cliff has reached its stable angle of repose.

II. If further loading near the cliff does/could impact on ground instability, what are the risk factors.

Loading or surcharge close to the top of a cliff or slope can increase the risk of failure of part of the upper cliff particularly at or after times of rainfall. If the upper part of the cliff is heavily weathered, over-steepened or is affected by perched water-tables and emergent water it is likely to be more vulnerable. The results of excess surcharge have the potential to include accelerated coastal retreat of up to several metres with a possible impact on adjacent cliff-top property and other assets. In the most serious cases demolition and site clearance is likely to be required.

Loading, trench excavations, leaking pipes, poor roof water drainage and inadequate swimming pool emptying arrangements can all combine with loading to increase risks. Heavy garden furnishings such as hot tubs should be set back to the back of the site. Properties fronting Rockmead Road benefit from the pneumatic pumped drains installed in the highway as part of the Phase 2 berm scheme. Those to the east where such drainage could not be easily installed may be affected by cliff falls more frequently as groundwater emerges from the cliff face, and as the cliff establishes its preferred angle of repose.

III. How significant are the risks?

The council has been managing risks along this frontage in three main ways in recent years:-

- through introduction of spatial planning policies for management of land affected by instability and through Development Management;
- through the provision of coastal protection works to reduce coastal erosion and cliff instability;
- through reducing the adverse impacts of surface water and groundwater on cliff stability along the Fairlight Cove coastal zone.

By far the most significant factors in terms of risk mitigation at Fairlight are coast protection works and water management. However, other factors have a part to play in risk reduction such as minimising the impacts of construction or property maintenance works, excavation of trenches by the service industries, the dumping or stockpiling of materials and the placing of heavy objects near the cliff such as hot tubs or machinery. It is natural that property owners living in close proximity to the cliff wish to try and extend the life of their home for as long as possible. Sometimes well-intentioned stabilisation or other measures though can actually aggravate the situation by increasing surcharge along this sensitive cliff top. Some such remedial works can trigger further cliff falls particularly when the ground is waterlogged but in most cases these falls will be minor and are unlikely to extend for more than a few metres within the curtilage of the property concerned.

The natural processes of the cliff face weathering, sliding and retreating as it wishes to reach its state of equilibrium, or a change in drainage regime are likely to be greater risk factors than small-scale activities within gardens. However, residents are advised to maintain a clear zone free of garden structures and furniture except safety fencing and thereby avoid what could be the expense of having to clear debris that has fallen down the cliff face after an instability event.

Larger developments within the Coastal Buffer Zone are likely to fall within the Development Management and or Building Control legislation frameworks where a *Ground Stability Report* or other further details of work proposed will be required by the council before consent can be given.

IV. Does the Fairlight Cove Buffer Zone provide an appropriate geographical extent for an Article 4 Direction? If not, the assessment should make recommendations as to the extent of land that should be covered by the direction. The recommendation should be clearly justified.

The extent of the Fairlight Cove *Coastal Buffer Zone* is set out within the (DASA) Local Plan (Rother District Council, 2019⁶) through Policy DEN6 (Land Stability); land within this zone is outside the *Development Boundary* for Fairlight Cove. This means that development is generally more restricted in line with Policy DIM2 of the DaSA Local Plan. The extent of the

Coastal Buffer Zone and its exclusion from the development boundary was determined following the recommendation of the East Kent Engineering Partnership in its study report *Fairlight Cove Coast Protection Works Phase3* (East Kent Coastal Partnership, 2015⁷). This stated that:-

Sensible measures need to be put in place to restrict development near to the cliff top via set-back lines and not permit soakaway drainage within 50 metres of the cliff face. The limit of development should be reviewed every ten years or so and should be part of Planning policy’.

The incorporation of the *Coastal Buffer Zone* plan within the Council’s Local Plan was a key step in managing risks along the Fairlight Cove frontage into the future and follows similar initiatives elsewhere in the United Kingdom and internationally.

In some locations such as the Isle of Wight where the coastal instability problems cover a far greater geographical area and are more complex the designation of zones has been based upon field geomorphological mapping, which has allowed an improved understanding of ground behaviour to develop; this in turn led to the publication of 1:2500 scale Planning Guidance Maps as illustrated in Figure 4.3 (Moore and Lee, 1991¹, McInnes, 2007⁴).

The principle of sub-dividing and designating such buffer zones taking account of the estimated rate of cliff retreat over time allows coastal development to retreat as the coastline changes as a result of natural processes. Sub-zones can then, in turn, be designated in terms of risk and the types of development that may be suitable in future decades as illustrated in Figure 5.2 below (McInnes, 2006⁸).

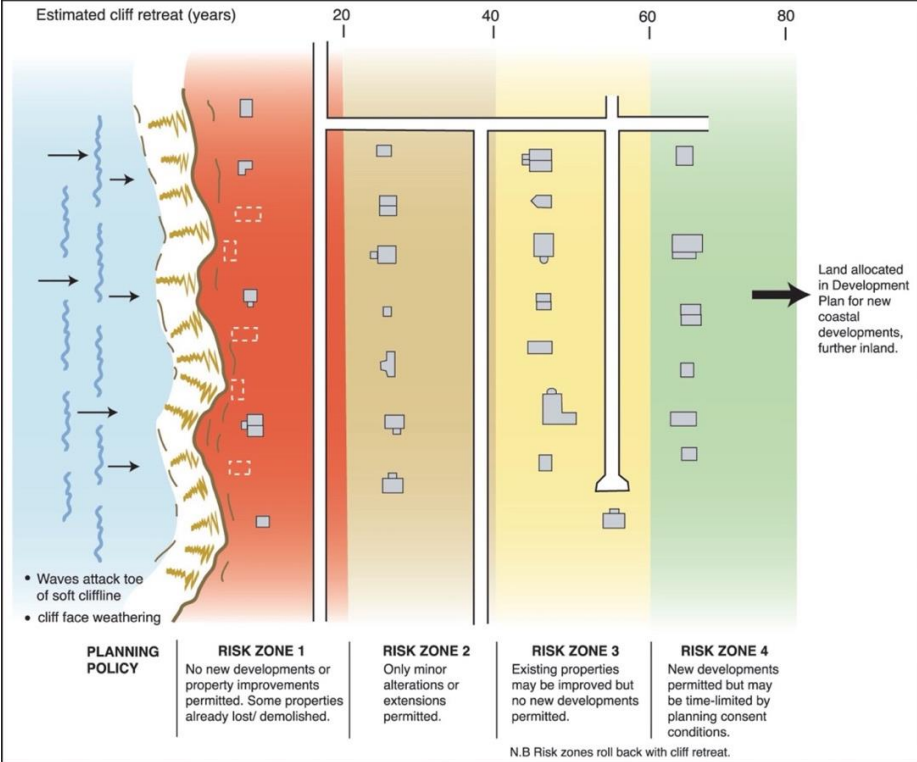


Figure 5.2: A model for planning set back along a retreating coastal frontage (McInnes, 2006⁹)

The area of land currently designated as the 'Coastal Buffer Zone' requires development proposals to be supported by a 'Stability Report'. However, the potential impacts of future developments, for example additional loading, vibration due to construction activities and excavations, are only likely to have possible significance in terms of increasing cliff instability within curtilages of those properties sited closest to the cliff top. Ongoing natural processes of cliff face weathering and resulting minor falls and slides will continue to be the most significant factor in terms of promoting coastal retreat.

Landward of the front line of properties the topography slopes inland and this helps to reduce the impacts of both development and surface water drainage on instability more widely. The case, therefore, for introducing an article 4 Direction is more relevant to those properties closest to the edge of the sea cliff (see also Section 7 below).

V. Having regard to the physical protection already in place to mitigate the risks is there a need for further protection through greater planning control of minor household development proposals?

Addressing Question V of the Study Brief

V.1 Introduction

The purpose of this study has been to explore current and potential risks from coastal erosion and cliff instability along the Fairlight Cove frontage and to consider whether the Council can reduce risks further by introducing an article 4 direction under the Town & Country Planning (General Permitted Development) (England) Order 2015, which allows withdrawal of specified *permitted development* rights across a defined area such as the Coastal Buffer Zone. The council has sought the evidence to assess the need for an article 4 Direction. Demonstration of the need must be robust and must inform and, if necessary, defend the Council's decision if it chooses to go down this route.

V.2 About article 4 directions

An article 4 direction is a direction under [Article 4 of the General Permitted Development Order](#) which enables the Secretary of State or Rother District Council as the local planning authority to withdraw specified permitted development rights across a defined area. Provided that there is justification for both its purpose and extent, an article 4 direction can:

- cover an area of any geographic size, from a specific site such as the Fairlight Cove Coastal Buffer Zone to a local authority-wide area;
- remove specified permitted development rights related to operational development or change of use;
- remove permitted development rights with temporary or permanent effect;

The use of article 4 directions to remove national permitted development rights should be **limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development.** Some permitted development rights cannot be removed via article 4 directions. These exemptions are to ensure permitted development rights related to national concerns, safety, or maintenance work for existing facilities cannot be withdrawn.

An article 4 direction only means that a particular development cannot be carried out under permitted development and, therefore, needs a planning application. This gives the local planning authority the opportunity to consider a proposal in more detail.

If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently refuses planning permission for development, which would otherwise have been permitted development; or grants planning permission subject to more limiting conditions than the General Permitted Development Order. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

An article 4 direction provides immediate protection. There are two types of directions under the General Permitted Development Order: non-immediate directions and directions with immediate effect. An immediate direction can withdraw permitted development rights straight away; however, they must be confirmed by the local planning authority within 6 months of coming into effect to remain in force. Confirmation occurs after the local planning authority has carried out a local consultation.

Article 4 directions cannot prevent development which has been commenced, or which has already been carried out.

An article 4 direction can remain in place permanently once it has been confirmed. However, it is important for local planning authorities to monitor any article 4 directions regularly to make certain that the original reasons the direction was made remain valid. Where an article 4 direction is no longer necessary it can be cancelled.

A local planning authority must, as soon as practicable after confirming an article 4 direction, inform the Secretary of State via the [Planning Casework Unit](#). The Secretary of State does not have to approve article 4 directions, and will only intervene when there are clear reasons for doing so. The Secretary of State will not use its powers unless there are clear reasons why intervention at this level is necessary.

V.3 How will an Article 4 assist in reducing risks for Fairlight Cove?

The approved map showing the Fairlight Cove Coastal Buffer Zone indicates that there are approximately 48 properties or property gardens lying within the Buffer Zone. The map indicates that properties on both sides of Sea Road, Rockmead Road (east), the seaward side of Rockmead Road (west) and those on the seaward side of Heather Way all lie within the Coastal Buffer Zone. For the short to medium term the most vulnerable properties are up to 12 in number, which are closest to the cliffline. As described in Section 5.III above although coast protection works now protect the whole of this frontage and drainage has been installed along part of the frontage the cliffs will still be subject to some instability as they weather naturally and seek to establish a more stable angle of repose, albeit at a much reduced rate of retreat.

A review of planning applications in the Coastal Buffer Zone since 2015 identified 30 applications, which relate to 16 properties. Of these 16 properties 9 were regarded as being those that might raise issues relating to cliff instability. The number of applications received by the Council as planning authority from within the Coastal Buffer Zone and which may have

raised instability issues is, therefore, quite small – of the order of 3 a year. As explained in Section 4.3 (above) the Building Regulations provide a complementary mechanism to the Planning system for ensuring land stability issues are considered in permitting development.

Part A of the Building Regulations is quite specific in this:-

'The building shall be constructed so that ground movement caused by:-

- *swelling, shrinkage or freezing of the sub-soil; or*
- *landslip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building'.*

Coastal erosion and land instability are, therefore, clearly factors that need to be considered under these Regulations before proceeding with the design of buildings and their foundations.

Taking account of those developments that do already require planning consent and or Building Regulations approval an article 4 direction would require planning applications to be submitted for any developments that fall outside the current requirement for a planning application (and which may or may not require approval under the building Regulations). It would appear that the majority of these are likely to be minor developments, which may have very modest localised impacts on cliff instability within their own curtilages and which are likely to have much less impact on wider cliff instability than the ongoing natural processes of cliff face weathering and the effects of emerging groundwater flows. Taking account of these factors it suggests that the introduction of an article 4 direction may not be significant in its own right in terms of achieving a reduction in cliff instability except for a small number of properties located closest to the cliff edge.

References

1. Moore, R. & Lee, E. M., 1991. *'Coastal Landslip Potential Assessment, Isle of Wight Undercliff, Ventnor'*. Technical Report prepared by Geomorphological Services Limited for the Department of the Environment.
2. Jones, D.K.C and Lee, E.M.1994. *Landsliding in Great Britain'*. Dept. of the Environment. MNSO. ISBN:0-11-752556-1.
3. ODPM, 2006. *Planning Policy Guidance 14 – Development on Unstable Land. Annex 1: Landslides and Planning*. HMSO.
4. McInnes, R. G., 2007. *'The Undercliff of the Isle of Wight – A Guide to managing Ground Instability'*. Isle of Wight Centre for the Coastal Environment. Ventnor. 69pps
5. McInnes, R.G and Moore, R. 2014. *'Living with Ground instability and Landslides – An International Good Practice Guide'*. CH2MHILL. 80pps.
6. Rother District Council. 2019. *Development and Site Allocations Local Plan*. www.rother.gov.uk
7. East Kent Engineering Partnership. 2015. *Fairlight Cove Coast Protection Works Phase 3 Study Report*.
8. McInnes, R.G. 2006. *RESPONSE: Responding to the Risks from Climate Change on the Coast*. Final Report of the EU LIFE Environment Project. IW Centre for the Coastal Environment. Ventnor.

6. Introducing a Cliff Risk Management Strategy Approach

At key sites around the English coast, in locations where properties have been affected by coastal instability consideration has been given to the introduction of Article 4 but this has not been pursued. Along the Ventnor Undercliff on the south coast of the Isle of Wight this legislation was considered following the completion of major studies of coastal instability within the largest urban landslide complex in north-western Europe (Moore and Lee, 1991¹). The council decided, however, that a more effective approach would be to follow a bottom-up public consultation and dialogue with residents as part of a co-ordinated *Landslide Management Strategy* (Moore and Lee, 1991¹; McInnes, 2007²).

The Isle of Wight Council's technical officers and solicitor had also held discussions with Scarborough Borough Council over Article 4. Scarborough Borough Council's frontage had been affected by a range of instability problems in the 1990s, in particular the Holbeck Hall Hotel landslide in 1993. The Council there had also considered the question of Article 4 internally but they, like the Isle of Wight, also preferred to pursue a '*Coastal Instability Risk Management Strategy*' approach supported by stakeholder engagement. The courses followed within the Ventnor Undercliff, on the North Yorkshire coast at Scarborough and also at Lyme Regis in Dorset, a town developed on an ancient landslide complex, have proved to be successful and could provide an alternative or supplementary approach to the introduction of article 4 to address concerns over development that falls outside the frameworks of the Planning and Building Control legislation. However, it is recognised that every coastal instability site is different and an article 4 Direction does remain an option if there is strong evidence that such legislation will support risk reduction.

It is believed that the management response already introduced at Fairlight – Planning Policy Guidance, Development Management, Building Controls and Engineering Measures together with valuable inputs from the Parish Council, the Fairlight Preservation Trust and other stakeholders are already leading towards a *Fairlight Cliff Risk Management Strategy* and with some additional guidance for stakeholders this approach could prove to be very effective (see Figure VI.1 overleaf). The tasks faced by those managing such problems can be simplified if appropriate systems and measures have been put in place; these involve:-

- **Knowing the risks:** identifying, assessing and monitoring coastal risks;
- **Building local understanding and awareness:** Using knowledge, innovation and education to build a culture of good practice at the local level;
- **Reducing the risks:** Reducing the vulnerability through effective planning and management; environmental, social and economic measures.

A Fairlight Cliff Risk Management Strategy (see Figure 6.1 below) would aim to manage risk through the implementation of civil engineering measures, planning and building controls for developments, the monitoring of cliff changes and groundwater levels, and by benefitting from the ongoing interest and very active support of stakeholders.

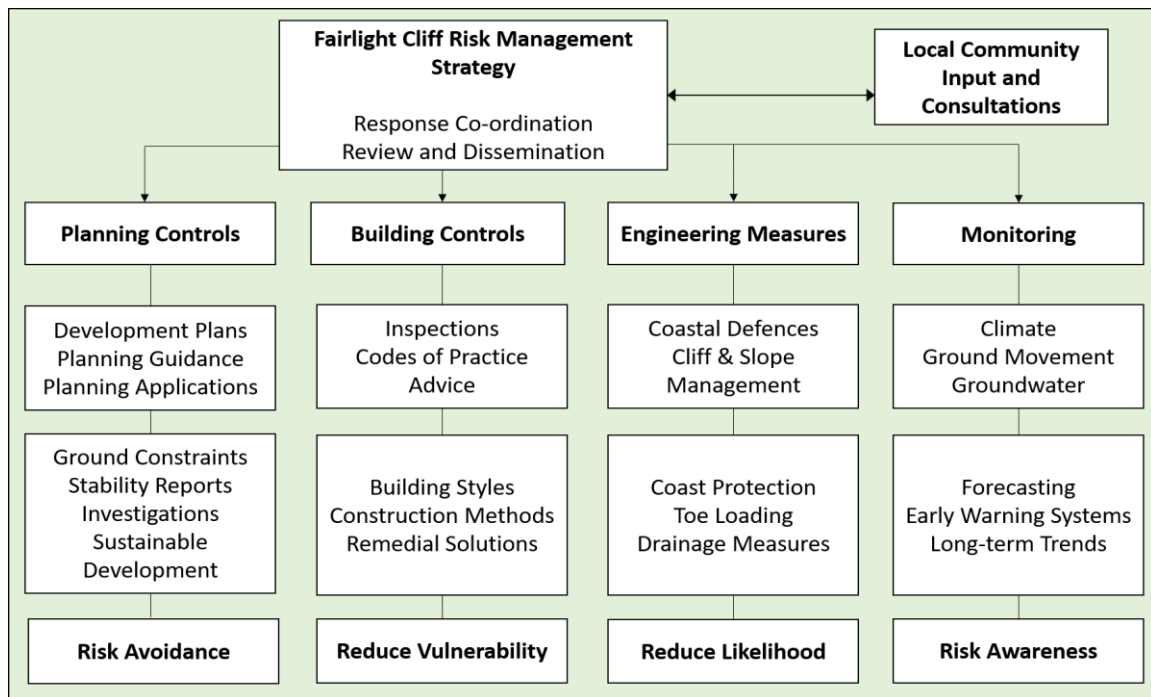


Figure 6.1: A model for a Cliff Risk Management at Fairlight Cove (McInnes, 2021).

Ongoing dialogue and services provided by council officers, the Parish Council and the Fairlight Preservation Trust are particularly valuable and this has assisted with day to day site management in the coastal zone in recent years. It is of considerable value if those living within the Coastal Buffer Zone can be provided with readily understandable information on coastal risks and they should be encouraged to take appropriate action themselves to reduce risks and build resilience. Simple guidelines on do's and don't's in terms of property and ground management can be particularly helpful and should be circulated to homeowners within the Buffer Zone. As highlighted in Section 4.6 (above) this can provide information on:-

- The scale of the problem?
- How the problems can be managed most effectively;
- What can be done to help managing the problem by local authorities, developers and homeowners, and what individuals do to help;
- What the future holds for the local community if it works together.

Experience has shown that the kinds of issues occurring along vulnerable clifflines can be managed most effectively and largely averted through engaging with residents and distributing easily accessible advice. An example of an 'Advice to Homeowners' document is attached for information as Appendix 1.

References

1. Moore, R. & Lee, E. M., 1991. 'Coastal Landslip Potential Assessment, Isle of Wight Undercliff, Ventnor'. Technical Report prepared by Geomorphological Services Limited for the Department of the Environment.
2. McInnes, R. G., 2007. 'The Undercliff of the Isle of Wight – A Guide to managing Ground Instability'. Isle of Wight Centre for the Coastal Environment. Ventnor. 69pps

7. Article 4 Direction and Forms of Development Addressing Questions VI - VIII

VI . If it is determined that an Article 4 Direction should be made, is it appropriate for it to cover all the forms of development detailed in paragraph 6.2 of the Study Brief.

If the Council is mindful to make an article 4 direction then it would be appropriate to include all the categories of development included within GDPO Schedule 2 as set out in Section 6.2 of the Study Brief below:-

GPDO - Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse

- Class A – enlargement, improvement or other alteration of a dwellinghouse (*note: larger extensions are subject to the Prior Approval process*).
- Class AA - enlargement of a dwellinghouse by construction of additional storeys (*note: subject to the Prior Approval process*).
- Class B – the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class D – the erection or construction of a porch outside any external door of a dwellinghouse
- Class E – buildings etc incidental to the enjoyment of a dwellinghouse (i.e. (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas).
- Class F – hard surfaces incidental to the enjoyment of a dwellinghouse.

GPDO - Schedule 2, PART 20 - Construction of new dwellinghouses (*note: subject to the Prior Approval process*):-

- Class ZA - demolition of buildings and construction of new dwellinghouses in their place
- Class A - new dwellinghouses on detached blocks of flats
- Class AC - new dwellinghouses on terraced buildings in use as dwellinghouses
- Class AD - new dwellinghouses on detached buildings in use as dwellinghouses

The author of this report shares the view of the Council that the various minor developments described in Section 6.3 of the Study Brief, as set out below, are very unlikely to have any impacts of cliff stability and it is not necessary, therefore, to include these in any article 4 Direction:-

6.3 There are other Classes within Part 1 of Schedule 2 to the GPDO which give additional “permitted development” rights to householders (Class C – other alterations to the roof of a dwellinghouse, Class G – chimneys, flues etc on a dwellinghouse, Class H – microwave antenna on a dwellinghouse). There are also Classes within Part 2 (Minor operations) of Schedule 2 to the GPDO which give “permitted development” rights, including to householders (Class A – gates, fences, walls etc, Class B – means of access to a highway, Class C – exterior painting, Class D/E - electrical outlet/upstand for recharging vehicles, Class F – CCTV). Our view is that it is unnecessary to include these forms of development within an article 4 direction because they are unlikely to involve placing additional weight on the ground, cause vibrations, or increase drainage into the ground.

VII. Should any additional forms of development be included in an Article 4?

It is noted that swimming pools are included within the Class E of the GPDO Schedule 2 Part 1 as often their weight and inadequate emptying arrangements have created problems elsewhere. With regard to trench excavations by the service industries in local roads it is likely that their powers would be retained to allow such work to be carried out outside of the Article 4 framework. However, as part of good practice advice and guidance on managing cliff instability it is recommended that utilities are informed about the need for care with excavations and timely infill of trenches as well as loading issues, particularly during periods of autumn and winter rainfall.

VIII. Does the fact that the ‘Prior Approval’ process applies to some of the Classes of development listed at paragraph 6.2 of the Study Brief have any impact on the justification for including these Classes within any Article 4 Direction?

Some of the Classes under Parts 1 and 20 of the GPDO, as set out at paragraph 6.2 of the Study Brief are subject to the “prior approval” process. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the GPDO. A local planning authority cannot consider any other matters when determining a prior approval application. The [Planning Practice Guidance](#) notes: “*there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development*”⁷. However, the matters considered under the relevant prior approval processes do not appear to include anything directly relevant to the potential effect of the development on ground instability.

Prior Approval is required by the Local Planning Authority on various aspects of Permitted Developments as scheduled in the Town & Country Planning (General Permitted Development) Order (England) 2015 known as the GPDO. For most types of Permitted Development issues surrounding risk are not included as a requirement for Prior Approval.

However, all Permitted Developments will also require Building Regulations approval.

The Building Regulations provide a complementary mechanism to the Planning system for ensuring land stability issues are considered in permitting development.

Part A of the Building Regulations is quite specific in this:-

'The building shall be constructed so that ground movement caused by:-

- *swelling, shrinkage or freezing of the sub-soil; or*
- *landslip or subsidence (other than subsidence arising from shrinkage), in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building'.*

Land instability is clearly a factor that needs to be taken into account under these Regulations before proceeding with the design of buildings and their foundations.

The Act empowers local authorities to enter buildings, ensure compliance with work plans and deal with dangerous structures. It can be seen, therefore, that Building Control can have an important role to play in relation to properties being altered or reaching the end of their lives within coastal zones affected by natural hazards such as within the Coastal Buffer Zone at Fairlight Cove.

However, the Building Regulations consider applications only after the Planning process, and there is still the need to assess any potential impacts on ground instability, which is not required through the Prior Approval process. Therefore, such development proposals for any sites located close to the cliff edge should be included in an article 4 Direction.

8. Additional Information Needs and Stability Reports

Addressing Questions IX - XII

IX. Is it correct not to include demolition of buildings within any article 4 direction due to the control already provided through the Prior Approval requirements of this class?

Within Part 11 of the GPDO permitted development rights are granted for demolition of buildings. Where essential demolition works are required in order to prevent the risk of loss of the property as a result of cliff recession then this provision is acceptable. The applicant would, in any case, still be required to submit a working method to the council as part of the Prior Approval process. In view of this the view of the council is supported that demolition works do not need to be included within an article 4 direction.

As part of Defra's long-term plan to tackle coastal erosion *Coastal Erosion Assistance Grants (CEAGs)* provide £6,000 per property to assist local authorities with the demolition and removal costs associated with homes at imminent risk from erosion.

X. Policy DEN6 of the DaSA Local Plan and the need for any additional information requirements to be submitted with Planning applications.

X.I Introduction

In accordance with the policies set out in the Rother District Council DaSA Local Plan, (Rother District Council, 2019¹) where the site in question is on unstable or potentially unstable land,

a 'Ground Stability Report' should be submitted to accompany a planning application. The report should be prepared by a competent and appropriately qualified Geotechnical Specialist (see Question XI below). Guidance for the preparation of Stability Reports is set out in the National Planning Policy Framework, which was published by the Department for Communities and Local Government (DCLG, 2019²) replacing all previous planning policy and guidance, including PPG14 'Development on Unstable Land'.

The following Sections in particular are relevant:-

109 "The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of *land instability*"

120 To prevent unacceptable risks from pollution and *land instability*, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. *Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner;*

121 The site must be suitable for its new use taking account of ground conditions and *land instability*, including from natural hazards arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

X2. Contents of a Stability Report

The contents of a land stability risk assessment report will vary in detail from one site to another depending on the potential causes of unstable land that need to be investigated and the development that is proposed (ODPM, 2006³, Halcrow, 2000⁴, McInnes and Moore, 2014⁵). It should present all the information obtained from investigations in a logical order and format which allows an assessment of the risks to the development and include the mitigation necessary to ensure that development will be safe and stable. Preparation of a land stability risk assessment will normally comprise a comprehensive desk-study and site inspections, but in some circumstances this may require additional intrusive site investigations. The land stability risk assessment report should include:

- A review of existing sources of geological information;
- Site history;
- Site inspection;
- Intrusive site investigation eg: boreholes (if necessary);
- Assessment of land instability risks; and
- Mitigation measures

It is the responsibility of developers and/or landowners to ensure that their developments will not initiate instability or will not be affected by instability originating outside the area of a development. Developers should therefore seek appropriate technical and environmental expert advice about the likely consequences of proposed developments on sites where landsliding is known or may be reasonably foreseen. They should also procure any necessary

investigations to ascertain that their sites are and will remain stable or can be made so as part of the development works. As well as being in the developer's interests, this information may be required by a local planning authority in determining an application for planning permission and, if building work is involved, to meet the requirements of the Building Regulations.

It is important that investigations are not limited to the development site. A site needs to be assessed in the context of surrounding areas where instability could threaten the development within its anticipated life or damage neighbouring land or property. This is essential since the feasibility of development may be severely curtailed where a site is threatened by landslides originating in neighbouring areas to which the developer has no right of access to carry out investigations or remedial measures or for which there are no cost-effective engineering solutions.

For these reasons, at least a preliminary assessment of slope stability should be carried out at the earliest possible stage before a detailed design is prepared. Only on the basis of such a geomorphological and engineering geological assessment, comprising a desk study of available information, including aerial photographs, and a ground inspection, can the need for further investigations to ascertain the true extent of the hazard and any necessity for precautionary measures required be understood. The Stability report should highlight the need if relevant for the following measures also to be taken into account :-

- Cuts and fills are limited in depth and any deep temporary excavations for surface or foul drains or other services are limited to short lengths at a time;
- Provision is made for free drainage of groundwater within the site and for inspection and facility for future works for maintenance of flows;
- Surface drainage is not restricted or diverted;
- Drainage from the proposed development is collected and conveyed in flexible piped systems; and any existing retaining walls are not removed or altered.

X3. Liaison with Building Control Authority

Since landsliding is now clearly recognised as a material consideration under both the planning system and the building regulations, there are advantages in attempting to achieve a coordinated response between the two controlling authorities whether they are different departments of the same local authority or different authorities, e.g. county/district councils and approved inspectors under the Building Regulations. A common recording system of applications allows easy cross-reference.

Where consideration is given independently to a development proposal under the Town and Country Planning Acts and the Building Regulations, any requests for slope stability reports should be communicated to ensure that consideration is on a common basis. Slope stability reports submitted to one authority should be provided to the other, together with any drawings showing proposed remedial, preventive or precautionary measures. Both controlling authorities can thus draw on their relevant expertise and enable any necessary checks on compliance during inspections of the works. However, the need to satisfy the **Building Regulations** that ground instability, in so far as it can reasonably be foreseen, shall not threaten the security of a building may require the submission of a Stability Report to Building Control. There are clear benefits to local planning authorities in maintaining indexed central records of slope stability reports. Their existence should be noted and made known on request

to subsequent enquirers, who should be directed to the commissioners of the report for specific information.

X4. Conclusions

Assessment of instability and its consideration when determining planning applications will help to reduce the impact of undesirable consequences such as risks to public safety, property damage, avoidable costs to development and personal distress to those affected. The investigation and evaluation of stability recommended is consistent with current good practice. It will thus not lead to additional costs to responsible developers and is likely to enable savings in avoidable costs which might arise if the investigation falls short of this standard.

References

1. Rother District Council. 2019. *Development and Site Allocations Local Plan*. www.rother.gov.uk
2. DCLG. 2019. National Planning Policy Framework.
3. DCLG, 2006. *Planning Policy Guidance 14 – Development on Unstable Land. Annex 1: Landslides and Planning*. HMSO. (Originally issued by DOE, 1996).
4. Halcrow.2000. *Cowes to Gurnard Coastal Slope Instability Study Ground Behaviour Assessment. Section 7.5 Stability Reports*.
5. McInnes, R.G and Moore, R. 2014. *'Living with Ground instability and Landslides – An International Good Practice Guide'*. CH2MHILL. 80pps.



Figure 8.1 (Above) show the Holbeck hall Hotel landslide site at Scarborough following completion of a programme of coastal protection, slope stabilisation and drainage works. Ongoing management is achieved through maintenance, monitoring and engagement with stakeholders. Images courtesy of Scarborough Borough Council.

Suggested Structure and Content of Stability Reports

- i. *Introduction*; a statement indicating for whom the work was done, the nature and scope of the investigation, its general location, its purpose and the period over which it was carried out.
- ii. *Description of History*; a detailed description of the site based on the observations made by the Competent Person during his site review and reconnaissance. It should be referenced to a plan of the site showing national grid co-ordinates and to a scale no smaller than 1:2500.
- iii. *Investigations*: information consulted during the course of the desk study should be referred to and listed as an appendix. Fieldwork should be described and full records of boreholes, trial pits or other exploratory methods included as an appendix and their locations shown on a plan. Site tests and laboratory tests and methods should be similarly described and their results included.
- iv. *Ground Conditions*; descriptions of the ground conditions found during the investigation and an interpretation of their relevance to the stability of the site and surrounding area. Anomalies in any of the data collected should be pointed out. The following items should be discussed, where appropriate: geological conditions; hydrogeology; history of past events and ground movement rates; soil and rock properties; other factors e.g. coast protection.
- v. *Evaluation of Stability*; the stability of the site and relevant adjacent area should be evaluated with respect to the proposed development and the assessment of ground conditions. Where stability calculations are carried out, the method of analysis should be stated. The stability calculations should demonstrate both the existing factors of safety and, where appropriate, the factors of safety that would be created by the proposed development and any associated stabilisation measures. It is expected that particular attention should be paid to the gradients of cut slopes and fills; drainage measures; retaining structures; failure mechanisms and the design criteria applied.
- vi. *Conclusions and Recommendations*; the Competent Person should summarise the main conclusions of the investigation and list the recommendations to ensure both the long-term stability of the site (taking account of the anticipated life of the development) and also in the short term whilst construction proceeds. It is expected that particular reference will be made to matters such as: the avoidance of fills near the crest of steep slopes; restrictions on the depth of excavation at the toe of steep slopes; the maximum length of trenches excavated along the contours of steep slopes at any one time; avoidance of septic tanks and soakaways; provision of flexible jointed pipes capable of sustaining small movements without leakage; provision for free drainage of groundwater; minimising drainage diversions and their lining where site conditions require them.

Box 8.1 Recommended layout for Stability Reports

STABILITY REPORT DECLARATION FORM

Site Name	Site Address	Development Control Area
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Category	Question	Answer yes/no/?/na
A) Competent Person	<ul style="list-style-type: none"> • Has a Competent Person or Geotechnical Specialist prepared the report? • Does the Competent Person or Geotechnical Specialist operate a Quality System which meets the requirements of BS EN ISO9001? • Does the Competent Person or Geotechnical Specialist have a minimum of £1 M Professional Indemnity Insurance? 	
B) Site History	<ul style="list-style-type: none"> • Has the site been affected by past ground instability? • Is the site located within or adjacent to any instability features? 	
C) Site Inspection	<ul style="list-style-type: none"> • Has a detailed site inspection been carried out? • Does the site and adjacent land bear any geomorphological evidence of past or incipient ground instability? • Does the site or neighbouring property bear any evidence of structural damage or repairs that might be associated with ground instability? 	
D) Geotechnical Desk Study	<ul style="list-style-type: none"> • Has the report 'Cowes to Gurnard Coastal Slope Stability Study' been consulted? • Have any previous ground investigation reports and/or borehole records from the site been consulted? • Is the information consulted and referred to sufficient to quantify the ground behaviour constraints, which could affect the stability of the site? 	
E) Ground Investigation	<ul style="list-style-type: none"> • Has a ground investigation been carried out and have the results been submitted in support of this application? • Did the investigation identify the presence of sub-surface shear zones and low strength compressible soils at the site? • Is the information sufficient to quantify the ground behaviour constraints, which could affect the stability of the site? 	
F) Stability Assessment	<ul style="list-style-type: none"> • Is the information in B,C,D and E (where applicable) adequate to assess the stability of the site and adjacent land? • Can ground instability reasonably be foreseen within or adjacent to the site within the design life of the proposed development, allowing for any deterioration of ground conditions caused by the development itself? • Can instability be reduced to a reasonable level through cost-effective mitigation and stabilisation measures that would be environmentally acceptable? 	
G) Mitigation Measures	<ul style="list-style-type: none"> • Have mitigation measures been proposed with respect to ground instability issues? • Have these been designed to reduce the effects of actual or potential instability to a reasonable level? • Is it possible the mitigation measures may have an adverse effect on the stability of other, adjacent sites (for example by affecting groundwater drainage in the area)? 	
H) Name, Qualifications and Signature of Person Responsible for the Stability Report	Full Name: Qualifications: Signature: Company Represented (if applicable):	

Box 8.2 Stability Report Declaration Form (For Cowes to Gurnard Isle of Wight Study, Halcrow, 2000).

XI. The appointment of suitably qualified persons for preparations of Stability Reports

The National Planning Policy Framework defines a *Competent Person (to prepare site investigation information)*, as being a person with a recognised relevant qualification, sufficient experience in dealing with *land instability*, and membership of a relevant professional organisation.

A Competent Person would normally be expected to be a Geotechnical Specialist, either a Chartered Engineer or Chartered Geologist, with an appropriate length of experience in assessing the stability of natural slopes and a Fellow or Member of the Institution of Civil Engineers or The Geological Society (Moore and McInnes, 2002; McInnes and Moore, 2014). The local planning authority can advise developers to consult the British Geotechnical Register which lists details of suitably qualified geotechnical practitioners operating in the UK.

References

1. Moore, R and McInnes, R.G. 2002. 'Cowes to Gurnard, Isle of Wight Slope Stability Study'. Int. Conf. on Instability, Planning and Management'. Ventnor, IW. 2002. Thomas Telford. (ed's. McInnes and Jakeways). pps. 189-192.
2. McInnes, R.G and Moore, R. 2014. 'Living with Ground instability and Landslides – An International Good Practice Guide'. CH2MHILL. 80pps.

XII. The need for independent verification of an 'appropriately qualified person'

Whilst a local planning authority is entitled to rely on the expert advice provided by a developer in relation to slope instability, it is recommended that the report covers the relevant issues and that it has been prepared by a competent person. The Local Planning Authority may, in some circumstances, for example in the case of major development proposals, obtain appropriate expert advice but the responsibility for stability and safety of development proposals remains that of the developer and does not pass to the Local Planning Authority as a result of such consultations. The decision on the planning merits may not require the local planning authority to check design assumptions and calculations. However, there will remain a need for the local authority or an approved inspector to check designs submitted for approval under the Building Regulations.

9. DISCUSSION

9.1 Introduction

Rother District Council, as Local Planning Authority for the Rother district, wishes to explore the possibility of making an “article 4 direction” on land at Fairlight Cove. The effect of an article 4 direction would be to remove “permitted development” rights for certain forms of householder development within a defined area close to the cliff edge. This would mean that any such development would require the submission of an application for planning permission. This is due to local concern that these minor developments, which could include residential extensions and outbuildings, for example, and which currently lie outside planning control, could have adverse effects on land stability in the coastal zone. Part of the Fairlight Cove area is already subject to restrictive local planning policies, which seek to prevent inappropriate development and adverse impacts on land stability. However, the effect of planning policy does not extend to development not requiring planning permission. Technical input was requested to gather and present the evidence necessary to inform the Council’s decision on whether to make an article 4 direction.

9.2 Objectives of the Assessment

National planning guidance states *“The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. **The potential harm that the direction is intended to address will need to be clearly identified**”*.

“Provided that there is justification for both its purpose and extent, an article 4 direction can:

- *- cover an area of any geographic size, from a specific site to a local authority-wide area*
- *- remove specified permitted development rights related to operational development or change of use*
- *- remove permitted development rights with temporary or permanent effect”*

9.3 Evidence of Need for an article 4 Direction

The Secretary of State has the power to modify or cancel article 4 directions at any time before or after they are made, although they will not use their powers unless there are clear reasons to do so. Therefore, before an article 4 direction can be made, evidence is required to demonstrate:

- I. It is necessary to remove “permitted development” rights in the interests of preventing land instability so that consideration can be given to individual planning applications on a case by case basis;
- II. The geographical area it is necessary to include in the article 4 direction; and
- III. The form of development it is necessary to remove “permitted development”

The overall objectives of the assessment are to ensure that the Local Planning Authority has:

- a clear understanding of the current risks in relation to land instability at Fairlight Cove and particularly the effect of additional householder development and works on land on top of the cliff, and
- sufficient evidence to determine whether an article 4 direction should be made for certain forms of additional householder development within a defined geographical area.

The Council required a robust piece of evidence to inform (and if necessary, defend) the Local Planning Authority's decision whether to make an article 4 direction, and the geographical coverage and scope of that article 4 direction.

In the past the East Kent Engineering Partnership has provided comments to Rother District Council on a number of planning applications for development close to the cliff edge in recent years. These comments have included the following advice:

“Any development close to the cliff edge will increase surcharge loading of the cliff and the risk of a localised shallow failure” and “Only lightweight plant and machinery should be used for the construction and should not be operated close to the cliff edge. No building materials or stockpiles of rubble or soil should be placed close to the cliff edge”.

In line with these comments, there is local concern that any development in the coastal zone at Fairlight Cove which places additional weight on the ground, causes vibrations, or increases water into the ground is liable to destabilise the cliff. Therefore, the principal outcome of the assessment has been to evidence whether these concerns are warranted, and if so, whether making an article 4 direction is necessary to prevent further destabilisation of the cliff. The extent of the coastal zone, as detailed in the DaSA Local Plan, and also its exclusion from the development boundary, was determined following the recommendation of the East Kent Engineering Partnership in the Study Report *“Fairlight Cove Coast Protection Works Phase 3”* (2015) that:

“Sensible measures need to be put in place to restrict development near to the cliff top via set back lines and not permit soakaway drainage within 50m of the cliff face. The limit of development should be reviewed every 10 years or so”.

Some of the Clauses under Parts 1 and 20 of the GPDO are subject to the “prior approval” process. Prior Approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the GPDO. A local planning authority cannot consider any other matters when determining a prior approval application. The [Planning Practice Guidance](#) notes: *“there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development”*. However, the matters considered under the relevant prior approval processes do not appear to include anything directly relevant to the potential effect of the development on ground instability.



Figure 9.1 Above: View of properties located seaward of Cliffway and Rockmead Road close to the edge of the cliff.

Figure 9.2 Below: View along the line of the extensive three phase coast protection scheme and the area of slope that was re-profiled and drained as part of the Phase 2 scheme.

Images: Gully Moy.



9.4 The current approach to coastal planning and management at Fairlight Cove

The Council, working in partnership, has developed an approach to the management of instability risks at Fairlight Cove in the following ways:-

1. By firmly embedding in the issue of land stability within Planning Policy and Development Management processes;
2. With the assistance of funding partners and key stakeholders the more developed frontages are now protected by three phases of major coastal defence schemes;
3. Surface water and ground water drainage has been installed at several key sites and the importance of controls of soakaway flows has been recognized in Planning policy;
4. Fairlight Cove benefits from a long history of particularly active local stakeholder interest and engagement.

The current approaches contribute to a developing *Cliff Risk Management Strategy*, which with some recommended additions provides a sound basis for management of risks along the Fairlight Cove frontage for the rest of the century.

9.5 What are the ongoing risks for the Fairlight Cove frontage?

The challenges for the Fairlight frontage looking ahead to the end of this century are:-

1. **Ongoing weathering** of the face of the cliffs by rain, wind, frost and emergent groundwater leading to undermining and cliff falls. This is likely to continue but at a much reduced rate as a result of the coast protection and drainage works in place.
2. **Rising sea levels and overtopping by waves** of the rock berms leading to removal of beach and cliff materials behind the berm. However, experience around the English coast has demonstrated that rock berms and revetments are very effective and durable forms of coastal defence and the frontage is likely to continue to benefit from the improved level of protection the defences provide for many decades.
3. **Changes in the groundwater regime and drainage patterns.** It is predicted that climate change will result in an increase in the level of winter rainfall. The maintenance of the existing drainage systems is, therefore, particularly important as is the recording and interpretation of monitoring data.
4. **Reducing impacts of any further clifftop developments** such as increased loadings through Development Management and Building Control systems and the possible introduction of additional legislation such as an Article 4 direction alongside advice and guidance for affected frontages along this coastal zone.

9.6 Can the introduction of an Article 4 direction contribute to reduction of risks for the Fairlight Cove frontage?

Within its Local Plan the Council has identified a *Fairlight Cove Buffer Zone* within which some 49 properties are located. As the cliffline slowly recedes over time, until it gradually reaches a more stable angle of repose, there will continue to be minor falls and slides particularly after long periods of rainfall and where groundwater emerges through the cliff face. These natural processes are the greatest risk factor in terms of local cliff instability over future decades. The ongoing maintenance of the line of pneumatic pumped wells, the surface water drainage systems, and the downloading of data, interpretation of trends and cliff monitoring are all key factors in seeking to manage risks over the next decades.

In terms of risks arising from development proposals that might be considered as having any instability implications, it is evident from the number of planning applications received since 2015 within the coastal Buffer Zone, that numbers are quite low (an average of three a year). In terms of Building Regulations applications have been less than six a year in recent years. There have been some permitted developments and some de-minimus developments that fall outside the planning system. Also in some locations well-intentioned efforts to reduce cliff face erosion have been installed.

The use of article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect the local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address will need to be particularly clearly identified. If an article 4 Direction is introduced every application within the Coastal Buffer Zone would be required to submit a Stability Report to accompany it. This would be likely to place an undue and unnecessary burden on those applicants who may be submitting applications that have no impacts on stability because they are located further from the cliff edge. Development work, construction and other activities close to the cliff are more likely to have implications particularly for those properties in the front line of the Buffer Zone, and here an Article 4 direction may be appropriate. This could be introduced alongside helpful *Guidance Notes for Homeowners* prepared by the Council perhaps similar to those illustrated in Appendix 1 of this report.

As explained earlier the potential impacts of future developments such as loading, construction activities and excavations, are only likely to have possible significance in terms of increasing cliff instability within curtilages of those properties sited closest to the cliff top. Ongoing natural processes of cliff face weathering and resulting minor falls and slides will continue to be the most significant factor in terms of promoting coastal retreat.

Landward of the front line of properties the topography slopes inland and this helps to reduce the impacts of both development and surface water drainage on instability more widely. The case, therefore, for introducing an article 4 Direction is most relevant to those properties closest to the edge of the sea cliff .

10. CONCLUSIONS

10.1 An effective framework is in place for the management of instability risks along the Fairlight Cove frontage comprising planning policies, Development Management, Building Controls, completed coastal engineering and drainage and ongoing monitoring. Some additional measures such as the provision of practical advice and guidance to homeowners in the Coastal Buffer Zone would support risk mitigation.

10.2 Climate change may pose increasing levels of risk in the future as a result of sea level rise and higher levels of winter rainfall. However, a high standard of coastal defence is in place along the most vulnerable frontage together with effective drainage systems.

10.3 Limited ongoing cliff recession in the form of minor slips and rockfalls is to be expected as the cliff seeks to establish its ideal angle of repose. Falls are more likely to occur after heavy rain when groundwater levels are higher.

10.4 Cliff instability can result from both natural physical processes and human activity. The most significant factor is likely to be natural cliff processes rather human activity.

10.5 An article 4 direction covering the whole of the Fairlight Cove Buffer Zone would require planning applications and a Stability Report to be submitted in each case. The case for a direction must be robust and clearly demonstrate the need. Minor developments are unlikely to have significant impacts if the work is carried out carefully and taking advantage of good practice guidance. It is recommended that such guidance should be prepared and circulated by the council to all Buffer Zone land owners, residents and other interested groups and organisations.

10.6 The Coastal Buffer Zone could be divided into an Inner Zone away from the sea cliff, and an Outer Zone abutting the sea cliff. In view of the greater level of risk and sensitivity of the Outer Zone covering properties on the seaward sides of Sea Road, Cliff Way and Rockmead Road (part) the Outer Zone would be more appropriate for an article 4 direction. The rear boundary of the Outer Zone could roll back subject to coastal retreat over time. The zoning could be reviewed at ten yearly intervals.

10.7 The current oversight of the pumping system controls, maintenance and data recording contribute to an effective way of monitoring groundwater fluctuations.

10.8 Alongside the south-East Regional Strategic Monitoring Programme visual and photographic inspections are made of the Fairlight Cove cliffline thereby recording the rate and scale of change.

11.RECOMMENDATIONS

Planning Related

11.1 Consideration was given to introducing an article 4 Direction at Fairlight Cove covering the whole of the Coastal Buffer Zone. However, it is not believed that a sufficiently robust case for its need can be set out bearing in mind that cliff face weathering, falls and small slides, together with groundwater flows, are the most significant risk factors. **However, it is recommended that a case be presented for the introduction of an article 4 Direction for an Outer Zone bordering the cliffline. Subject to the rate of coastal retreat the Outer Zone could roll back, as required, over time. It is recommended that, if introduced, the extent of land covered by the Article 4 direction could be reviewed at ten yearly intervals or as appropriate to the rate of cliff recession.**

Other considerations

11.2 It is recommended that guidance for homeowners should be prepared and circulated by the council to all Buffer Zone residents and other interested groups and organisations.

11.5 With the assistance of homeowners, the Parish Council and the Fairlight Preservation Trust a survey be undertaken of current arrangements for disposal of surface water and roof water within the curtilages of just the Outer Zone properties to establish whether ingress to the water table can be reduced in any way.

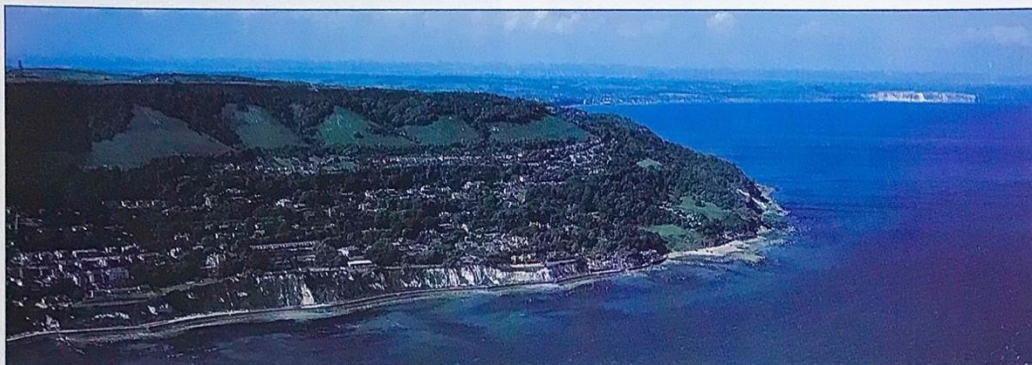
11.6 Stability Reports should be shared between Development Management and Building control. Reports should be recorded and archived for future use.

Professor Robin McInnes OBE FICE FGS FRGS FRSA
Coastal & Geotechnical Services

23rd July 2021

APPENDIX 1

ADVICE TO HOMEOWNERS – MANAGING GROUND INSTABILITY ON THE ISLE OF WIGHT



Part of the Undercliff, IW

The Centre for the Coastal Environment within the Isle of Wight Council is continuing to develop policies to manage and mitigate ground movement problems around the Island's coastline. This leaflet is intended to assist homeowners by providing advice on property maintenance and related issues.

Detailed geotechnical studies commissioned by the Council have shown that it may be possible to reduce the likelihood and impact of future ground movements in certain situations if a co-ordinated approach to ground instability management is adopted. A range of management techniques are being promoted by the Isle of Wight Council as part of a Ground Instability Management Strategy. The aims of the strategy are to :

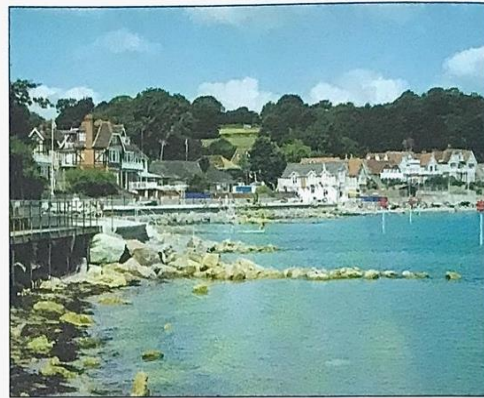
- **reduce the likelihood of future ground instability by seeking to reduce the impact of factors that cause ground movement;**
- **limit the impact of future movement through the adoption of appropriate planning and building controls**

The implementation of the strategy has required careful co-ordination, as it involves the whole community, including the Council, consultants, service industries, developers, insurers, lenders, property agents, builders, homeowners and the general public. A Management Committee of technical officers meets twice a year to enhance professional awareness of how the strategy is being implemented and to monitor its effectiveness.

The strategy involves a variety of approaches aimed at preventing or alleviating ground movements, preventing unsuitable development, monitoring ground movements and raising professional and public awareness. The Council has made special efforts to reduce the effects of erosion and water leakage (with Southern Water Services Ltd) in developed coastal areas through the upgrading or replacement of coastal defences and drainage works. Household development and service repairs do not always require planning permission but where they do the Council, as planning authority, now takes full account of ground instability matters. If you carry out work that does not require consent under Planning or Building Regulations please apply the advice contained in this leaflet. The Council has also made a significant investment in monitoring equipment at key coastal sites in order to measure the rates of ground movement and the relationship to rainfall.

The purpose of this leaflet is to advise homeowners of the ways in which you can help to try and minimise the likelihood and impact of potential ground movement problems on your property. Failure to do so may not only cause problems for yourself but may also affect your neighbours and contribute to a much wider problem in your area.

For further information about this leaflet and fuller reports on ground behaviour and landslide management, please contact the Isle of Wight Centre for the Coastal Environment (tel: (01983) 855400), where a range of reports and maps may be viewed or purchased.



The Council has undertaken technical studies as well as major coastal engineering projects aimed at reducing risks arising from coastal erosion and ground instability. *Cowes-Gurnard frontage (left), Southern part of Seagrove Bay, Seaview (right).*

The Management of Slopes and Retaining Walls

One of the main attractions of the Isle of Wight is the varied relief of the coastal slopes which provide magnificent sea views from most areas. However, such locations are not without problems and steep slopes, by their very nature, can be unstable. Development over the last 150 years has exacerbated instability at some sites through the removal of vegetation, the excavation of slopes and to a lesser extent the placement of fill material. A number of slopes within built-up areas are supported by walls of varying age and condition. Many walls provide only a facing and were not built to a sufficient standard to adequately support the ground behind. A large number of past ground movement-related problems are known to have been caused by the localised instability of steep slopes and the failure of walls. Therefore, it is considered particularly important that slopes and walls are regularly inspected and maintained. You can help minimise the risk of slope instability and wall failure in the following ways :

- ❑ **If a wall within your property is leaning or cracked, seek professional advice from a Chartered Civil or Structural Engineer and carry out repairs. If you need further advice or are worried about a wall not within your property contact the Isle of Wight Council (tel : (01983) 823580). The collapse of walls can be very dangerous and you could be held responsible if you are the owner.**
- ❑ **Regularly inspect steep slopes and walls for signs of movement or damage and if you think there is a problem seek appropriate professional advice from a Chartered Civil Engineer or Consulting Geotechnical Engineer or contact the Isle of Wight Council (tel : (01983) 857220).**
- ❑ **Avoid excavating into steep slopes as this may lead to the failure of the slope and may affect any property situated above. If you are concerned about excavations on adjacent land seek professional advice (as above) or contact the Isle of Wight Council (tel : (01983) 823552).**
- ❑ **Avoid loading or tipping on and above steep slopes as this may lead to the failure of the slope and property below. If you are concerned about loading or tipping on adjacent land seek professional advice (as above) or contact the Isle of Wight Council (tel : (01983) 823552).**
- ❑ **Avoid the removal of trees and bushes from steep slopes, as in many cases vegetation acts to bind the soil and remove ground water through evapotranspiration, reducing the likelihood of shallow movements. If you are concerned about the removal of trees or vegetation from adjacent slopes seek professional advice or contact the Isle of Wight Council (tel : (01983) 823869).**

The Control of Water

The control of water is considered one of the most important measures that can reduce the likelihood of ground instability. A number of water sources have been identified, which include natural water sources from :

- ❑ underground sources in the Chalk downs or from porous layers with clay formations
- ❑ rainwater falling directly onto the ground

and water originating from the mains supply through :

- leaking water pipes, sewers, swimming pools, etc
- water discharge from septic tank waste disposal units
- watering of gardens, etc

Natural water sources represent the volume of water that would have entered the area of ground instability even if development had not taken place. The public water supplies on the Island have traditionally been obtained from natural groundwater sources via a number of wells and springs. Increases in demand and the need to maintain continuity of supply has resulted in the requirement to supplement the local sources from the mainland.

Artificially raised groundwater levels increase the risk of ground movement.

It is important to control all water entering into the ground. Southern Water Services Ltd has made special efforts to identify and prevent leakage from water supply mains and has undertaken improvements to the Island's sewerage network. You too can help minimise the effects of water leakage in the following ways :

- If you suspect a leak in a water main or main sewerage pipe let Southern Water Services Ltd know immediately (tel : 0845 2780845).**
- If you suspect a leak in a swimming pool or pond repair it at once or contact the Isle of Wight Council (tel : (01983) 857220). Take special care in the emptying of swimming pools ensuring drainage to proper outlets and not directly into the ground.**
- Make sure all surface water outlets from your property are properly connected to the drains and that all drains are watertight.**
- Make sure your gutters and downpipes are not overflowing or leaking and use rainwater collected in water butts for watering gardens rather than mains water.**
- If you are not connected to mains drainage be sure that your septic tank or cesspool is adequately maintained and emptied regularly.**
- Landscape your property to prevent the ponding of water and ensure that ditches are kept clear; any work on or adjacent to a watercourse requires Environment Agency approval (tel : 0800 807060).**

Rain will naturally enter the ground but stormwater run-off from buildings and roads can be controlled and it would be beneficial to do so. Presently stormwater run-off is largely routed to soakaways in many parts of the Island. The only satisfactory alternative to soakaway systems is the routing of stormwater into sealed drains or established streams or watercourses. It is recommended, therefore, that :

- Where possible, surface water soakaways should be connected to sealed drains or into an established watercourse (but permission must be obtained first from Southern Water Services Ltd and from the Environment Agency). If you are aware of a problem of uncontrolled run-off near your property contact the Isle of Wight Council (tel : (01983) 857220).**

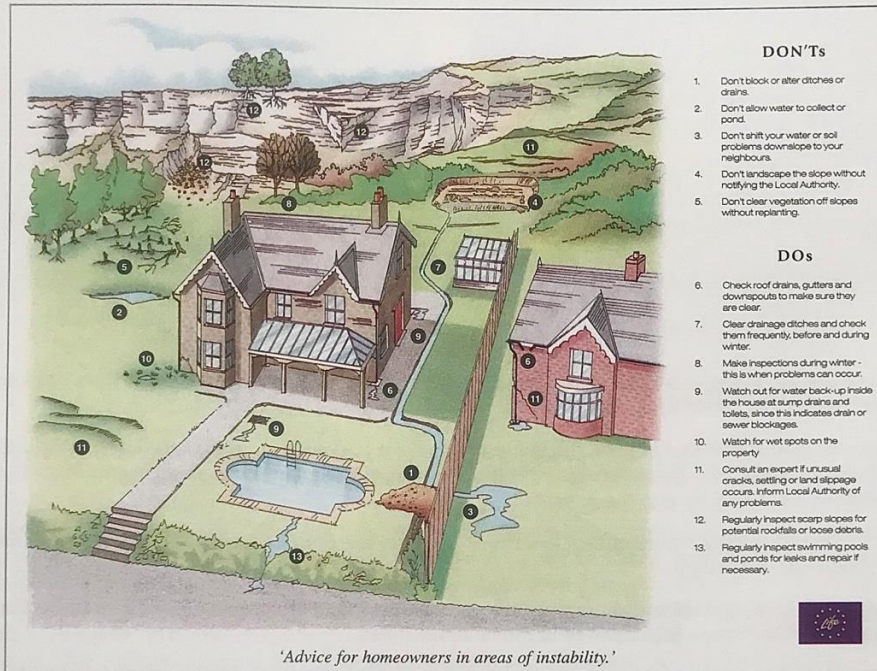
Maintenance and development of property

In areas affected by ground instability or poor soil conditions, damage to property may not necessarily be a result of serious ground movement problems as a number of older properties were built with foundations and building styles unsuited to the ground conditions. Some properties were poorly built or have not been maintained adequately over the years. As a consequence the ground movement-related problems may appear to be more serious and less manageable than they should. In some cases damage appears to have worsened with time, as the cumulative effects of ground movement and inadequate maintenance become more apparent.

The maintenance of property is considered to be of great importance as neglect can often lead to instability problems. The owners of property have an important role to ensure that buildings are properly maintained.

If you are proposing to carry out any building work you are advised to contact the Building Control section of the Isle of Wight Council (01983 823580) to obtain advice on suitable construction methods taking account of the ground conditions in your particular location.

Much can be done to reduce the effects of ground instability. Repairs and precautionary measures can reduce maintenance costs and will prolong the life of the property and its value.



DON'Ts

1. Don't block or alter ditches or drains.
2. Don't allow water to collect or pond.
3. Don't shift your water or soil problems downslope to your neighbours.
4. Don't landscape the slope without notifying the Local Authority.
5. Don't clear vegetation off slopes without replanting.

DOs

6. Check roof drains, gutters and downspouts to make sure they are clear.
7. Clear drainage ditches and check them frequently, before and during winter.
8. Make inspections during winter - this is when problems can occur.
9. Watch out for water back-up inside the house at sump drains and toilets, since this indicates drain or sewer blockages.
10. Watch for wet spots on the property.
11. Consult an expert if unusual cracks, settling or land slippage occurs. Inform Local Authority of any problems.
12. Regularly inspect steep slopes for potential rockfalls or loose debris.
13. Regularly inspect swimming pools and ponds for leaks and repair if necessary.

'Advice for homeowners in areas of instability.'

Property Insurance

A major objective of the various coastal and geotechnical studies undertaken by the Isle of Wight Council has been to establish confidence in the area through an improved understanding of ground conditions and ground instability potential. The range of both technical and non-technical reports and maps that have been produced by the Council provide a basis for informed decision-making by insurers. The Association of British Insurers has contributed to the scientific studies and has been working closely with the Council for the last twelve years. Planning Guidance maps, which are contained in the various reports (see details below) provides a basis for assessing insurance risk. If you have difficulty obtaining insurance ask your Insurance Company if they have seen these reports. Leading insurance companies now accept that information provided by customers which can demonstrate a reduced level of risk may assist in obtaining cover or reducing premiums. More detailed large scale maps can be inspected at the Isle of Wight Coastal Visitors' Centre at Salisbury Gardens, Dudley Road, Ventnor, (tel : (01983) 855400), Isle of Wight Council Planning Offices, Seaclose Park, Newport (tel : (01983) 823552) and Cowes Library, Beckford Road, Cowes (tel : (01983) 293341).

For further information and advice or to obtain copies of the reports 'The Undercliff of the Isle of Wight : A review of ground behaviour' (price £17 including large colour map) or 'Managing ground instability in Urban Areas' (price £20) or Cowes Ground Stability Study Report (price £60). Tel : (01983) 855400. Visit our website at : www.coastalwight.gov.uk



Robin McInnes, FICE, FGS, FRSA, Coastal Manager
 IW Centre for the Coastal Environment
 Dudley Road, Ventnor, Isle of Wight, PO38 1EJ
 Tel : (01983) 857220 Fax : (01983) 856208



Supported by the European Union LIFE Environment Programme



APPENDIX 2

List of properties to be included in an Article 4 Direction, Fairlight Cove

I. Properties proposed to be subject to an Article 4 Direction removing all Permitted Development rights for relevant sections of Part 1 (householder development) and Part 20 (new dwellings) of Schedule 2 of the Town & Country Planning (General Permitted Development) Order (the GPDO).

Outlined in RED on attached plan (numbers in brackets correspond with numbers on attached plans):

- The Haddocks, Sea Road (1)
- Merrields, Sea Road (2)
- Grey Wings, Sea Road (3)
- Greengates, Sea Road (4)
- Cliffedge, Sea Road (8)
- Wendletrap, Sea Road (10)
- Dormers, Sea Road (11)
- Bishopsgarth, Sea Road (12)
- Windover/Changing Winds, Sea Road (13)
- Haddocks Gap, Sea Road (14)
- Deforel, Sea Road (15)
- Fairhaven, Cliff Way (16)
- Cliff Garden, Cliff Way (17)
- Rosemary Corner, 28 Rockmead Road (18)
- Foo Shan, 24 Rockmead Road (19)
- 22a Rockmead Road (20)
- 22 Rockmead Road (21)
- Honeypotts, 20 Rockmead Road (22)
- Natura, 12 Rockmead Road (23)
- Fern Cottage, 10 Rockmead Road (24)
- Ravensfleet, 8 Rockmead Road (25)
- Darna, 6 Rockmead Road (26)
- The Lookout, Smugglers Way (27)
- Gorse Cliffe, Channel Way (28)



II. Properties to be subject to an Article 4 Direction removing Permitted Development rights for outbuildings, pools etc in the rear garden only (Part 1, Class E of Schedule 2 of the GPDO).

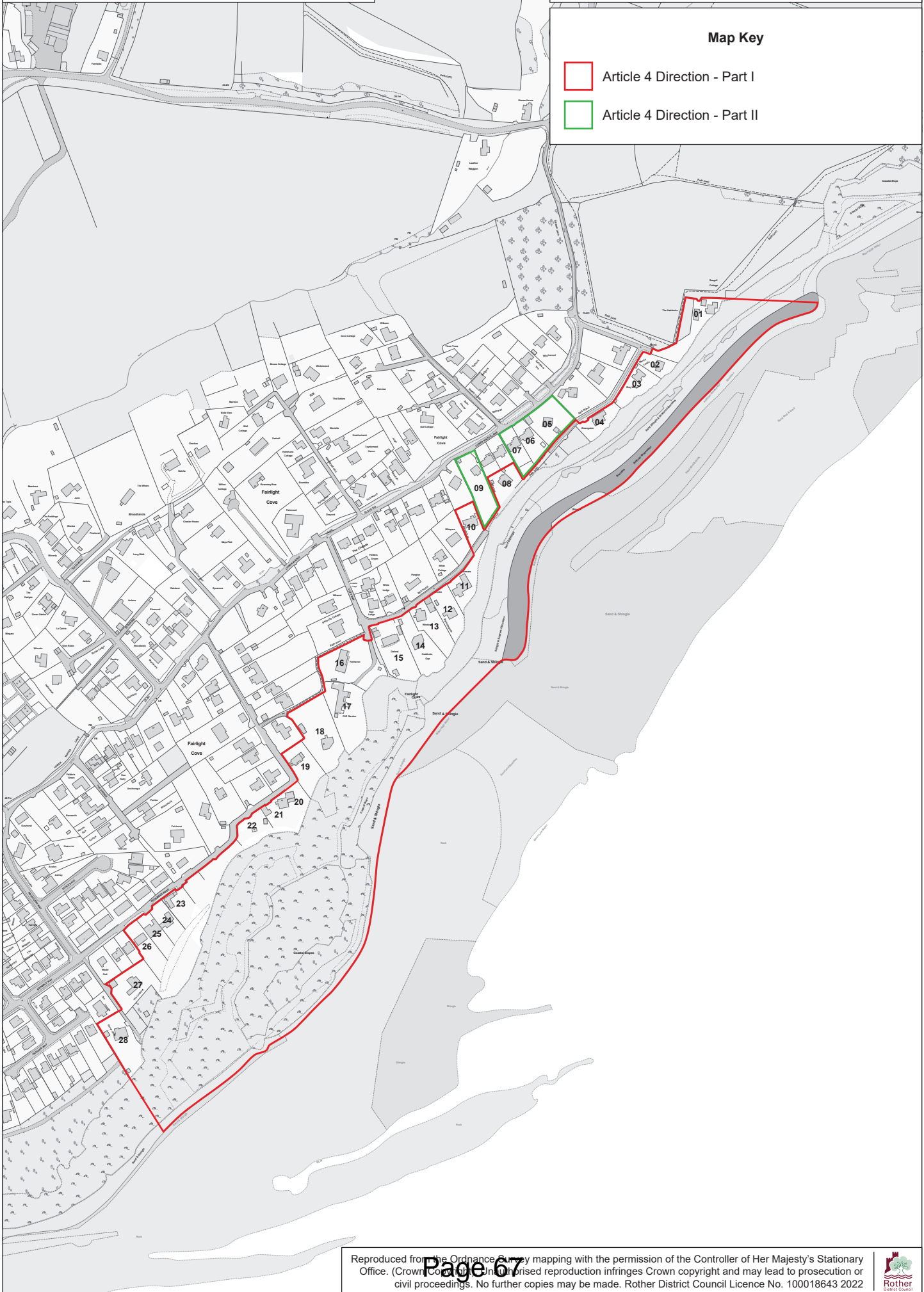
Outlined in GREEN on attached plan (numbers in brackets correspond with numbers on attached plans):

- Hedgerows, 72 Lower Waites Lane (5)
- Shalford, 70 Lower Waites Lane (6)
- Two Boys, 68 Lower Waites Lane (7)
- Graystones, 62 Lower Waites Lane (9)

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Map Key

-  Article 4 Direction - Part I
-  Article 4 Direction - Part II



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Rother District Council

Report to:	Cabinet
Date:	25 July 2022
Title:	Revenue Budget and Capital Programme Monitoring draft 2021/22 out turn
Report of:	Antony Baden – Chief Finance Officer
Cabinet Member:	Councillor Jeeawon
Ward(s):	All
Purpose of Report:	To note the draft financial out turn for 2021/22 based on expenditure and income to the 31 March 2022.
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED : That the report be noted.

Introduction

1. This report updates Members on the Council's finances as at 31 March 2022. The Revenue Budget and Capital Programme positions are summarised in Appendices A and B, respectively. The impact of the forecast on the Council's reserves is summarised in Appendix C. The report also includes a brief update on the Collection Fund performance. Members will note that all numbers in this report are subject to external audit and potential change.
2. There has been one reportable virement since the last financial update to Members. Car Parking fees paid by card attract a commission charge from the card provider. The budget of £5,000 was held by the Resources department but this should be charged to the Housing & Community Services department as they receive the income.

Revenue Budget

3. The Revenue Budget draft out turn as of 31 March 2022 indicates a surplus of £1.256m against the approved budget drawdown from reserves of £2.7m. This represents an improvement of £1.128m since the Quarter 3 forecast. The position is summarised in Appendix A and material variances that have been identified since the last forecast are explained in paragraphs 4 to 12.

Corporate Core – Surplus £47,000

4. The draft out turn position has improved by £71,000 since the Quarter 3 forecast due to a further underspend in Election expenses (£53,000) and reduction in the running costs of Administrative offices.

Environmental Services – Surplus £158,000

5. The draft underspend shows an increase of £58,000 since the last forecast as a result of salary savings from staff who were redeployed to work on Covid safety work, which was funded by grants.

Strategy and Planning – Deficit £463,000

6. The forecast deficit has decreased by £214,000 since Quarter 3 mainly due to a £56,000 reduction in the cost of appeals and an underspend of £111,000 on the Local Development Framework costs, which have been delayed until 2022/23. Also, additional income of £52,000 was generated in relation to the administration of Developer receipts and Government grants.

Acquisitions, Transformation and Regeneration – Surplus £65,000

7. There have been no significant changes since the last forecast.

Housing, Community and Neighbourhood Services – Surplus £564,000

8. The draft out turn shows a major improvement of £532,000 since the Quarter 3 forecast. The main reasons are outlined below:
 - a. Additional Car Parking income - £65,000.
 - b. Refund of business rates on public conveniences - £15,000.
 - c. Underspend on leisure facilities operated by Freedom Leisure due to the receipt of the National Leisure Relief Fund grant - £185,000.
 - d. Additional income from filming and savings on utilities at Camber and Bexhill beaches - £50,000.
 - e. Various savings on Grounds Maintenance & repairs in Parks- £94,000.
 - f. Additional income from garden and bulky waste collections - £88,000.
 - g. Other smaller favourable variances - £35,000.

Resources – Deficit £292,000

9. The deficit reported in the last quarter has reduced by £64,000 due to the receipt of a central government grant in respect of council tax discounts for family annexes.

Net Financing Costs – Surplus £820,000

10. There have been no significant changes since the last forecast.

Financial Stability Programme (FSP) – Deficit £436,000

11. There have been no significant changes since the last forecast. The savings identified relate mainly to staff costs recharged to capital programme schemes.

Income – Surplus £793,000

12. Further central government grants of £132,000 have been received since the last forecast, the largest of which was £97,000 in relation to Homelessness Prevention. The Council also received other smaller grants to help offset the

cost of administering COVID-19 grant payments to businesses and individuals.

Capital Programme

13. The Capital Programme draft out turn as at 31 March 2022 is £12.3m, which is £66.2m lower than the revised budget and £3m lower than the Quarter 3 forecast. The main variances are outlined in paragraph 16 and the overall position is summarised in Appendix B.
14. Main variances between the revised budget and draft out turn are as follows:
 - a. Barnhorn Road development (£3.2m) – the scheme has been delayed due to extensive design work being carried out in conjunction with key third parties. Project costs are now being reviewed, including inflationary pressures, to assess options on the next steps.
 - b. Blackfriars Housing (Infrastructure) development (£8.1m) – the scheme experienced some delays in 2021/22 but is still progressing.
 - c. Temporary Accommodation purchases (£6.3m) – the pandemic restricted the Council's ability to identify suitable property purchases, but this situation has already improved in 2022/23.
 - d. Mount View Street Development (£2.5m) – costs were not as high as originally anticipated but the intention remains that the Sussex NHS Partnership Trust will exercise their option to purchase a portion of the land for the development of a new mental health hospital. This will create a capital receipt for the Council, which will offset these costs.
 - e. Housing Company (£25.0m) – it is anticipated that the Council will significantly increase its borrowing to the Housing Company once the Blackfriars Infrastructure development has been completed in 2022/23.
 - f. Site redevelopment in Beeching Road/Wainwright Road (£15m) - Cabinet approved this sum to be added to the capital programme on 7 February 2022 for the site redevelopment. Cash flow timings cannot be determined at this stage, but they will be reported to Members through the quarterly monitoring updates.
15. Where schemes are forecast to underspend, it is still expected that they will be completed in future years. A revised programme was approved by Cabinet on 7 February 2022 as part of the Council's Capital Strategy and future cashflows will continue to be monitored and reported until scheme completion.

Impact of the revenue and capital draft out turn on Reserves

16. The impact on reserves is a total draft drawdown of £2.121m against the planned use of £3.319m, which means the Council has used £1.198m less from its reserves to fund the revenue budget and some capital schemes.

Collection Fund

17. The council tax collection rate at the end of Quarter 4 was 98.01% of the collectable debit and 100.98% of the budgeted yield. Both figures are higher than the corresponding figures for 2020/21 by 1.25% and 4.38% respectively. In the case of the budgeted yield, the Council budgeted for a collection rate of 98.3% therefore whilst it did not collect every single penny of council tax owed, it did exceed its target. Collection performance is shown below:

	Equivalent Period	
	2021/2022	2020/2021
Income Received	£82,171,920.61	£77,503,276.12
Income Received as a % of collectable debit	98.01%	96.75%
Budgeted yield (at 98.3% collection)	£79,751,694.59	£77,625,639.38
Income Received as a % of budgeted yield	100.98%	96.60%

18. The business rates collection rate at the end of Quarter 4 was 96.99% of the collectable debit, which is 2.98% higher than the corresponding figure in 2020/21. The improvement is possibly as a result of the lifting of lockdown restrictions. Collection performance is shown below.

	2021/2022	Equivalent Period 2020/2021
	Collectable debit	£13,511,807.25
Income Received	£13,105,659.63	£7,727,892.59
Income Received as a % of collectable debit	96.99%	94.01%
Amount outstanding for year	£406,147.62	£492,545.76

Conclusion

19. The draft revenue out turn for 2021/22 shows an overall deficit of £1.444m, which is £1.256m lower than the approved planned use of reserves. However, whilst this is clearly a positive outcome for the Council, budget pressures are expected to continue into 2022/23 and budget monitoring will play a crucial role in helping the Council achieve its Financial Stability objective laid out in the Corporate Plan.
20. The draft Capital Programme out turn indicates an underspend of £66.156m against the revised budget. However, this is largely due to the pace of the programme continuing to be slowed by the impact of the pandemic. Any scheme slippage will be carried forward into 2022/23 but will also be subject to review by the Finance department and Heads of Service.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston
Report Contact Officer:	Antony Baden
e-mail address:	Antony.Baden@rother.gov.uk
Appendices:	Appendix A Revenue Budget Forecast Appendix B Capital Programme Forecast Appendix C Impact on Reserves
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

Revenue Budget 2021/22 Draft Out Turn as at 31 March 2022

Line	Rother District Council General Fund Summary	Draft 2020/21 Actual £ (000)	Original 2021/22 Budget £ (000)	Revised 2021/22 Budget £ (000)	2021/22 Draft Outturn £ (000)	2021/22 Draft Variance £ (000)	Change in Previous Quarter Variance £ (000)
1	Corporate Core	2,117	2,034	1,985	1,938	(47)	(71)
2	Environmental Services	507	658	609	451	(158)	(58)
3	Strategy and Planning	1,030	1,090	1,043	1,506	463	(214)
4	Acquisitions, Transformation and Regeneration	(392)	(297)	(319)	(384)	(65)	(24)
5	Housing, Community & Neighbourhood Services	9,539	8,739	8,680	8,116	(564)	(532)
6	Resources	4,256	3,350	3,288	3,580	292	(62)
7	Total Cost of Services	17,057	15,574	15,286	15,208	(78)	(960)
8	Net Financing Costs	118	1,101	1,101	281	(820)	3
9	Salaries turnover	0	(288)	0	0	0	0
10	Financial Stability Programme - savings/cost reductions	0	(632)	(632)	(196)	436	(38)
11	Net Cost of Services	17,175	15,755	15,755	15,292	(462)	(996)
	Income						
12	Special Expenses	(687)	(692)	(692)	(692)	0	0
13	Net Business Rates & Section 31 Grants	(4,142)	(3,747)	(3,747)	(3,745)	2	2
14	Non-Specific Revenue Grants	(3,194)	(1,653)	(1,653)	(2,436)	(783)	(121)
15	Council Tax Requirement (Rother only)	(7,019)	(7,097)	(7,097)	(7,097)	0	0
	Other Financing						
16	Collection Fund (Surplus)/Deficit	(849)	134	134	120	(14)	(14)
17	Total Income	(15,891)	(13,054)	(13,054)	(13,849)	(793)	(132)
18	Contribution from Reserves/Funding Gap	1,284	2,700	2,700	1,444	(1,256)	(1,128)

Capital Programme 2021/22 Draft Out Turn as at 31 March 2022

Line		2021/22 Actuals to Month 12 £ (000)	2021/22 Revised Budget £ (000)	2021/22 Draft Outturn £ (000)	2021/22 Draft Variance £ (000)
	Acquisitions, Transformation and Regeneration				
	Other Schemes				
1	Community Grants	117	130	117	13
2	Cemetery Entrance	64	172	64	108
3	Rother Transformation ICT Investment	233	384	233	151
4	Corporate Document Image Processing System	15	435	15	420
5	1066 Pathways	68	66	68	(2)
6	Ravenside Roundabout	0	200	0	200
7	Development of Town Hall Bexhill	303	460	303	157
	Property Investment Strategy				
8	Office Development NE Bexhill	0	0	0	0
9	Mount View Street Development - Public commercial	0	964	0	964
10	PIS - Beeching Road/Wainwright Road	4	963	4	959
11	PIS - Barnhorn Road	246	3,402	246	3,156
12	PIS - Beeching Road 18-40 (Creative Workspace)	582	582	582	(0)
13	PIS - 35 Beeching Road	0	0	0	0
14	PIS - 64 Ninfield Road	19	19	19	0
15	PIS - Buckhurst Place	0	0	0	0
16	PIS - Beeching Road/Wainwright Road development	0	15,000	0	15,000
	Housing Development Schemes				
17	Community Led Housing Schemes	0	600	0	600
18	Mount View Street Development - Housing	4,490	6,940	4,490	2,450
19	Blackfriars Housing Development - infrastructure only	2,613	10,728	2,613	8,115
20	Rother DC Housing Company Ltd	105	25,000	105	24,933
21	RDC Housing Investment	0	101	0	101
	Housing and Community Services				
22	De La Warr Pavilion - Capital Grant	56	54	56	(2)
23	Sidley Sports and Recreation	615	811	615	196
24	Land Swap re Former High School Site	0	1,085	0	1,085
25	Bexhill Leisure Centre - site development	0	0	0	0
26	Bexhill Leisure Centre - refurbishment	0	140	0	140
27	Disabled Facilities Grant	1,347	1,625	1,347	278
28	New bins	181	125	181	(56)
29	Bexhill Promenade - Outflow pipe	9	100	9	91
30	Bexhill Promenade - Protective Barriers	45	47	45	2
31	Bexhill Promenade - Shelter 1	16	0	16	(16)
32	Bexhill Promenade Water feature	0	0	0	0
33	Fairlight Coastal Protection	9	0	9	(9)
34	Housing (purchases - temp accommodation)	938	7,281	938	6,343
	Strategy & Planning				
35	Payments to Parishes - CIL	40	88	40	48
	Executive Directors & Corporate Core				
36	Accommodation Strategy	0	0	0	0
	Resources				
37	ICT Infrastructure – Ongoing Upgrade Programme	2	0	2	(2)
38	ICT Infrastructure Replacement Programme	111	123	111	12
37	Invest To Save initiatives (Financial Stability Programme)	29	750	29	721
	Total Capital Programme	12,257	78,375	12,257	66,156

		2021/22 Actuals to Month 12 £ (000)	2021/22 Revised Budget £ (000)	2021/22 Outturn £ (000)	2021/22 YTD Variance £ (000)
	Funded By:				
	Capital Receipts	0	1,085	0	1,085
	Grants and contributions	3,749	14,346	3,749	9,189
	CIL	233	88	233	48
	Borrowing	7,492	37,532	7,492	30,750
	Capital Expenditure Charged to Revenue	678	324	678	151
	Borrowing - Alliance Homes (Rother) Ltd	105	25,000	105	24,933
	Total Funding	12,257	78,375	12,257	66,156

Reserves

	Draft 2020/21 Actual £ (000)	Original 2021/22 Budget £ (000)	Revised 2021/22 Budget £ (000)	2021/22 Draft Outturn £ (000)	2021/22 Draft Variance £ (000)
Revenue Reserves and General Fund - Opening Balance	(14,970)	(13,209)	(13,209)	(13,209)	0
Use of Reserves to Fund Capital Expenditure	477	619	619	678	59
Use of Reserves to Balance Budget incl deficit	1,284	2,700	2,700	1,444	(1,257)
Balance 31/3/20	(13,209)	(9,890)	(9,890)	(11,088)	(1,198)

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Rother District Council

Report to:	Cabinet
Date:	25 July 2022
Title:	Revenue Budget and Capital Programme Monitoring as at Quarter 1 - 2022/23
Report of:	Antony Baden – Chief Finance Officer
Cabinet Member:	Councillor Jeeawon
Ward(s):	All
Purpose of Report:	To note the estimated financial out turn for 2022/23 based on expenditure and income to the end of Quarter 1, 30 June 2022.
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED : That the report be noted.

Introduction

1. This report updates Members on the Council's financial position as at 30 June 2022 and projects a provisional outturn for 2022/23. The revenue budget and capital programme statements are summarised in Appendices A and B, respectively. The impact of the forecast on the Council's reserves is summarised in Appendix C. The report also includes a brief update on the Collection Fund performance.
2. Since the detailed budget was approved by Cabinet on 7 February 2022, there has been the one reportable virement, which is reflected in Appendix A. The budget for the Bexhill Town Forum (£5,000) was transferred to the Acquisitions, Transformation and Regeneration to fund Christmas lights in Bexhill.

Revenue Budget

3. The revenue budget forecast as at 30 June 2022 indicates a surplus of £347,000 against the approved budgeted drawdown from reserves of £3.2m. The position is summarised in Appendix A and the main variances are explained in paragraphs 4 to 7.

Strategy and Planning – Deficit £122,000

4. The forecast includes an overspend of £242,000 on external staff resources employed to improve the delivery of the Planning function. However, much of this cost is offset by additional income from the processing of planning applications, (£120k). Furthermore, larger planning applications are managed through the Council's Planning Performance Agreement framework, which is a

project management tool that essentially guides applicants through the entire process thus increasing efficiency.

Housing and Community Services – Deficit £304,000

5. The forecast deficit is mainly attributable to additional costs of £152,000 in relation to the increasing number of clients in temporary accommodation and an estimated overspend of £175k to fund Rough Sleeping initiatives. The Head of Service is seeking additional funding to offset some of these costs.
6. The overspend is partially offset by additional car parking income of £42,000, although this in turn is slightly reduced by several minor overspends.

Resources – Deficit £103,000

7. The forecast deficit is mainly due to the cost of external staff (£55,000) working on the accounting arrangements required to manage the Council's housing company. Other overspends are predicted on External Audit fees (£17,000) and essential financial system developments (£24,000).

Net Financing Costs – Surplus £786,000

8. The budget was calculated on the assumption that the pace of the Council's capital programme would accelerate significantly once lockdown had finished. However, expenditure has not increased as quickly as had been hoped. This has led to a significant reduction in financing costs (£591,000) although Members will note that these costs will increase once the capital programme gathers pace. Members should note that Financing costs will be subject to a detailed review as part of the Medium-Term Financial Planning process to be reported later this year. The review will be crucial in determining affordability, particularly in view of high inflation and recently increasing interest rates.
9. Interest income from investments is expected to yield an additional £190,000 due to the interest rate increases referred to in paragraph 8. At the time that the budget was calculated, the Council's call account investments attracted very low rates of between 0.05% and 0.27% but recent changes have seen the average rate reach 0.76%. Further expected increases will probably see these rates climb further during 2022/23.

Financial Stability Programme

10. No variance is reported at this point, but Members will receive a financial update in the early autumn committee reporting cycle.

Income – Surplus £89,000

11. Since the budget was approved, the Council have received several small grants totalling £89,000 from the Department of Levelling Up, Housing & Communities. The largest sum is a New Burdens grant in relation to the administration of the Council Tax rebate scheme announced by the Chancellor of the Exchequer in the March 2022 budget statement.

Capital Programme

12. The Capital Programme comprises a range of strategic projects that span more than one year and many operate for several years or have recurrent investments. Projects that have not spent all their allocation in the year of inception have the remaining funding carried forward into the next financial year. This is known as 'slippage'. The Chief Finance Officer is working with Heads of Service to undertake a fundamental review of slipped capital schemes in 2021/22 and 2022/23. The outcome of this review will be reported to Members in the Quarter 2 monitoring report.
13. Appendix B shows the original budget approved by Cabinet on 22 February 2022 updated for two new projects (see paragraph 14) and the forecast outturn. The actuals figures represent expenditure incurred during the first three months of this financial year and the resulting variance against the revised budget. The budget figures will be updated in Quarter 2 once the slippage review referred to in paragraph 12 has been completed.
14. The programme includes two new schemes since it was approved. The first is the purchase of a property in Buckhurst Place for £10.5m as part of the £35m approved Property Investment Strategy. The second relates to the redevelopment of a Council-owned site at Beeching Road/Wainwright Road, Bexhill for £15m, (approved by Cabinet on 7 February 2022, Minute CB21/77 refers).
15. The forecast outturns have been derived from reviewing the project cashflows and assessing the expected position at this time. Up to £68m is forecast to be spent in this financial year.
16. As with the revenue budget, the affordability of the Council's capital programme will be reviewed as part of the Medium-Term Financial Planning process.

Impact on Reserves

17. The forecast impact on Reserves is a drawdown of £3.252m, which is £308,000 lower than the planned use of £3.560m.

Collection Fund

18. The collection rate at the 31 May 2022 for the Council Tax part of the Collection Fund was 20.86% of the collectable debit, which is 0.08% higher than the corresponding figure in 2021/22. The budgeted yield is 21.27%, which is 0.13% lower than the same period in 2021/22. Collection performance is shown below:

	2022/2023	Equivalent Period 2021/2022
Income Received	£86,191,273.81	£82,145,832.70
Income Received as a % of collectable debit	20.86%	20.78%
Budgeted yield (at 98.3% collection)	£84,513,438.24	£79,751,694.56
Income Received as a % of budgeted yield	21.27%	21.40%

19. The collection rate at the 31 May 2022 for the Business Rates part of the Collection Fund was 21.88% of the collectable debit, which is 0.86% higher than the corresponding figure in 2021/22. Collection performance is shown below:

	2022/2023	Equivalent Period 2021/2022
Collectable debit	£17,690,228.25	£9,892,469.77
Income Received	£3,869,931.93	£2,079,195.11
Income Received as a % of collectable debit	21.88%	21.02%
Amount outstanding for year	£13,820,296.32	£7,813,274.66

20. Collection rates have held up well despite the pandemic, but the current economic situation may well lead to a decline in future collection rates, which will have an adverse impact on the income that the Council receives from Council Tax and Business Rates.

Conclusion

21. The revenue forecast for Quarter 1 2022/23 is a deficit of £2.839m, which is £347,000 lower than the approved planned use of reserves. The Chief Finance Officer will work closely with Heads of Services and Members to reduce areas of overspend and its impact on reserves.
22. The Council's capital programme is forecast to underspend by £42.4m against the revised budget. Slippage relating to schemes in both 2021/22 and 2022/23 will be reviewed by the Chief Finance Officer and Heads of Services and carried forward into the following financial years following if required.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston		
Report Contact Officer:	Antony Baden		
e-mail address:	antony.baden@rother.gov.uk		
Appendices:	Appendix A	Revenue Budget Forecast	
	Appendix B	Capital Programme Forecast	
	Appendix C	Reserves	
Relevant Previous Minutes:	None		
Background Papers:	None		
Reference Documents:	None		

Revenue Budget 2022/23 Forecast as at 30 June 2022

Line	Rother District Council General Fund Summary	Draft 2021/22 Actual £ (000)	Revised 2022/23 Budget £ (000)	2022/23 Estimated Outturn £ (000)	2022/23 Quarter 1 Variance £ (000)
1	Corporate Core	1,938	2,173	2,173	0
2	Environmental Services	451	629	629	0
3	Strategy and Planning	1,506	1,325	1,447	122
4	Acquisitions, Transformation and Regeneration	(384)	(11)	(11)	0
5	Housing & Community Services	8,116	8,211	8,515	304
6	Resources	3,580	3,302	3,405	103
7	Total Cost of Services	15,208	15,629	16,158	529
8	Net Financing Costs	281	1,542	757	(786)
9	Budget Contingency	0	200	200	0
10	Financial Stability Programme - savings/cost reductions	(196)	(635)	(635)	0
11	Net Cost of Services	15,292	16,736	16,480	(257)
	Income				
12	Special Expenses	(692)	(702)	(702)	0
13	Net Business Rates & Section 31 Grant	(3,745)	(3,747)	(3,747)	0
14	Non-Specific Revenue Grants	(2,436)	(1,650)	(1,739)	(89)
15	Council Tax Requirement (Rother only)	(7,097)	(7,392)	(7,392)	0
	Other Financing				
16	Collection Fund (Surplus)/Deficit	120	(59)	(59)	0
17	Contributions to/(from) Earmarked Reserves	0			
18	Total Income	(13,849)	(13,551)	(13,640)	(89)
19	Contribution from Reserves/Funding Gap	1,444	3,186	2,839	(347)

Capital Programme 2022/23 Forecast as at 30 June 2022

Line		2022/23 Original Budget £ (000)	2022/23 Actuals to Month 3 £ (000)	2022/23 Forecast Outturn £ (000)	2022/23 Forecast Variance £ (000)
	Acquisitions, Transformation and Regeneration				
	Other Schemes				
1	Community Grants	130	30	130	0
2	Cemetery Entrance	83	1	191	(108)
3	Rother Transformation ICT Investment	153	(6)	304	(151)
4	Corporate Document Image Processing System	399	0	399	0
5	1066 Pathways	0	0	0	0
6	Ravenside Roundabout	200	0	200	0
7	Development of Town Hall Bexhill	15	105	359	(344)
	Property Investment Strategy				
8	Office Development NE Bexhill	0	0	0	0
9	Mount View Street Development - Public commercial	0	0	0	0
10	PIS - Beeching Road/Wainwright Road	2,590	0	50	2,540
11	PIS - Barnhorn Road	6,099	53	5,167	932
12	PIS - Beeching Road 18-40 (Creative Workspace)	29	6	55	(26)
13	PIS - 35 Beeching Road	0	0	0	0
14	PIS - 64 Ninfield Road	0	0	0	0
15	PIS - Buckhurst Place	10,500	10,122	10,122	378
16	PIS - Beeching Road/Wainwright Road development	15,000	0	0	15,000
	Housing Development Schemes				
17	Community Led Housing Schemes	166	0	0	166
18	Mount View Street Development - Housing	0	0	0	0
19	Blackfriars Housing Development - infrastructure only	7,450	210	4,364	3,086
20	Rother DC Housing Company Ltd	60,492	4	35,962	24,530
21	RDC Housing Investment	0	0	101	(101)
	Housing and Community Services				
22	De La Warr Pavilion - Capital Grant	55	14	53	2
23	Sidley Sports and Recreation	101	119	297	(196)
24	Land Swap re Former High School Site	900	0	1,085	(185)
25	Bexhill Leisure Centre - site development	189	0	115	74
26	Bexhill Leisure Centre - refurbishment	90	2	230	(140)
27	Disabled Facilities Grant	1,625	278	1,500	125
28	New bins	125	(0)	140	(15)
29	Bexhill Promenade - Outflow pipe	80	0	170	(90)
30	Bexhill Promenade - Protective Barriers	0	0	1	(1)
31	Bexhill Promenade - Shelter 1	55	3	39	16
30	Bexhill Promenade Water feature	0	0	0	0
31	Fairlight Coastal Protection	0	0	0	0
32	Housing (purchases - temp accommodation)	4,000	1,459	6,343	(2,343)
	Strategy & Planning				
33	Payments to Parishes - CIL	48	0	96	(48)
	Executive Directors & Corporate Core				
34	Accommodation Strategy	0	0	0	0
	Resources				
35	ICT Infrastructure – Ongoing Upgrade Programme	14	0	12	2
36	ICT Infrastructure Replacement Programme	0	0	12	(12)
37	Invest To Save initiatives (Financial Stability Programme)	350	0	1,071	(721)
	Total Capital Programme	110,938	12,398	68,568	42,370

		2022/23 Original Budget £ (000)	2022/23 Actuals to Month 3 £ (000)	2022/23 Forecast Outturn £ (000)	2022/23 Forecast Variance £ (000)
	Funded By:				
A	Capital Receipts	900	0	1,085	(185)
B	Grants and contributions	9,371	612	6,216	3,155
C	CIL	48	0	96	(48)
D	Borrowing	39,852	11,736	24,796	15,056
E	Capital Expenditure Charged to Revenue	275	46	413	(138)
F	Borrowing and Loan for Rother DC Housing Company Ltd	60,492	4	35,962	24,530
	Total Funding	110,938	12,398	68,568	42,370

Reserves

	Draft 2021/22 Actual £ (000)	Revised 2022/23 Budget £ (000)	2022/23 Estimated Outturn £ (000)	2022/23 Quarter 1 Variance £ (000)	Change in Previous Month £ (000)
Revenue Reserves and General Fund - Opening Balance	(13,209)	(11,088)	(11,088)	0	0
Use of Reserves to Fund Capital Expenditure	678	374	413	39	0
Use of Reserves to Balance Budget incl deficit	1,444	3,186	2,839	(347)	0
Balance 31st March	(11,088)	(7,528)	(7,836)	(308)	0

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Rother District Council

Report to: Cabinet

Date: 25 July 2022

Title: Anti-Poverty Strategy

Report of: Joe Powell - Head of Service Housing and Community

Cabinet Member: Councillor Byrne

Ward(s): All

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 18 July 2022, regarding the proposed Anti-Poverty Strategy. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix C) should be read in conjunction with this report.

Officer

Recommendation(s): **Recommendation to COUNCIL:** That:

- 1) the Anti-Poverty Strategy be approved and adopted; and
- 2) it be noted that an Anti-Poverty Steering Group will be formed to oversee the delivery of the Strategy Action Plan as well as inform the development of a broader health and wellbeing strategy for Rother.

Introduction

1. On 28 March 2022, Cabinet approved the draft Anti-Poverty Strategy for consultation (Minute CB21/96 refers). Following a six-week consultation, officers have considered the responses received and made some amendments to the Policy. The purpose of this report is to present the results of the consultation of the Anti-Poverty Strategy and recommend that the new Anti-Poverty Strategy be adopted. The draft Anti-Poverty Strategy can be found at the following link:

[Anti-Poverty Strategy – Rother District Council](#)

2. In Autumn 2021, a multi-agency event was held at The Pelham, led by the Council in partnership with Rother Voluntary Action (RVA). Attendees were presented with the findings of the Anti-Poverty Task and Finish Group (APT&FG) based on the evidence gathering sessions it had undertaken. The objectives were reviewed and supported by those present at the event with a series of priority actions also identified. These actions have been captured within the draft Action Plan appended to the draft Anti-Poverty Strategy at Appendix A. The following objectives were included in the draft strategy:

- **Coordination:** develop local strategic commissioning and operational structures to coordinate services designed to alleviate poverty.

- **Access:** maximise the accessibility of services so that those in the greatest need can be reached.
 - **Promotion:** promote information, advice and support to service users and professionals.
3. The group also identified that the objectives and actions identified within the Strategy and its action plan need to be delivered by a multi-agency Anti-Poverty Steering Group (APSG) to ensure objectives remain achievable; progress reports on the action plan will also be fed to the Rother Local Strategic Partnership (LSP). The LSP will support and monitor the progress of the Strategy Action Plan through the promotion of its objectives through the East Sussex Strategy Partnership. The LSP will also support the coordination of existing resources and influence future service commissioning through its networks.
 4. The emerging rise in the cost of living perhaps makes the delivery of the Strategy even more relevant than when the Strategy was first conceived, prior to the COVID-19 pandemic. The proposed APSG will play a key role in both delivering the Strategy Action Plan while also expanding the scale and scope of the Strategy objectives to ensure we keep pace with the increased levels of poverty and demanded services we are likely to see in future years.

The Consultation

5. 25 local organisations responded including seven town and parish councils, 13 charities and voluntary agencies also responded alongside three public sector organisations and two political parties (branches). In addition, we had a response from the Council's Planning Policy team.
6. A large amount of written testimony was received, which is available for Members to review upon request. We are unable to publish this information within the main report, given the confidential nature of much of the information provided.
7. An executive summary of the consultation responses can be found at Appendix B.

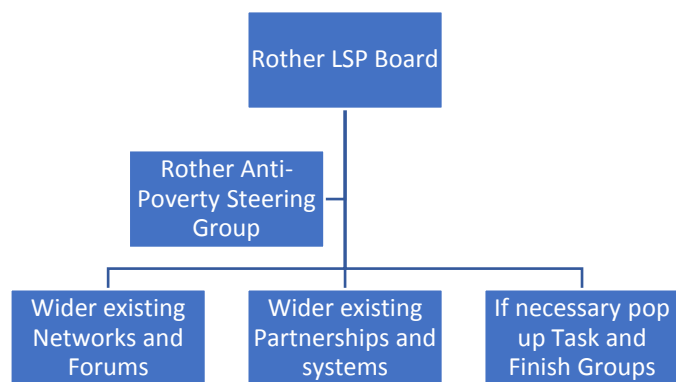
Health and Wellbeing

8. A range of organisations fed back that the delivery of the Strategy will need to be integrated with a range of existing strategies, including the Housing, Homelessness and Rough Sleeping Strategy, Local Plan, Economic Development and the Hastings & Rother Food Network's 'Food Insecurity Strategy for Rother'. It is intended that the terms of reference and membership of the APSG will include the relevant organisations required to deliver the Strategy Action Plan and report progress to the LSP.
9. In particular, the consultation responses from East Sussex County Council Public Health and the local Clinical Commissioning Group (CCG) drew attention to the strong alignment between the objectives within the draft Anti-Poverty Strategy and the drivers of broader health inequalities across the Health and Social Care sectors. Members should note that a new **Integrated Care System (ICS)** was introduced on 1 July 2022 and will bring wider partners together to achieve four key areas:

- Improving **outcomes** in population health and healthcare.
 - Addressing **inequalities** in outcomes, experience and access.
 - Enhancing **productivity** and value for money.
 - Supporting broader social and economic **development**.
10. The Rother Anti-Poverty partnership recognises the strategic alignment highlighted by public health and the CCG between its objectives and that of the wider ICS. In particular, the theme of **inequality of outcomes** in health, housing and income chime closely to the areas of poverty identified within the APT&FG's evidence gathering and strategy development. The [Health Foundation](#) have explored the main drivers of health inequalities in depth, these are:
- **Money and resources** - There is a well-established link between money and resources and variations in health.
 - **Work** - Unemployment, work quality, job security, can all have considerable influence on health.
 - **Housing** - Housing affordability, quality and security can have a significant impact on people's lives, influencing their wellbeing and health.
 - **Transport** - Transport can affect health directly, in terms of air pollution or active travel.
 - **Neighbourhood and surroundings** – Neighbourhood and environment can have a marked impact on health and wellbeing. For example, access to good-quality green space is linked to improvements in physical and mental health, and lower levels of obesity.
 - **Family, friends and communities** – Family and friends build the foundation for good health through positive relationships and networks for support and skill development, opportunities for social participation.

Anti-Poverty Steering Group (APSG)

11. As already highlighted, the APSG will work to oversee the Strategy Action Plan and ensure actions are delivered and updates provided to the Rother LSP. The membership of the APSG, terms of reference and nominated chairperson are still to be finalised; however, the group will likely be very similar to that which has developed the strategy and its action plan.
12. The partnership is also supportive of working together to better integrate strategic approaches across all related areas. The APSG will actively work to evolve and develop the scope of the existing Anti-Poverty Strategy into a wider Health and Wellbeing Strategy for Rother, that pulls together the various **inequalities of outcome** experienced by our local communities.



Conclusion

13. The development of the Strategy has highlighted that the causes of poverty are multiple and complex and its symptoms wide ranging. The effects of poverty are felt by a range of different sectors of the community across different demographic groups and geographic locations. Many of the **causes** of poverty cannot be influenced effectively at a local level and the Council cannot effectively tackle the **symptoms** of poverty on its own.
14. A partnership and approach that coordinates the ‘whole system’ of services supporting those experiencing poverty is therefore important. The Strategy proposed has been developed between key local partners to ensure that the objectives identified are relevant and that the actions proposed ambitious while being measurable and achievable within the resources available locally.
15. The proposed APSG will be well placed to deliver the strategy action plan and provide periodic progress updates to the Rother LSP which can, in turn, monitor APSG performance; further, the APSG will be able to build-upon the work of the APT&FG and develop the Anti-Poverty Strategy into a broader Health and Wellbeing approach, that is better aligned to the emerging priority aims of the new ICS and other existing local strategies.

Legal Implications

16. An Equalities Impact Assessment will need to be completed before a final Strategy is adopted.

Environmental Implications

17. Current and future district environmental strategies and interventions will need to consider the needs of those experiencing poverty of access to adequate income, health, housing and education and ensure these needs are met.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive: Malcolm Johnston

Report Contact: Joe Powell

Officer:	
e-mail address:	joe.powell@rother.gov.uk
Appendices:	A – Draft Anti-Poverty Strategy B – Consultation Plan and Questionnaire C – OSC Minute Extract – 18 July 2022
Relevant previous Minutes:	OSC19/48 CB21/18
Background Papers:	None
Reference Documents:	None

Extract from Overview and Scrutiny Committee Meeting 18 July 2022

OSC22/12. ANTI-POVERTY STRATEGY

(6)

It was agreed by the Chairman to vary the order of the Agenda and for Members to discuss Items 6, 7 and 8 before Item 5.

Members received the report of the Head of Housing and Community, which outlined the results of the six-week consultation (approved by Cabinet in March 2022) of the Anti-Poverty Strategy and recommended that the new Anti-Poverty Strategy be adopted.

25 local organisations had responded to the consultation, including seven parish and town councils, 13 charities and voluntary agencies, three public sector organisations and two political parties (branches). In addition, a response had been received from the Council's Planning Policy team. A large amount of written testimony had been received and a summary of the consultation responses was in Appendix B to the report.

A range of organisations fed back that the delivery of the Strategy would need to be integrated with a range of existing strategies, including the Housing, Homelessness and Rough Sleeping Strategy, Local Plan, Economic Development and the Hastings and Rother Food Network's 'Food Insecurity Strategy for Rother'. In particular, the consultation responses from East Sussex County Council (ESCC) Public Health and the local Clinical Commissioning Group (CCG) drew attention to the strong alignment between the objectives within the draft Anti-Poverty Strategy and the drivers of broader health inequalities across the Health and Social Care sectors. Members noted that the Integrated Care System, pioneered by East Sussex County Council, brought wider partners together. The theme of inequality of outcomes in health, housing and income chimed closely to the areas of poverty identified within the Anti-Poverty Task and Finish Group's (APT&FG) evidence gathering and strategy development.

As previously reported, the APT&FG had identified that the objectives and actions identified within the Strategy and its action plan needed to be delivered by a multi-agency Anti-Poverty Steering Group (APSG) to ensure objectives remained achievable; progress reports on the action plan would also be fed to the Rother Local Strategic Partnership (LSP). The LSP would support and monitor the progress of the Strategy Action Plan through the promotion of its objectives through the East Sussex Strategy Partnership. The LSP would also support the coordination of existing resources and influence future service commissioning through its networks. The membership of the APSG and terms of reference were still to be finalised and would be chaired by one of the Strategy Leaders in Public Health East Sussex; however, the group would likely be very similar to that which had developed the strategy and its action plan. The Steering Group could be requested to report back to the Committee at regular intervals.

The development of the Strategy had highlighted that the causes of poverty were multiple and complex and its symptoms wide ranging. The effects of poverty were felt by a range of different sectors of the community across different demographic groups and geographic locations. Many of the causes of poverty could not be influenced effectively at a local level and the Council could not effectively tackle the symptoms of poverty on its own. A partnership approach that coordinated the 'whole system' of services supporting those experiencing poverty was therefore important.

RESOLVED: That:

- 1) the Anti-Poverty Strategy be recommended to Cabinet and full Council for adoption; and
- 2) Cabinet and full Council note that an Anti-Poverty Steering Group will form to oversee the delivery of the Strategy Action Plan as well as inform the development of a broader health and wellbeing strategy for Rother.

(Councillor Maynard declared a Personal Interest in this matter as an executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

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Anti-Poverty Strategy 2022-2027

FOREWORD

Every person should have the right to live a fulfilling life in a fair and equal society. In essence, this strategy derives from that very simple foundation.

When it comes to living a fulfilling life, poverty can be a significant inhibitor, and this is exacerbated by inequalities within society. People with greater socioeconomic circumstance have a greater array of life chances and more opportunities to lead a flourishing life whilst those at the other end of the scale experience worse outcomes in all areas, be that health, education, employment, civic engagement or simply in their access to basic human rights. The right to a warm home, the right to nutritious food, the right to safe water and refreshment, the right to sanitation and cleanliness. It is unavoidable that poverty, however it is defined, both results in and often stems from inequality and unfairness within society.

In 2022, poverty and its associated inequalities seem particularly prevalent. A decade-long programme of austerity, alongside stagnant wages and low economic growth had already plunged many people into hardship by the end of the previous decade. Since then, a global pandemic and a cost of living crisis has enveloped many of those in socioeconomic difficulty and rendered their situation worse, as well as furthering the gaps between the richest and poorest in our society. As a result, many people are looking to local authorities for help. With resources stretched at every level of local government and following the withdrawal of most central government funds however, the options open to councils in tackling poverty have rarely been as limited.

Despite this, the 2019-formed coalition administration at Rother District Council made a clear commitment in the council's corporate plan to improve the accessibility and effectiveness of local hardship services, the results of which include this strategy.

The strategy itself is a culmination of work done by the cross-party Anti-Poverty Task and Finish Group, set up by the council's Overview and Scrutiny committee, in collaboration with wider authorities, outside bodies and the voluntary sector. In many ways, this is just the start of a new approach to tackling poverty and inequality within the District and following its initial remit, to improve the coordination, access and promotion of related services, it is hoped that the recommendations from this strategy create a launch pad for further work across all aspects of governing as we work with partners to pursue a fairer society for all.

It has been an honour to chair the Anti-Poverty Task and Finish Group and lead on this politically alongside a dedicated team of officers and external advisers. It is important that this strategy is implemented in a meaningful way to strengthen Rother's connections with groups and charities in the voluntary and community sector, who are on the front lines tackling poverty, as well as improving how our own services are delivered and that work continues beyond this. This is a precise, strategic plan with short term aims and the call for a wider look at Health and Wellbeing, with a focus on health inequalities, should be heeded.

To quote Nelson Mandela, "Overcoming poverty is not a gesture of charity. It is the protection of a fundamental human right, the right to dignity and a decent life."

Cllr Sam Coleman

Chair of the Anti-Poverty Task and Finish Group

INTRODUCTION

“Poverty is not simply about not having enough money or going without luxuries. It is about struggling to get through each day. About constantly making sacrifices; about living in a state of worry verging on perpetual fear, about never knowing how you will survive the week; about never having a few days away, let alone a holiday. It is about your children being haunted by the prospect of being stigmatised, humiliated and bullied. About pensioners not knowing how they can carry on living yet dreading imposing a burden on relatives when they die.... Most of those in poverty cannot help being in their situation. No one chooses to be poor.”¹

Many of the drivers of health inequality are common to housing, income and food inequality and it is an ambition of the Anti-Poverty Strategy partnership to develop greater strategic alignment with wider health and wellbeing aims and objectives. The intention of the partnership is to integrate our identified anti-poverty objectives into a wider Health and Wellbeing Strategy for Rother, that seeks to tackle inequality in our communities more widely.

In January 2020 the Overview and Scrutiny Committee approved the formation of an Anti-Poverty Task and Finish Group (APT&FG). The aim of the APT&FG was to investigate the effects of income, health and housing poverty on local people and the services that support them.

The APT&FG held two events at the end of 2020 to gather evidence from external partners and internal Council colleagues and meet its objectives. The objectives were:

- To undertake a review of the accessibility of appropriate financial products, including an analysis of the forms of less appropriate forms of credit and the extent of their use.
- To assess how residents are educated about finances and consider what improvements can be made to financial literacy in the district.
- To consider the impact of Council Tax Reduction policy and the accessibility of Council Tax Reduction to those experiencing financial hardship.
- To consider the impact of Council administered discretionary housing benefit payments (DHP) its accessibility and the processes used to allocate DHP to those at risk of homelessness.
- To investigate the availability of financial advice, homelessness advice, employment and training advice and the role of the Council in supporting these.
- To investigate the availability of affordable fuel, food and other provisions and the Council’s role in supporting these.

The evidence gathering sessions provided reassuring evidence of the levels of commitment to alleviating the symptoms of poverty amongst the agencies in attendance. There is a great deal of service activity locally and an impressive level of knowledge and expertise within both Council and partner services. However, the evidence gathering sessions identified areas for improvement. The way in which services are **coordinated** is sometimes disjointed and there was evidence of service duplication, particularly in the provision of benefits and budgeting support. In addition, while a wide range of specialist services are available to residents, they are not always delivered in a way that makes them **accessible** so that crisis situations can be prevented from developing; and finally, the way in which service information is

¹ Reporting poverty in the UK, A practical guide for journalists, page 9 Revised edition 2009, Copyright: Society of Editors. Published by: Joseph Rowntree Foundation

promoted to service users and between professionals is uncoordinated at times and very focussed online. It was identified that a multi-agency Anti-Poverty Strategy may well offer partners a means of achieving improvements in these areas.

VISION

To work together to tackle the symptoms of poverty in order to reduce its impact and create a fair, healthy, prosperous, thriving and sustainable Rother, now and for future generations to come.

AIMS and OBJECTIVES

The aim of the strategy is for statutory and community services operating in the Rother district to work together to reduce levels of poverty through:

- **Coordination:** develop local strategic commissioning and operational structures to coordinate services designed to alleviate poverty.
- **Access:** maximise the accessibility of services so that those in the greatest need can be reached.
- **Promotion:** promote information, advice and support to service users and professionals.

CHALLENGES

Co-ordination

- There are a high number of services available locally and there was concern that these may not be being coordinated between service providers and commissioners effectively at strategic levels.
- There was evidence that there is no group locally coordinating the operational delivery of benefits advice, homelessness support, housing quality and food and fuel poverty services.
- Every contact counts: a similar concern that front-line staff did not know what services are available locally and are unable to advise people holistically.
- Barriers to data sharing need to be overcome so that organisations can share information between teams and organisations to share information to assist individuals effectively.
- The provision of affordable childcare is crucial in supporting access to employment as well as lifting children out of the effects of poverty through improved educational attainment.

Further challenges identified related to the accessibility of services and their promotion:

Accessibility

- Access to the internet is imperfect, particularly in rural areas and service providers should not assume internet access is effective across all demographics and geographical locations.
- There is a lot of reliance locally on signposting individuals to services through online routes and the telephone when many vulnerable people may not be able to access online or telephone services.

- Service locations are distant from one another and not always in convenient locations.
- Rural areas are challenging places in which to deliver services and access to technology can be limited.
- There needs to be an upskilling of RDC staff so that residents are provided with information and the right advice at the right time – making every contact count.

Promotion

- There is a low level of knowledge amongst professionals and service users of the existing East Sussex Community Information Service.
- Literacy levels among some is limited - with the average reading age being nine years old nationally - are services therefore reaching those with low literacy levels effectively, through written communication and promotion?
- There is an overwhelming amount of information produced that promotes different services and it is not coordinated through a central group that could target vulnerable groups collectively.

HEALTH INEQUALITIES

In order to achieve service coordination and improve accessibility local services will need to take a 'whole systems approach' to service commissioning and delivery. It is an ambition of the Anti-Poverty Strategy partnership to develop greater strategic alignment with wider health and wellbeing aims and objectives. The [Health Foundation](#) have explored the main drivers of health inequalities in depth, these are:

- **Money and resources** - There is a well-established link between money and resources and variations in health. Poverty – having inadequate resources to meet basic human needs – is particularly associated with worse health. This is especially the case for persistent poverty. Employment is a key challenge in coastal communities and impacts health in multiple ways. ONS analysis shows that the unemployment and part-time employment rate is higher in coastal towns. There is also a greater dependency on the public sector for employment in coastal communitiesⁱ.
- **Work** - Unemployment, work quality, job security, can all have considerable influence on health. The nature of people's work matters for health, but also impacts other factors that influence health, such as having sufficient income and forming social connections.
- **Housing** - Housing affordability, quality and security can have a significant impact on people's lives, influencing their wellbeing and health.
- **Transport** - Transport can affect health directly, in terms of air pollution or active travel. It can also affect health indirectly through its relationship with other wider determinants of health, such as providing access to public services and an individual's place of work.
- **Neighbourhood and surroundings** – Neighbourhood and environment can have a marked impact on health and wellbeing. For example, access to good-quality green space is linked to improvements in physical and mental health, and lower levels of obesity. Access is likely to be worse for people in deprived areas, and areas with higher proportions of minority ethnic groups. Air pollution also impacts on health, cutting short an estimated 28,000-36,000 lives a year in the UK, with exposure linked to both poverty and deprivation.
- **Family, friends and communities** – Family and friends build the foundation for good health through positive relationships and networks for support and skill

development, community cohesion and connection, opportunities for social participation, and shared ownership or empowerment which provides a sense of control and collective voice.

Addressing challenges of this scale should not be under-estimated and will require us all to work together as a whole system in order to drive change and improve the lives of our people and place. We will commit to:

- Framing and examining all that we do through a health and environmental lens to deliver against the vision of this strategy
- We can take the lead by making positive changes by enacting on what we can control
- Use our influence to engage with others to make changes beyond what we control

NATIONAL CONTEXT

Pre-pandemic, up to 14.5 million people were in poverty when taking housing costs into account which is one in every 4 people in the UK. However, estimates of a further 700,000 people experienced hardship during the pandemic which pushes the poverty figure in the UK to more than 15 million. In 2019/20 there were 4.3 million children living in poverty in the UK – 31% of all children. Of children living in lone-parent families, 49% are in poverty – lone parents face a higher risk of poverty due to lack of an additional earner, low rates of maintenance payments, gender inequality in employment and pay, and childcare costs.

People who are living in poverty are more likely to be affected by: under-achievement at school, unemployment, health problems (physical and mental), substance misuse, debt, poor quality accommodation and insecure housing and homelessness. The average reading age of the UK population is **9 years** – that is, they have achieved the reading ability normally expected of a 9-year-old.

Eight in ten people claiming universal credit in November were in work or looking for work. More than 30% of couple households with one full-time earner are in poverty, nearly as high as the rate of hardship for families without any full-time workers. The number of working families struggling to make ends meet hit a record high just before the pandemic, with one in six working households – or 17.4% – living in poverty.

POPULATION DEMOGRAPHY

Rother's population as of 2020 was 96,700 from 90,588 in 2011 (Census). Almost half live in the main urban town of Bexhill, 4,745 live in Rye, 7,125 live in Battle, with the remaining living in the rural villages and hamlets spread throughout the district. Rother has one of the oldest populations (with a median age of 52 years). In fact, 9.24% of Rother's population is aged 80+, almost double the national average (4.96%).

Housing tenure nationally is 63.3% owner occupied; 16.7% private rented; 17.6% social rented. This compares to Rother at 73.5% owner occupied; 14% private rented; and 10.4% social rented. Noticeably the size of the social rented sector in Rother is significantly less than that nationally, which indicates a potential imbalance in housing tenures locally, placing greater pressures on the private rented sector to accommodate our housing need than nationally.

In Rother the percentage of adults whose current marital status is separated or divorced is significantly higher compared to England however lone parent households

are significantly lower. The percentage of the population who provide 50 or more hours per week unpaid care is significantly higher compared to the national average.

LOCAL CONTEXT

10530 people in Rother are affected by income deprivation²

Rother now ranks as 135 out of 317 Local Authorities in terms of rank of average rank³ compared to 148 (out of 326) in 2015. There are two neighbourhoods among the most deprived decile (compared to 1 in 2019), and 42 neighbourhoods out of 58 ranked as relatively more deprived in 2019 than in 2015. Twenty-three LSOAs⁴ in Rother rank more deprived decile than in 2010, compared to 7 which rank as relatively less deprived. Table 1 demonstrates Rother's rank across Local Authorities broken down into subjects in terms of rank of average rank.

Table 1

Domain	Rank (2015)	Rank (2019)
<i>Overall</i>	<i>148</i>	<i>135</i>
Income	151	143
Employment	122	113
Education	132	153
Health	174	148
Crime	252	221
Barriers to housing & services	121	55
Living environment	132	107

Sidley is in the Top 10 neighbourhoods experiencing deprivation in East Sussex, with the other nine in that Top 10 being in Hastings. Altogether six LSOAs in Rother are among the most deprived 20% in England, four in Bexhill (3 in Sidley and 1 in Central), one in Rye and one in Eastern Rother. 8.5% of the Rother District population have no qualifications, this is nearly twice as many as the South East figure (4.8%).

² Ministry of Housing, Communities and Local Government (MHCLG), Indices of Deprivation, 2019

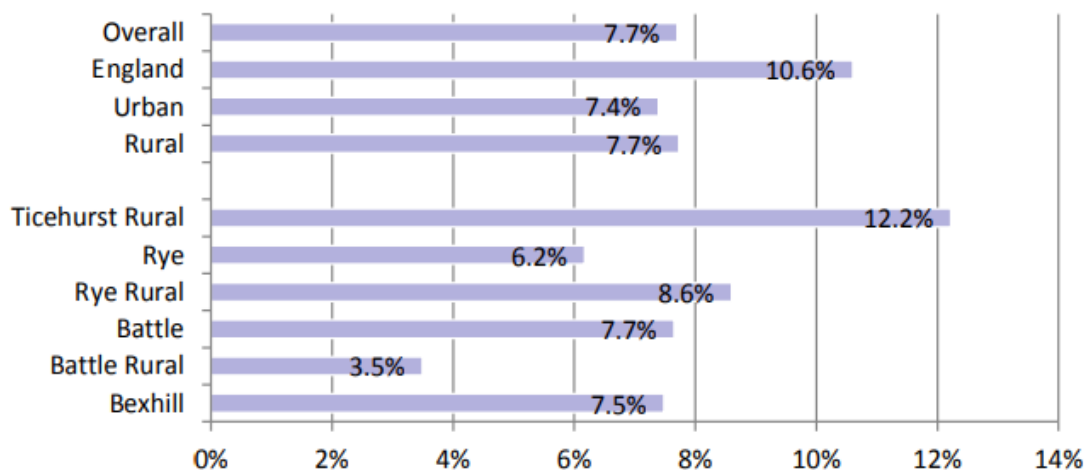
³ Rank of Average Rank – this measure summarises the average level of deprivation across an area, based on the population weighted ranks of all the LSOAs within it.

⁴ Lower-Layer Super Output Areas (LSOAs) are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer LSOAs in England. LSOAs are a standard statistical geography produced by the Office for National Statistics for the reporting of small area statistics.

Qualifications (Jan 2020-Dec 2020)				
	Rother (Level)	Rother (%)	South East (%)	Great Britain (%)
NVQ4 And Above	17,800	35.4	45.1	43.1
NVQ3 And Above	23,800	47.4	63.8	61.3
NVQ2 And Above	35,300	70.3	80.5	78.1
NVQ1 And Above	44,100	87.7	90.2	87.7
Other Qualifications	#	#	5.0	5.9
No Qualifications	4,300	8.5	4.8	6.4

Source: ONS annual population survey

Fuel poverty refers to a household unable to afford an adequate standard of warmth and pay for other energy bills to maintain their health and wellbeing. If a household has to spend more than 10% of their income on heating, they are classed as being in fuel poverty. Using the 'Low Income High Costs' definition of fuel poverty adopted by the government in 2013 and excluding social housing stock, overall, the results show that 7.7% of households in Rother are in fuel poverty. Overall, there is a slightly higher incidence of fuel poverty in rural than in urban areas, with the highest incidence found in Ticehurst (rural).



Rother has significantly higher levels of people with long term health problems or a disability than seen nationally. High numbers of households with long term health problems and disabilities will add pressure to existing services, and housing provision; careful planning is required to ensure the needs of all types of households are met on new build housing development. Rother has amongst the highest levels of self-reported bad health and Limiting Long-Term Illnesses or disability of all the districts/boroughs. Life expectancy at birth and age 75, and all-age, premature and preventable mortality are similar to East Sussex.

Type	People with long-term health problem or disability	Day-to-day activities limited a little	Day-to-day activities limited a lot	People without long-term health problem or disability
England and Wales	17.9	9.4	8.5	82.1
South East	15.7	8.8	6.9	84.3
Rother	23.4	12.8	10.7	76.6

Rother has similar income and employment deprivation to East Sussex, including the percentage of older people affected by income deprivation and children in low income families, rates of working age people claiming ESA, JSA and UC, households with dependent children and no adults in employment (Census 2011) and households in fuel poverty. There are 3,944 Universal Credit claims under Bexhill Job Centre Plus as of December 2021 which is broken down to 1094 searching for work and 1410 in work.

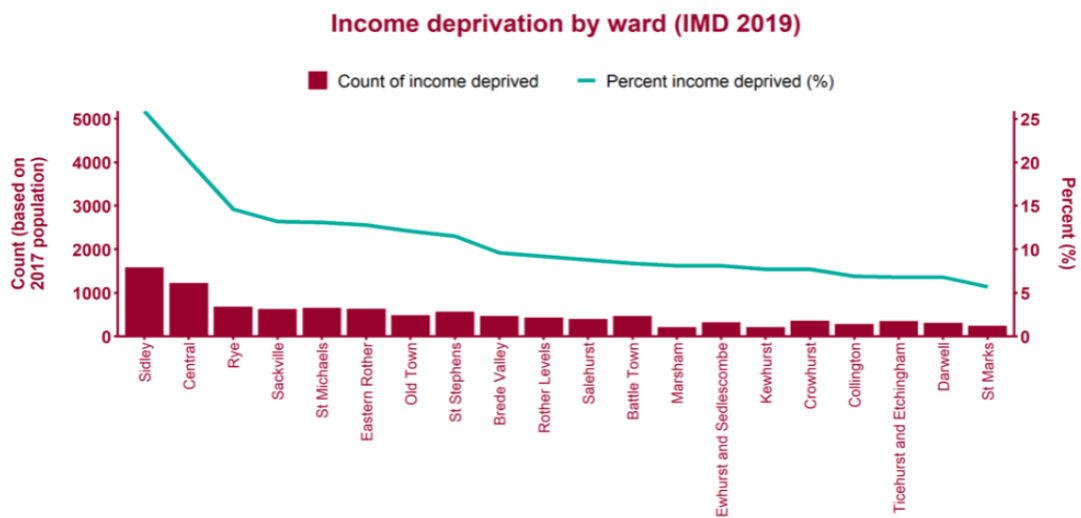
Earnings by place of residence (2021)			
	Rother (Pounds)	South East (Pounds)	Great Britain (Pounds)
Gross Weekly Pay			
Full-Time Workers	579.8	660.1	613.1
Male Full-Time Workers	639.4	709.1	655.5
Female Full-Time Workers	528.5	584.6	558.1
Hourly Pay - Excluding Overtime			
Full-Time Workers	14.98	16.97	15.65
Male Full-Time Workers	16.48	17.91	16.26
Female Full-Time Workers	14.15	15.65	14.86

Source: ONS annual survey of hours and earnings - resident analysis
Notes: Median earnings in pounds for employees living in the area.

Economic activity and inactivity in 2011

This dataset shows economic activity and inactivity amongst those aged 16-74 from the 2011 Census.

Economic activity category	All people aged 16-74	All economically active	Employee	Self-employed	Unemployed	Economically active full-time student	All economically inactive	Long-term sick or disabled	Looking after home or family	Retired	Economically inactive student (including full-time students)	Other economically inactive
Geography												
England and Wales	100.0	69.7	52.2	9.7	4.4	3.4	30.3	4.2	4.3	13.8	5.8	2.2
South East	100.0	71.9	54.2	11.0	3.4	3.3	28.0	2.9	4.4	13.7	5.2	1.8
East Sussex	100.0	68.1	48.2	13.4	3.6	2.8	31.9	4.1	4.2	17.8	4.0	1.8
Rother	100.0	63.4	43.2	14.8	3.2	2.1	36.6	4.1	4.3	22.5	3.8	1.9

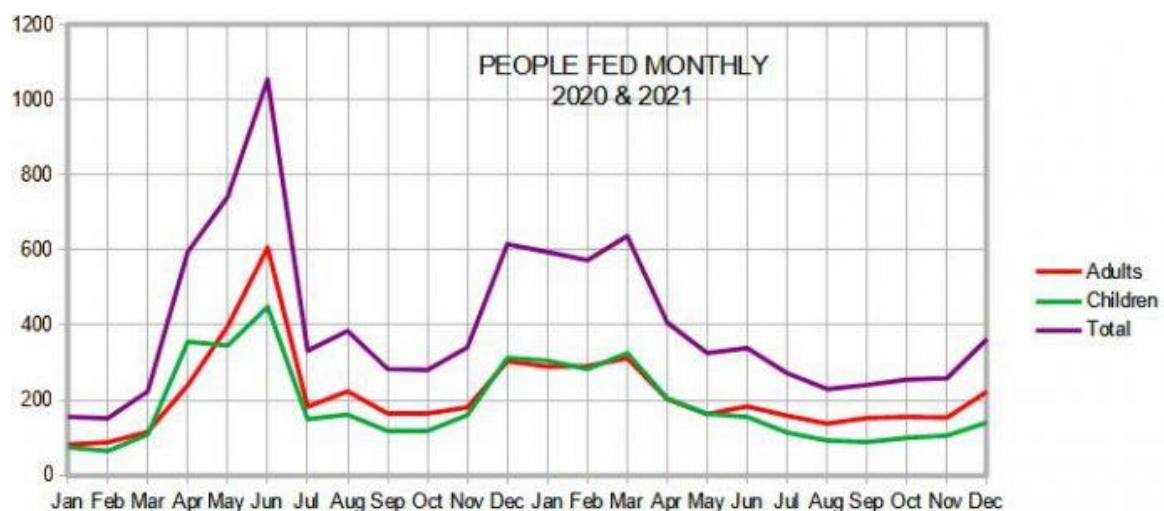


Benefit capped households 2015-2020

Month	Nov 15	Nov 16	Nov 17	Nov 18	Nov 19	Nov 20
Geography						
England	18,866	23,600	57,405	54,456	68,907	165,213
South East	2,086	4,357	7,792	7,664	11,101	27,451
East Sussex	138	421	434	466	673	1,685
Eastbourne	23	110	107	132	159	393
Hastings	48	37	162	137	153	372
Lewes	39	113	22	27	173	400
Rother	9	69	68	76	86	209
Wealden	20	94	73	105	117	318

In the first three quarters of 2021/22, Bexhill foodbank has fed 7,254 people – 4,830 adults and 2,424 children. They have processed on average 50 vouchers a week of mixed family groups, many of which are single working people. In the year 2020/21, a total of 12,651 people were fed through Bexhill foodbank. The foodbank does not just support households with food but hosts advice sessions through Hastings Advice and Representation Centre (HARC) where the majority of enquiries led to charitable applications and discretionary housing payment applications. The main need stems from shortfalls in rent support. They are also seeing high utility debt, the worst being £6K for just one household. Rye Foodbank have also hosted advice services since April 2021 and have had to be versatile in their approach due to the continued pressures of COVID, so not only have HARC held face to face sessions but they have also conducted sessions through Zoom.

The amount of people fed through Rye Foodbank 2020 & 2021

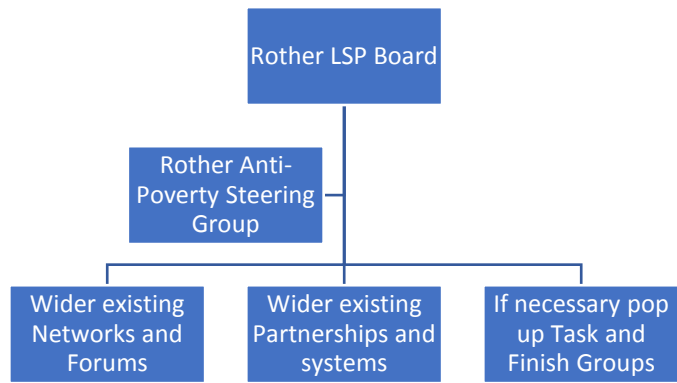


NEXT STEPS

Tackling the causes of poverty requires a commitment from all partners to joint work in partnership to overcome these issues and make a real difference to the lives of local people who are being directly impacted by living in poverty.

This strategy sets out our approach for tackling poverty across Rother District against a backdrop of growing demand for services, reducing public sector budgets and increases to the daily cost of living. The partnership acknowledges there are limits on the impact local action can have on some aspects beyond their control, for example, those driven by central government policy, and therefore the actions they will take will be localised.

There is a commitment from voluntary, statutory and business sectors to alleviate poverty. Delivery of the strategy will be overseen by the Rother Local Strategic Partnership (LSP) and there will be an annual report produced which will: detail the successes and progress made towards meeting the objectives, outline priorities to action for the year ahead, and look at the poverty challenges and responses from partners. The initial Action Plan can be found in Appendix A, with the provisional timeline for the strategy detailed overleaf.



ACTION PLAN

	Action	When?	Who?	Progress
C O O R D I N A T I O N	Form a local Anti-Poverty Strategy Steering Group (APSSG) – coordinate homelessness and anti-poverty strategies and be governed by the LSP	Spring 2022	RDC, RVA	A date for the first APSSG meeting has been set.
	APSSG to develop a framework to increase levels of officer co-location between services in community locations.	Summer 2022	RDC, RVA	Options to co-locate Council services in community locations, including remote access, are in place
	APSSG to engage with local strategic leaders to act as consultee to regional and sub-regional commissioners	Summer 2022	All	The APSSG will inform future commissioning via the LSP.
A C C E S S	Deliver new Bexhill place-based Hub and new rural virtual Hubs	Spring 2023	RDC, RVA	We are working to identify potential sites and routes to delivery.
	APSSG to support existing service hubs with more targeted signposting	Summer 2022	APSSG	A more refined action plan will be developed by the APSSG
	The APSSG to collaborate to form a Street Sheet to map the services available	Winter 2022	APSSG	To be developed via the APSSG
	The APSSG to collaborate to Increase social prescribing through GP surgeries	Summer 2022	APSSG	To be developed via the APSSG
P R O M O T I O N	The APSSG to develop a training resource video of local services for residents and frontline staff	March 2023	APSSG	To be developed via the APSSG
	The APSSG to work together to improve accessibility to information, including through digital channels.	March 2023	APSSG	To be developed via the APSSG

	The APSSG to develop an annual Anti-Poverty networking event for local services	August 2022	APSSG	To be developed via the APSSG
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CASE STUDIES

“My wife cooked and cared for me. Since her death 2 years ago, I have been trying to cook for myself but it has been quite difficult, partly due to my inability to cook but also due to the fact that I have severe arthritis which makes it difficult for me to regularly prepare a full, healthy meal. The food bank and Warming Up the Homeless have been really helpful with supplying me with food, as in addition to my health issues, I haven’t got much money to spare for food” - Male, 70

“I lost my job during the pandemic last year, and I have been unable to find another job since. As I live on my own and have no help from family, the benefits I get are not enough to cover my living costs and after I have paid all the bills, there is very little left for food. I feel embarrassed about having to visit the foodbank, but I know it’s necessary if I want to eat!” - Female, late 20s

“I am a single mum, working full time with two children. My childcare costs, even with help of UC, cost half my wages. I literally pay to go to work. I am having to apply for food vouchers through the Household Support Fund to get me and my children through. I don’t know what we’ll do when the fuel prices rocket in Spring as I already enter my overdraft each month. I would be better off not working, how is that possible!”- Female, 45

Poverty Definitions

Poverty in the UK tends not to be absolute, but relative poverty.

- Absolute poverty: When basic human needs are lacking, e.g. clean water, nutrition, health care, education, clothing and shelter.
- Relative poverty: When someone's resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary living patterns, customs and activities. Nonetheless, relative poverty is still a serious issue.
- Relative income poverty: Households whose combined income is 60% or less of the average (median) British household income in that year (after housing costs). Such a level of income restricts one's ability to fully participate in society. This is the most common measure of poverty and is used by the UK Government. References made to poverty within this strategy are to relative income poverty.

The sociologist Peter Townsend, who was a founding member of Child Poverty Action Group, defined poverty in 1979:

"Individuals, families and groups in the population can be said to be in poverty when they lack resources to obtain the type of diet, participate in the activities and have the living conditions and amenities which are customary, or at least widely encouraged and approved, in the societies in which they belong."

This shows how important it is to understand that poverty is relative – you are poor if you are unable to live at the standard that most other people would expect. A child can have three meals a day, warm clothes and go to school, but still be poor because her parents do not have enough money to ensure she can live in a warm home, have access to a computer to do her homework, or go on the same school trips as her classmates. More than 2,500 children in Rother are living in poverty.

List of websites and documents:

Child Poverty Action Group - <https://cpag.org.uk>

Joint Strategic Needs & Assets Assessment - www.eastsussexjsna.org.uk

Office for National Statistics - www.ons.gov.uk

Joseph Rowntree Foundation – www.jrf.org.uk

Rother District Needs and Assets Profile 2017 from the East Sussex Joint Strategic Needs & Assets Assessment

Child Poverty Act 2010 (abolished in 2016 by the Welfare Reform and Work Act)
Warm Homes and Energy Conservation Act 2000

Fuel Poverty (England) Regulations 2014

Health & Social Care Act 2012

[Council Plan 2021/22 | East Sussex County Council](#)

[East Sussex Strategic Partnership - Pride of Place \(essp.org.uk\)](http://essp.org.uk)

[Healthy Hastings and Rother - NHS East Sussex CCG](#)

ⁱ [Chief Medical Officer's Annual Report 2021 - Health in Coastal Communities \(publishing.service.gov.uk\)](#)

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Summary Report of the Consultation on the draft Anti-Poverty Strategy

Open 4 April to 15 May 2022

Executive Summary

1. A large amount of written testimony received, which is available for Members to review upon request. We are unable to publish this information within the main report, given the confidential nature of much of the information provided.
2. 25 local organisations responded including seven town and parish councils, 13 charities and voluntary agencies also responded alongside three public sector organisations and two political parties (branches). In addition, we had a response from the Council's Planning Policy team.
3. The number of the general public that responded were as 66, with 18 (28%) indicating they would be affected personally by an anti-poverty strategy.
4. All of the main themes and proposed actions had majority support from both local organisations and the residents. The table below shows the percentage of those responding who either agreed or strongly agreed with the proposed objectives and actions of the Strategy and its Action Plan.

Coordination	Organisations	Public
Is a key challenge in Rother	94%	92%
Action: Anti-Poverty Steering Group	88%	83%
Action: Quarterly reports to Rother LSP	88%	76%
Action: Engage local leaders as consultees	73%	76%
Accessibility	Organisations	Public
Is a key challenge in Rother	94%	83%
Action: Bexhill hub and rural virtual hubs	81%	67%
Action: Support existing hubs signposting	86%	72%
Action: Street Sheet mapping services	88%	76%
Action: Social prescribing through GPs	94%	75%

Promotion	Organisations	Public
Is a key challenge in Rother	94%	83%
Training video on local services	81%	62%
Training video on statutory services	69%	60%
Anti-Poverty networking event for services	69%	73%

Main Themes

5. Many responses mentioned that existing resources needed to be used more effectively rather than setting up new projects and that the strategy have more focus on improving digital inclusion.
6. The consultation drew out other strategies that are being worked on that the Anti-Poverty Strategy would need to align itself with, for example, Hastings & Rother Food Network's '*Food Insecurity Strategy for Rother*' and our own Planning Policy team's work on a '*Live Well Locally*' strategy.
7. We received some additional information and suggestions that the Council was asked to consider, so as to enrich the draft strategy, support its delivery and inform future strategy development, some example suggestions were:
 - a. That Citizens Advice would like to add to the data already provided at the 'evidence gathering' stage of the strategy formation and inform the direction of the strategy delivery.
 - b. That service data from the Bexhill and Battle foodbanks continue to be used to inform the implementation of the strategy and the formation of future strategies.
 - c. That Public Health at East Sussex County Council feed in information and research about poverty, to include its causes and influences, in order to better align to the emerging objectives of the Integrated Care System (ICS).
 - d. A request from the NHS East Sussex Clinical Commissioning Group for a more specific reference to how reducing poverty addresses one of the wider determinants of health.
 - e. A request from Brede Parish Council for an extension of the strategy with links into related strategies that address the causes of poverty and deprivation such as housing, economic development, the Local Plan.

Rother District Council

Report to:	Cabinet
Date:	25 July 2022
Title:	The Ravenside Gateway Roundabout Improvement Project Update
Report of:	Ben Hook, Director – Place and Climate Change
Cabinet Members:	Councillor Timpe
Ward(s):	Pebsham and St. Michaels
Purpose of Report:	To update on the Ravenside Roundabout Project
Decision Type:	Non-Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That the cost of the Ravenside Roundabout Project be retained on the Capital Programme, but the allocation of Bexhill Local Community Infrastructure Levy (£150,000) be removed; **AND**

It be **RESOLVED:** That other sources of funding be sought with a paper to be brought at a future date outlining options for consideration.

Introduction

1. The National Highways (NH) roundabout at Ravenside is situated at an important gateway into Bexhill-on-Sea. Its unkempt appearance makes a poor first impression on visitors and has been a cause of resident dissatisfaction for many years. Appeals to NH to improve the appearance of the roundabout and increase the frequency of maintenance have been unsuccessful.
2. In July 2020, Full Council approved a project to improve the roundabout and commission the installation of a sculpture or artwork on the roundabout. A contribution from the Bexhill Local Community Infrastructure Levy (BL CIL) of £150,000 was allocated towards this project.
3. East Sussex County Council (ESCC) has a successful roundabout sponsorship scheme administered by Keegan Ford Ltd. Their experience in securing the sponsorship and expertise in traffic management, plus health and safety for works on the Highway, mean that they will need to play a key role in facilitating the project, as RDC does not have that level of expertise.

Progress Update

4. Officers have been trying to work in conjunction with NH and ESCC to investigate options and costs for improvements to the roundabout, including a possible two-phase approach involving a phase 1 clearance followed by a phase 2 installation of a sculpture and hardstanding.

5. However, the presence of an invasive plant species, Horsetail, has meant significant delays to clearance of the site. NH have stated that no works can be undertaken on the roundabout unless it is done by their contractors under their supervision. Horsetail needs a series of treatments over a period of time to ensure eradication.
6. This has meant that the phase 1 works for the project have not yet been programmed in.

Conclusion

7. The allocation of BL CIL was intended to enable this project to move quickly and give certainty of funding. This project, whilst important, should not stop the progression of other improvements in Bexhill, and therefore it is recommended that the BL CIL allocation be removed at this time.
8. When combined with currently unallocated BL CIL collected before the formation of the Bexhill-on-Sea Town Council there will be a total of approximately £218,000 available for other projects, to be discussed later on this agenda.
9. This would mean that should the project progress to phase 2 it will require a funding stream to be identified. It is proposed that external funding be sought, including a request for a contribution from Bexhill-on-Sea Town Council. A further paper will be brought at an appropriate later date.

Environmental Implications

10. This project seeks to improve the physical environment of a key gateway roundabout welcoming visitors and residents to Bexhill-on-Sea.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Sustainability	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook – Director – Place and Climate Change
e-mail address:	Ben.hook@rother.gov.uk
Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

Rother District Council

Report to: Cabinet

Date: 25 July 2022

Title: Devolution of Public Conveniences in Bexhill

Report of: Lorna Ford (Deputy Chief Executive)

Cabinet Member: Councillors Dixon and Prochak

Ward(s): All Bexhill Wards

Purpose of Report: The purpose of this report is to seek agreement to the devolution of public conveniences in Bexhill from Rother District Council (RDC) to Bexhill on Sea Town Council (BoSTC) for transfer by April 2023. The report also seeks approval to allocate Community Infrastructure Levy (CIL) funds collected in Bexhill, prior to the Town Council being established, to be used by BoSTC and community organisations to make improvements to the facilities.

Decision Type: Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That:

- 1) the principle to transfer public conveniences in Bexhill to BoSTC on long-term leases by April 2023, be approved;
- 2) up to £218,000 of local CIL funds be made available to BoSTC and other community organisations to enable the refurbishment of public conveniences; and
- 3) the Deputy Chief Executive be granted delegated authority to facilitate the devolvement and transfer of public conveniences and enter into leases, when terms are agreed, with BoSTC, and community groups, in consultation with the Leader and Portfolio Holders.

Reasons for

Recommendations: The devolution of public conveniences in Bexhill to the Town Council will ensure the future delivery and improvement of important community facilities for the benefit of local people and visitors to Bexhill.

Introduction

1. The town of Bexhill has 14 public conveniences provided RDC, much higher than other towns of its size. A recent survey, undertaken by BoSTC, confirmed residents see the improvement of the toilets in the town as a

priority. The devolution of public conveniences empowers local people to inform what services they want and how they are provided.

2. One of the priority objectives in Rother District Council's Corporate Plan (2020-2027) was the establishment of a Town Council for Bexhill. Following the elections in May 2021, Rother District Council has been working with the Town Council to identify and agree which assets and services will be transferred from RDC to BoSTC.
3. Achieving financial stability is another key objective of Rother's Corporate Plan. The Financial Stability Programme was adopted by the Council on 29 March 2021 (Minute CB20/120 refers). Part of the Council's approach involves the transferring of community assets in order to support the delivery of discretionary services. The Protecting Discretionary Services Strategy was approved and adopted on 28 June 2021 (Minute CB21/14 refers).
4. On 28 March 2022 it was agreed that the Financial Stability Programme and the Protecting Discretionary Services Strategy should be merged into a single project (Minute CB21/98 refers). The following approach was approved:

Public Conveniences, to either/or:

Devolve to town and parish councils, including further options to refurbish by RDC before devolving;

- i. Devolve to town and parish councils providing town and parish councils with funding to refurbish maybe through CIL funds
- ii. Retain, refurbish and introduce charges
- iii. If the parish or town council and the community agree that the facility is not required, then redevelop or demolish.

Car Parks that are a net cost to the Council, to either/or:

- i. Devolve to town and parish councils, or other suitable groups
- ii. Retain and investigate introducing charging in sites that are currently free to use;
- iii. Re-purpose if the facility is not needed by the community

Grounds Maintenance to either/or:

- i. agree a programme of devolvement with Bexhill, Battle and Rye Town Councils;
- ii. continue with a service contract managed by RDC, but with a minimum specification at lowest cost

5. The proposals in this report, relating to public conveniences, fall under option (i); to devolve to the Town Council providing funding to refurbish through CIL funds.
6. On 6 April, BoSTC Full Council resolved to commence negotiations with RDC regarding the transfer of public conveniences.

Protecting Discretionary Services – devolution of assets and service project

7. The Council has embarked on a programme of work to deliver financial stability to the Council. This ambition is described in the Council's Corporate Plan and part of this programme is to seek the transfer of certain community

assets to organisations better able to protect the asset and secure the use into the future.

8. The devolvement of public conveniences in Bexhill forms part of a larger project to work with Local Councils and community organisations across the district to identify and agree discretionary assets and services to be transferred. The desired outcomes of this project are to protect discretionary services for future use by the community and to reduce the Council's net spend on discretionary services by 2025/26. The discretionary services and assets in the scope of the project are as follows:
 - Public Conveniences
 - Parks and Open Spaces
 - Museum buildings
 - Bus Shelters
 - Christmas special lighting
 - Off-street public parking places which are currently free to use
9. The devolution of assets and services project has two phases. Phase one focusses on public conveniences in Bexhill to be transferred to BoSTC by April 2023. The second phase covers the devolution of assets/services for all other Local Councils for handover by April 2024. Discussions are already underway with Rye and Battle Town Councils and discussions have begun with BoSTC about other assets and services that could be devolved. Engagement will begin with all other Parish Councils over the coming months.

Devolution of public conveniences in Bexhill

10. There are 14 public conveniences in the Bexhill area that could potentially be devolved, these are listed in Appendix A. The Town Council has indicated its interest in taking on all public conveniences, however, there are ongoing discussions with other organisations regarding the future management arrangements of public conveniences. These include the Polegrove Bowls Club regarding the Polegrove Bowls area toilets and Bexhill Old Town Preservation Society in respect of Manor Gardens toilets.
11. Condition surveys have been commissioned for all public conveniences in Bexhill to inform the negotiations. BoSTC, and other organisations, need to be aware of the level of potential works required to make an informed decision on which public conveniences will be transferred.
12. It is recognised that the condition of the public conveniences in Bexhill are in need of improvement and are needed to support the development of the area. A residents' survey undertaken by BoSTC in 2021 confirmed that it is a key priority of local residents to see improvements to public toilets. In order to support this refurbishment, it is proposed that up to £218,000 of local CIL funds are made available to enable a programme of works to be undertaken.

Options

Other options include:

13. Retain, refurbish and introduce charges - In Bexhill this is only viable for three public conveniences with the highest footfall (Channel View East, East Parade and West Parade). It is not proposed that the potentially income generating facilities are excluded from the package of public conveniences to be devolved.
14. Redevelop or demolish - If the Town Council and the community agree that a facility is not required, then it will be redeveloped or demolished. The Protecting Discretionary Services Strategy objective is to fully investigate options that protect services before resolving to redevelopment or demolition. This option will only be considered for public conveniences that are not devolved to BoSTC or other interested community groups.
15. Do nothing - this position would not be financially sustainable.

Conclusion

16. The devolution provides an opportunity to protect local services and improve the quality of assets for residents and visitors. It will also strengthen local communities by empowering Local Councils and community organisations to develop facilities based on local need and preference.
17. There will be ongoing savings to RDC which will contribute to the overall savings target set out in the Financial Stability Programme. The transfer of assets will also increase the capacity of the Estates Team and Neighbourhood services.

Financial Implications

18. Rother District Council currently balances its revenue budget by using Reserves but this is not a sustainable option. Savings and efficiencies need to be identified and if this situation were to continue unchecked, the Council would have to take drastic action to reduce its expenditure, including the cessation of several discretionary services.
19. The amount of revenue saving is dependent on the number of facilities transferred. If 12 public conveniences were transferred to BoSTC, the revenue savings per year would be £123,771.10. If the remaining two facilities (Manor Barn toilets and Polegrove Bowls area toilets) were transferred to community organisations, it would save an additional £13,722.89. The total potential saving, if all 14 facilities were transferred, is £137,493.99 per annum. These figures are based on 22/23 expenditure on contract cleaning and 21/22 expenditure on utilities, grounds maintenance, hired and contract services, insurance and repairs. They do not however include support administration costs or costs that are aggregated with all other public conveniences in the district.
20. Up to £218,000 of local CIL funding collected for Bexhill between 2016 and May 2021 (prior to BoSTC being established) will be made available to BoSTC and other community organisations to enable a programme of refurbishment to be undertaken.

21. A one-off cost of £20,000 has been earmarked from the Invest to Save fund, set up to enable the delivery of the Financial Stability Programme, to carry out the condition surveys for Bexhill public conveniences.

Legal Implications

22. The Localism Act 2011 introduced the concept of local communities taking more control of assets in their area.
23. Work is underway to develop a standard lease that can be used as the basis for all future asset transfers.
24. Public conveniences conditions surveys will need to adhere with procurement procedural rules under Public Contracts Regulations 2015.
25. Local Government Act 1972 s123 sets out that local authorities must obtain “best consideration” for all disposals.
26. Local Government Act 1972: General Disposal Consent 2003 (“General Consent Order”) - gives permission for Councils to disposal at less than best consideration provided the value forgone is less than £2m (in capital terms) and the transaction benefits the economic, social or environmental well-being of the area. If the value forgone is greater than £2m approval from the Secretary of State is required.
27. In accordance with CIL guidance, charging authorities (i.e. RDC) should use existing community consultation and engagement processes to understand community priorities. The guidance does not prescribe a specific process for agreeing how the local proportion should be spent other than ‘to support the development of the area’ (Regulation 59C). RDC can pass Local CIL directly to BoSTC and community organisations in Bexhill for a specific project. BoSTC and community organisations who receive CIL will need to record how they have spent this funding (Regulation 121B) and publish it on their website.

Human Resources Implications

28. There are no TUPE implications arising from the transfer of Public Conveniences.

Environmental

29. There is an opportunity to minimise the carbon footprint of services by ensuring supply chains for operational costs are as local as possible.

Risk Management

30. A risk assessment has been undertaken and mitigating actions identified to reduce or eliminate the risks. These risks include resourcing the project adequately and time-consuming negotiation which could delay progress.

External Consultation

31. In 2021, BoSTC conducted “The Big Survey” which sought the views of Bexhill residents on range of issues. Over 2,000 people submitted their views. Improving public toilets was a primary concern amongst residents with 36% wanting to see improvements.
32. In terms of future engagement, a communication and consultation plan has been developed which considers the key messages for stakeholder including Local Councils, residents and community groups.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lorna Ford
e-mail address:	Lorna.ford@rother.gov.uk
Appendices:	A List of Public Conveniences in Bexhill
Relevant Previous Minutes:	CB20/120, CB21/14, CB21/98
Background Papers:	
Reference Documents:	

Bexhill Public Conveniences

Location	Site	Interested Party	Comments
Bexhill Cemetery	In cemetery	Bexhill Town Council	
Channel View East	Bexhill promenade	Bexhill Town Council	
Cooden Sea Road	Stand alone	Bexhill Town Council	
Devonshire Square	Stand alone	Bexhill Town Council	
East Parade	Bexhill promenade	Bexhill Town Council	
Egerton Park	In park	Bexhill Town Council	
Little Common Rec	Adjacent to car park	Bexhill Town Council	
Little Common Roundabout	Stand alone	Bexhill Town Council	
Normans Bay	Stand alone	Bexhill Town Council	
Sidley	Stand alone	Bexhill Town Council	
West Parade	Bexhill promenade	Bexhill Town Council	Site is subject to undecided planning application RR/2022/1325/P including disabled public convenience refurbishment.
Polegrove Grandstand	Part of grandstand	Bexhill Town Council	
Manor Barn Car Park	In car park	Bexhill Old Town Preservation Society	Subject to Trustee discussion with expression of interest due August 2022.
Polegrove Bowls Area	In grounds	Polegrove Bowls Club	Subject to CIC incorporation.

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