

Agenda Item 4

COUNTY COUNCIL – 11 FEBRUARY 2014

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Roger Foxwell, Newhaven, East Sussex

How much of the Section 106 funding from the energy recovery facility at Newhaven has been spent and where has it been spent?

Response by Councillor Elkin, Lead Member for Resources

As background, the report to the County Council's Planning Committee that considered the planning application for the Energy Recovery Facility (ErF) in 2007 concluded that the development 'would generate a moderate/substantial landscape impact when viewed from Newhaven'. The Committee agreed that 'the developer should finance landscape works within recreation areas and public spaces, where there will be an impact on the wide vistas towards the Ouse valley'. The subsequent Section 106 Agreement secured £900,000 as a compensatory environmental resource to be applied 'to off-site strategic tree planting and associated landscape works within the urban fringe and public open spaces within Newhaven'.

County Council staff have developed planting proposals to meet the objectives of the Section 106 Agreement and consulted widely on these proposals, including local Councillors from the County Council, Newhaven Town Council, South Heighton Parish Council and Piddinghoe Parish Council. The planting proposals were modified to reflect comments made.

Nearly all the landscape works require that we negotiate access to, or purchase of, land that is owned by third parties. Land has only been purchased once we have exhausted all other options to implement the objectives of the Section 106 Agreement, and it has only been purchased at a price that is deemed reasonable, as guided by an independent valuation. To date, the County Council has spent approximately £285,000 in purchasing land, carrying out landscape works and securing 5 years of maintenance to ensure that the planting achieves its objective.

We are currently tendering for further landscape works required to meet the obligations of the Section 106 Agreement. We estimate that these works will cost in the order of £90,000, which will leave a balance of approximately £525,000.

The County Council set up a project board to oversee the implementation of the Section 106 Agreement. The board comprises officers of the County Council, with observers from the South Downs National Park Authority and Veolia. The project board has previously confirmed in writing to Newhaven Town Council that it would discuss the allocation of any remaining monies with the Town Council. To this end, we will shortly be meeting with the Town Council and Lewes District Council to discuss the options available. However, the County Council is only able to allocate

the funds to those purposes set out in the Section 106 Agreement. For information, the Planning Committee report on the ErF states 3 purposes for the Section 106 monies, namely:

- a) "...the provision of a landscape buffer and other urban fringe landscaping on both sides of the River Ouse, including the removal of eyesores";
- b) "...environmental work on the edge of Newhaven, including Riverside Park"; and
- c) "Within the town of Newhaven, and adjacent public elevated areas the developer should finance landscape works within recreation areas and public spaces, where there will be an impact on the wide vistas towards the Ouse valley."