

## CABINET

MINUTES of a meeting of the Cabinet held at Council Chamber, County Hall, Lewes on 18 July 2023.

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PRESENT Councillors Keith Glazier (Chair), Nick Bennett (Vice Chair), Bob Bowdler, Claire Dowling, Carl Maynard and Bob Standley

Members spoke on the items indicated

|                           |                                     |
|---------------------------|-------------------------------------|
| Councillor Bennett        | - Items 5 and 7 (minutes 10 and 12) |
| Councillor Claire Dowling | - Item 10 (minute 12)               |
| Councillor Field          | - Item 7 (minute 10)                |
| Councillor Stephen Shing  | - Item 10 (minute 12)               |
| Councillor Standley       | - Item 7 (minute 10)                |
| Councillor Tutt           | - Item 10 (minute 12)               |

### 8. MINUTES OF THE MEETING HELD ON 27 JUNE 2023

8.1 The minutes of the Cabinet meeting held on 27 June 2023 were agreed as a correct record.

### 9. REPORTS

9.1 Copies of the reports referred to below are included in the minute book.

### 10. EXTERNAL AUDIT PLAN 2022/2023

10.1 The Cabinet considered a report by the Chief Operating Officer.

10.2 It was RESOLVED to approve the External Audit Plan for 2022/23.

Reason

10.3 The External Audit Plan provides an overview of the planned scope and timing of the statutory audit of the Council's 2022/23 statement of accounts and identifies any significant risks.

### 11. INTERNAL AUDIT ANNUAL REPORT AND OPINION 2022/23

11.1 The Cabinet considered a report by the Chief Operating Officer.

11.2 It was RESOLVED to note the internal audit service's opinion on the Council's control environment.

Reason

11.3 The report gives an opinion on the adequacy of East Sussex County Council's control environment as a contribution to the proper, economic, efficient and effective use of resources. The report covers the audit work completed in the year from 1 April 2022 to 31 March 2023 in accordance with the Internal Audit Strategy for 2021/22. Substantial assurance can be provided

that East Sussex County Council had in place an adequate and effective framework of governance, risk management and internal control for the period 1 April 2022 to 31 March 2023.

## 12. ASHDOWN FOREST TRUST FUND 2022/23

12.1 The Cabinet received a report by the Chief Operating Officer.

12.2 It was RESOLVED to note the report and the Ashdown Forest Trust's Income and Expenditure Account for 2022/23 and Balance Sheet as at 31 March 2023.

Reason

12.3 The trust made an operating surplus of £5,019 during 2022/23. The General Reserve as at 31 March 2023 amounts to £172,088. This fund is available to finance expenditure which meets the Trust's objectives.

## 13. ITEMS TO BE REPORTED TO THE COUNTY COUNCIL

14.1 It was agreed that item 7 should be reported to the County Council.

*[Note: The items being reported to the County Council refer to minute number 12 ]*

## 14. EXCEAT BRIDGE CPO, BRIDGE ORDER AND SIDE ROADS ORDER

14.1 The Cabinet considered a report by the Director of Communities, Economy and Transport.

14.2 The Cabinet RESOLVED to:

1) Agree that the Council makes:

a) A Compulsory Purchase Order ("CPO") under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 for the acquisition of freehold interests (both residential and commercial), and any other interests as may arise, which are not already owned by the Council and new rights within the areas edged red and shaded pink and blue shown on the plan at Appendix 1 of the report;

b) A Side Roads Order ("SRO") under sections 14 and 125 of the Highways Act 1980 and all other necessary powers to:-

(i) Improve, raise, lower, stop up, divert or otherwise alter existing highways which cross or enter the route of the replacement Exceat Bridge or will otherwise be affected by the construction of the replacement Exceat Bridge or as required by the Exceat Bridge Scheme;

(ii) Construct new lengths of highway for purposes connected with the alterations as referred to in (i) above and with the delivery of the Exceat Bridge Scheme; and

(iii) Stop up private means of access and provide replacement or new means of access all as shown on the plan at Appendix 2 of the report;

c) A Bridge Scheme under section 106 of the Highways Act 1980 to enable the construction of the replacement Exceat Bridge over the River Cuckmere being a navigable waterway. The Bridge Scheme plans are appended at Appendix 3 of the report.

- 2) Agree that the Director of Communities, Economy and Transport be authorised to:-
- a) Continue to take all necessary steps to secure the making, confirmation and implementation of the CPO, SRO and Bridge Scheme (together “the Orders”) including land referencing, serving any requisitions for information, preparing all necessary documentation (including the Orders and the Statement of Reasons), submission of the Orders to the Secretary of State for confirmation, the publication and service of all notices and preparing for and presentation of the Council’s case at any Public Inquiry;
  - b) Acquire all interests in land within the areas of the CPO either compulsorily or by agreement;
  - c) Deal with objections to the Orders including agreeing terms for the withdrawal of objections in order to secure the delivery of the Exceat Bridge Scheme;
  - d) Negotiate and enter into agreements or undertakings with persons with any interest in the land affected by or relating to the Orders;
  - e) Remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily and to amend the interests scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);
  - f) Make any minor amendments as are considered necessary to the Orders arising as a result of negotiations with affected persons or further design work to enable the delivery of the Exceat Bridge Scheme;
  - g) Make any amendments to the Statement of Reasons a redacted version of which is annexed at Appendix 4 to the report as are considered necessary prior to its submission to the Secretary of State;
  - h) Confirm the CPO if granted power to do so by the Secretary of State;
  - i) Exercise the compulsory purchase powers authorised by the CPO by way of General Vesting Declarations and/or by service of Notices to Treat and Notices of Entry;
  - j) Take all steps to secure the settlement of compensation arising from the implementation of the Orders including referral to the Upper Tribunal (Lands Chamber); and
  - k) Approve on behalf of the Council the exercise of statutory powers under section 172 of the Housing and Planning Act 2016 and any other legislation to enter and survey any land where required in connection with the Project.

Reason

14.3 East Sussex County Council (ESCC) as local highway authority is progressing the Exceat Bridge project (the Project) which will involve the realignment and replacement of the existing single lane bridge at the A259 public highway over the river Cuckmere with a new two-lane bridge with a footway, including reprofiling of the riverbanks and road verges.

14.4 ESCC has been actively seeking to secure the land required to deliver the Project. The Council remains committed to securing the land by voluntary negotiations with the relevant landowners wherever possible. However, the Council's legal and property consultants have advised that a Compulsory Purchase Order should be made under the statutory powers contained in the Highways Act 1980 in case those negotiations prove unsuccessful.

14.5 It is considered that there is a compelling case for the compulsory purchase of the land and rights required for the Project and, alongside the CPO, for the making of the SRO and Bridge Scheme.