



## LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

**DECISIONS** to be made by the Lead Member for Resources and Climate Change,  
Councillor Nick Bennett

**TUESDAY, 3 SEPTEMBER 2024 AT 10.00 AM**

**REMOTE MEETING VIA MICROSOFT TEAMS**

### **AGENDA**

1. Decisions made by the Lead Cabinet Member on 15 July 2024 (*Pages 3 - 6*)
2. Disclosure of Interests  
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
3. Urgent items  
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
4. Proposed disposal of Land at Sandrock Hall Bends, The Ridge, Hastings (*Pages 7 - 14*)  
Report by the Chief Operating Officer
5. Corporate office estate; new lease of St Mary's House, Eastbourne (*Pages 15 - 18*)  
Report by the Chief Operating Officer
6. Any non-exempt items previously notified under agenda item 3
7. Exclusion of the Public and Press  
To consider excluding the public and press from the meeting for the remaining agenda item on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
8. Proposed disposal of Land at Sandrock Hall Bends, The Ridge, Hastings - Exempt Information (*Pages 19 - 78*)  
Report by the Chief Operating Officer
9. Corporate office estate; new lease of St Mary's House, Eastbourne - Exempt Information (*Pages 79 - 84*)  
Report by the Chief Operating Officer
10. Any other exempt items previously notified under agenda item 3

PHILIP BAKER  
Deputy Chief Executive  
County Hall, St Anne's Crescent

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23 August 2024

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## LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

DECISIONS made by the Lead Member for Resources and Climate Change, Councillor Nick Bennett, on 15 July 2024 at Remote Meeting via Microsoft Teams

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Councillors Denis and Redstone spoke on item 5 (see minute 17)

Councillor Hilton spoke on item 8 (see minute 19)

Councillors Denis and di Cara spoke on item 10 (see minute 21)

### 12. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 25 JUNE 2024

12.1 The Lead Member approved as a correct record the minutes of the meeting held on 25 June 2024.

### 13. DISCLOSURE OF INTERESTS

13.1 Councillor di Cara declared a personal interest in item 4 as her husband is one of the trustees for the West Hill and District Community Association. She did not consider this to be prejudicial.

13.2 Councillor Redstone declared a personal interest in item 5 as the vice chair of governors and member of the finance committee for two schools. He did not consider this to be prejudicial.

13.3 Councillor Bennett declared an interest in item 10 as a Council appointed director of Sea Change Sussex and left the room for this item. The Leader delegated the decision at item 10 to Councillor Standley to take on behalf of the Lead Member for Resources and Climate Change.

### 14. URGENT ITEMS

14.1 There were none.

## 15. REPORTS

15.1 Reports referred to in the minutes below are contained in the minute book.

## 16. GRANT OF A NEW 25-YEAR LEASE TO WEST HILL DISTRICT COMMUNITY ASSOCIATION FOR WEST HILL COMMUNITY CENTRE, BEMBROOK ROAD, HASTINGS

16.1 The Lead Member considered a Report by the Chief Operating Officer together with exempt information contained in a later agenda item.

### DECISIONS

16.2 The Lead Member RESOLVED to:

- 1) Agree to grant a new 25-year lease to West Hill and District Community Association, in relation to West Hill Community Centre, Hastings; and
- 2) Delegate authority to the Chief Operating Officer to take all actions considered appropriate to give effect to the above decision including, but not limited to, agreeing the final terms of the lease.

### REASONS

16.3 Granting a new 25-year lease to West Hill District Community Association will facilitate West Hill District Community Association's plans to further invest in the site and continue to provide a community space for the benefit of the residents in the West Hill area.

## 17. PROCUREMENT OF SUPPLY OF GAS AND ELECTRICITY TO EAST SUSSEX COUNTY COUNCIL ASSETS

17.1 The Lead Member considered a report by the Chief Operating Officer together with exempt information contained in a later agenda item.

### DECISIONS

17.2 The Lead Member RESOLVED to:

- 1) Approve East Sussex County Council continuing to purchase electricity and gas via the Crown Commercial Services Energy Framework following an energy market review;
- 2) Delegate authority to the Chief Operating Officer to take all actions considered appropriate to give effect to the above decision including, but not limited to, agreeing the contract for purchase of electricity and gas; and

3) Delegate authority to the Chief Operating Officer to undertake a further review within 24 months to ensure the Council is securing value for money.

## REASONS

17.3 The Council needs to provide value for money and a secure supply of gas and electricity for its assets and properties, including schools. On its own, the Council does not have the appropriate demand and leverage to gain an optimum price and value for this supply independently. It will benefit from continuing to purchase with Crown Commercial Services, who undertake aggregated buying of approximately £51 billion of public sector energy to achieve this.

17.4 Due to the nature of the energy markets, to obtain best value, the Council procures energy in advance via an energy strategy. The supply of gas and electricity are subject to wider geo-political factors as seen with the energy crisis in 2022.

## 18. EXCLUSION OF THE PUBLIC AND PRESS

18.1 It was RESOLVED to exclude the public and press for the remaining agenda items on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

## 19. GRANT OF A NEW 25-YEAR LEASE TO WEST HILL DISTRICT COMMUNITY ASSOCIATION FOR WEST HILL COMMUNITY CENTRE, BEMBROOK ROAD, HASTINGS - EXEMPT INFORMATION

19.1 The Lead Member considered a report by the Chief Operating Officer which provided exempt information in support of an earlier item on the agenda.

## DECISIONS

19.2 The Lead Member RESOLVED to note the exempt information in the report which relates to an earlier item on the agenda.

## REASON

19.3 The report contained exempt information in relation to an earlier item on the agenda.

20. PROCUREMENT OF SUPPLY OF GAS AND ELECTRICITY TO EAST SUSSEX COUNTY COUNCIL ASSETS - EXEMPT INFORMATION

20.1 The Lead Member considered a report by the Chief Operating Officer which provided exempt information in support of an earlier item on the agenda.

DECISIONS

20.2 The Lead Member RESOVLED to note the exempt information provided in support of an earlier agenda item.

REASONS

20.3 The report contained exempt information in relation to an earlier item on the agenda.

21. PROPERTY STRATEGY FOR LAND KNOWN AS SITE 6, EASTER ISLAND PLACE, EASTBOURNE

21.1 The Lead Member for Education and Inclusion, Special Educational Needs and Disability considered a report by the Chief Operating Officer.

DECISIONS

21.2 The Lead Member RESOLVED to approve the recommendations in the report, for the reasons set out in the report. The decision and reasons are set out in an exempt minute.

**Report to:** Lead Member for Resources and Climate Change

**Date of meeting:** 3 September 2024

**By:** Chief Operating Officer

**Title:** Proposed disposal of Land at Sandrock Hall Bends, The Ridge, Hastings

**Purpose:** To consider the responses to the public notice of the Council's intention to dispose of land at Sandrock Hall Bends, Hastings and to decide if a Promotion Agreement should be entered into.

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## RECOMMENDATIONS

The Lead Member for Resources and Climate Change is recommended to:

- 1) Note the summary of the responses to the public notice of the Council's intention to dispose of the site as set out in paragraph 2.3 of this report;
- 2) Agree to the Council entering into a Promotion Agreement;
- 3) Approve the disposal of the site in accordance with s123 of the Local Government Act 1972; and
- 4) Delegate authority to the Chief Operating Officer to:
  - (a) agree the terms of any future sale to achieve best value for the site in accordance with s123 of the Local Government Act 1972; and
  - (b) take all actions necessary to give effect to the recommendations in this report.

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## 1 Background

- 1.1 On 24 November 2015 the Lead Member for Resources approved the acquisition of, the land at Sandrock Hall, Hastings (also known as Sandrock Hill) and concurrently declared such land to be surplus to the Council's requirements and authorised the Chief Operating Officer to negotiate terms for the disposal of the property. The supporting information stated that any disposal was to be for a minimum net capital receipt of £19,000 and that best consideration would be achieved, in accordance with s123 of the Local Government Act 1972. The report stated that Hastings Borough Council (HBC) wished to acquire the land at that time; however, the disposal to HBC did not occur.
- 1.2 The East Sussex County Council (ESCC)-owned site, circa 2.28 acres, is formed of a strip of land connecting two points of The Ridge, Hastings. A footpath (which is a designated public right of way) runs through part of the ESCC-owned site. A plan showing the ESCC-owned site is included as Appendix 1.
- 1.3 The ESCC-owned site forms part of a larger site that has been allocated in Hastings Borough Council's adopted Local Plan 2011-2028 (adopted 2015), Policy SH1. It has a net allocation of 80 residential units. The guidance given in the Local Plan regarding development proposals is comprehensive, with a focus on protection of green space and trees. Any scheme is to include affordable housing provision of 40%, with 2% of the total number of new homes to be fully adapted dwellings for wheelchair users - [Hastings Borough Council: Development Management Plan - Section Three - Site Allocations \(Cont'd\) \(planvu.co.uk\)](#).
- 1.4 It is also allocated in the draft Local Plan (Site Reference HL19), with an indicative capacity of 140 dwellings stated. The guidance has been reduced, along with the site area and affordable housing requirement - [HL19 | New Local Plan | Hastings Borough Council](#). It now states that any development on this site should:

- Provide 25% affordable housing requirement in line with policy SP2.
  - Take account of Southern Water's underground infrastructure in the design of the layout of the site. Easements would be required, which may affect the site layout or require diversion, and these should be clear of all proposed buildings and tree planting.
  - Take into account the impact of development on the Grade II listed lodge.
  - Avoid or mitigate any impact on the adjacent woodland and St Helens Wood Local Wildlife Site and Local Nature Reserve.
- 1.5 A plan showing the site allocation in the Local Plan and Draft Local Plan is included as Appendix 2 to this report.
- 1.6 The Council has worked with adjoining landowners to consider how the entire site could best deliver the number of housing units allocated in the Local Plan, while protecting the character of it. It is recognised that any development of the site will need to consider the protection of open space and ecological impacts, in addition to mitigating against flood and infrastructure impacts.
- 1.7 To bring forward the entire site, as identified in the Local Plan, as one development opportunity, a Promotion Agreement has been considered. A Promotion Agreement is a contract between the landowner(s) and the land promoter. The land promoter is a company with the expertise (and finance) to obtain planning permission for a site.
- 1.8 A draft Promotion Agreement has been prepared between the four relevant landowners, in addition to the chosen land promoter. The Council is one of the landowners, with another being HBC. The other two parties are a Charitable Trust and private individuals.
- 1.9 If planning permission is granted by HBC, the land promoter would then typically market the site to seek a purchaser and the site would be sold if suitable terms are agreed by all parties. For all four landowners, this would result in a capital receipt for each owner, however a capital receipt will not be received until the site is sold.
- 1.10 The Chief Operating Officer approved entering into the Promotion Agreement on 6 October 2023 under delegated authority; however, the Council has not completed the agreement as at the date of this Lead Member decision-making meeting. Once the Promotion Agreement is entered into, there is no option for the Council to withdraw the land unless agreed deadlines for planning consent and a future sale are not met. As such, whilst the Promotion Agreement itself is not a disposal, it is a contractually binding agreement that will compel the Council to sell the land when the conditions are met.

## **2 Supporting information**

- 2.1 There is a statutory duty imposed by s123(2A) of the Local Government Act 1972 to advertise a proposed disposal of Public Open Space and to consider any objections made. In accordance with this duty, the Council gave public notice of the intention to dispose of the ESCC-owned land prior to entering into the Promotion Agreement. A notice was placed in the Hastings Observer for two consecutive weeks on 24 November 2023 and 1 December 2023, giving a deadline of 8 December 2023 for objections to be made.
- 2.2 Approximately 250 written objections were received. The Council also received subsequent responses once the deadline for comments passed in December 2023. The Council has collated all the responses following the notice that was placed in the Hastings Observer and all responses were replied to by the Council as soon as possible after receipt. Correspondence has been sent to each person that contacted the Council, to notify them of the date of this Lead Member meeting and to advise that a decision is to be made.



2.3 Broadly, the objections were in relation to any future development of the whole wider site, rather than to the disposal of the ESCC-owned land specifically. The general theme of the objections is summarised below:

- There is a public footpath running through (part) of the site which is considered to be well-used, particularly to avoid the Ridge which is a busy road;
- The Ridge is a busy road and there is concern that further development will cause further congestion which will impact on the emergency vehicle access to other parts of Hastings;
- The environmental impact of building on greenfield sites;
- Existing flooding/sewerage issues in Hastings would be worsened by further development;
- There would be an impact on infrastructure, such as GP surgeries, dentists and schools;
- The development of 140 homes is considered to be an over-development of the site;
- There are too many new homes in Hastings that are not selling, and upper and lower tier councils should do more to ensure these homes are occupied;
- Development of brownfield sites should be favoured over development of greenfield sites;
- A disposal would be supported by respondents, but on the sole basis that the ESCC-owned site is sold with a covenant on the land that it must be maintained as an open space, with the woodland and ecological aspects being preserved in perpetuity.

2.4 Following the deadline of 8 December 2023, Members have been consulted on the options available to the Council, along with HBC. The following options were considered:

- **Option 1:** Enter into the Promotion Agreement. This ensures that the Council is actively bringing housing development sites forward in line with the Hastings Local Plan and provides an opportunity to enhance the open green space. In addition to this, the Council is ensuring that the best consideration for the site can be received, in line with its obligations under s123 of the Local Government Act 1972. There will be a robust planning process, where HBC as the local Planning Authority will ensure that matters raised by local residents, as set out in paragraph 2.2 above, will be considered as part of the public consultation stage of the planning process, once a planning application has been submitted for approval. Matters such as Local Plan Policy compliance, drainage, access, development density, design and affordable housing provision, environmental and highways impacts will be considered during such a planning process before any development scheme is granted planning permission. The County Council will then look to explore if a community asset transfer disposal for the land to be retained for green/open space is feasible, assuming planning permission is secured for the housing development in line with the Promotion Agreement.
- **Option 2:** The Council does not enter into the Promotion Agreement, but instead explores a disposal of the ESCC-owned site by way of a community asset transfer with a restriction to be placed on the title to ensure that the use of the site is restricted. HBC and the two private landowners would then decide if to proceed with a Promotion Agreement in respect of their land holdings only.

2.5 In addition to the development considerations outlined in the Local Plan and Draft Local Plan, the Promotion Agreement also stipulates that an area of the Promotion Land of at least 0.635 ha (1.569 acres) in size is to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage.

- 2.6 It is recommended that the Lead Member approves Option 1 – for the Council to enter into the Promotion Agreement. The Promotion Agreement is included in an exempt report, outlined in a later agenda item. The agreement contains commercially sensitive terms between all four landowners and the land promoter.
- 2.7 Once the Promotion Agreement is entered into the Council will work with HBC and the other parties to the Agreement to explore if a transfer of part of the Promotion Land (to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage) can be transferred back into Local Authority ownership or offered to the local community at the appropriate time, after development of the site. This may be a consideration under future planning obligations.

### **3 Conclusion and reasons for recommendations**

- 3.1 The Council has considered the outcome of the responses from members of the public concerning the intention to dispose of the site. These are summarised in the report and the Lead Member is recommended to note the feedback. It is, however, considered that entering into the Promotion Agreement provides the best opportunity to bring forward housing development sites locally, in accordance with the Local Plan. In addition to this, there will be an improvement upon the existing open space provision, with an area of at least 0.635ha in size to be designated for use as amenity land and/or open space and/or woodland and/or sustainable urban drainage as part of any development of the site.
- 3.2 The Lead Member for Resources and Climate Change is therefore recommended to approve entering into a Promotion Agreement and to agree the subsequent disposal of the site in accordance with s.123 of the Local Government Act 1972.
- 3.3 To facilitate an effective and efficient process, the Lead Member is also recommended to delegate authority to the Chief Operating Officer to agree the terms of the Promotion Agreement and then to comply with and give effect to the provisions set out therein including but not limited to agreeing the terms of any future sale of the ESCC-owned site to achieve best value in accordance with s123 of the Local Government Act 1972. The Lead Member is also recommended to delegate authority to the Chief Operating Officer to take all actions necessary to give effect to the recommendations in this report.

#### **ROS PARKER Chief Operating Officer**

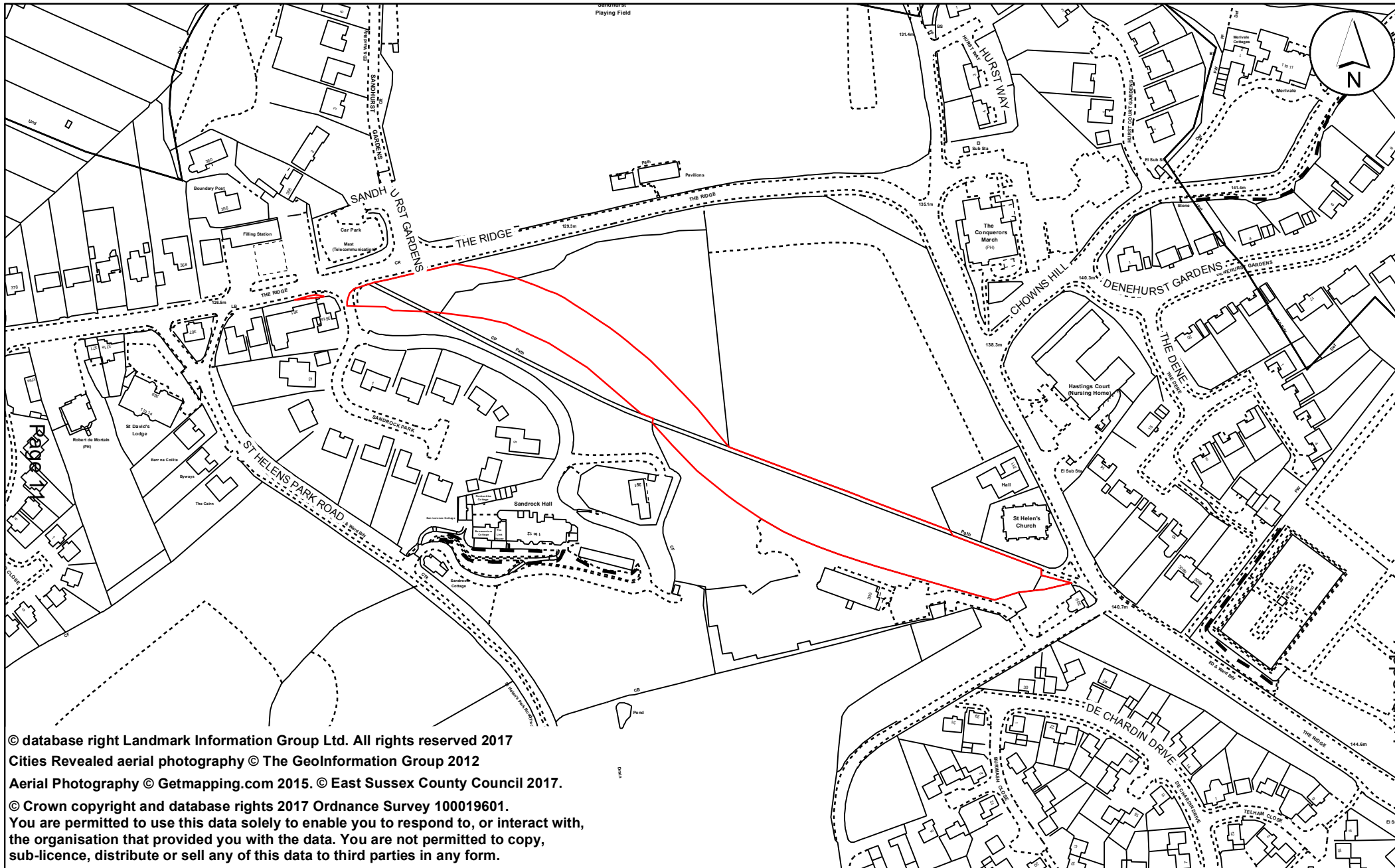
Contact Officer: Rebecca Lewis  
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Email: [rebecca.lewis@eastsussex.gov.uk](mailto:rebecca.lewis@eastsussex.gov.uk)

#### **LOCAL MEMBERS**

Councillor Peter Pragnell – Ashdown and Conquest  
Councillor Sorrell Marlow-Eastwood – St Helens and Silverhill

#### **BACKGROUND DOCUMENTS**

Copies of all responses received  
Copy of notice placed in the Hastings Observer.



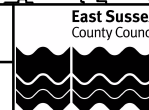
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Land at Sandrock Hill, Hastings

Author: KN/RP

Scale: 1:2,500

Date: 11/09/2017

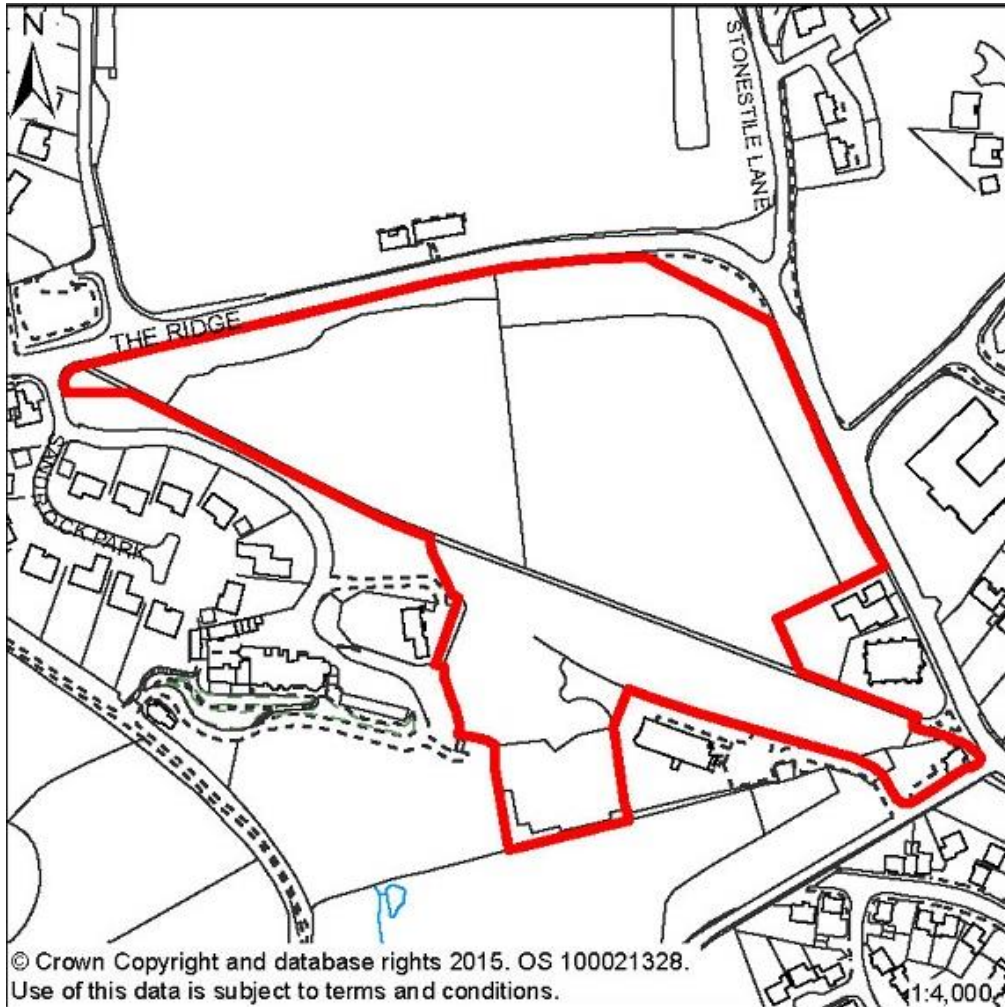


Appendix 1

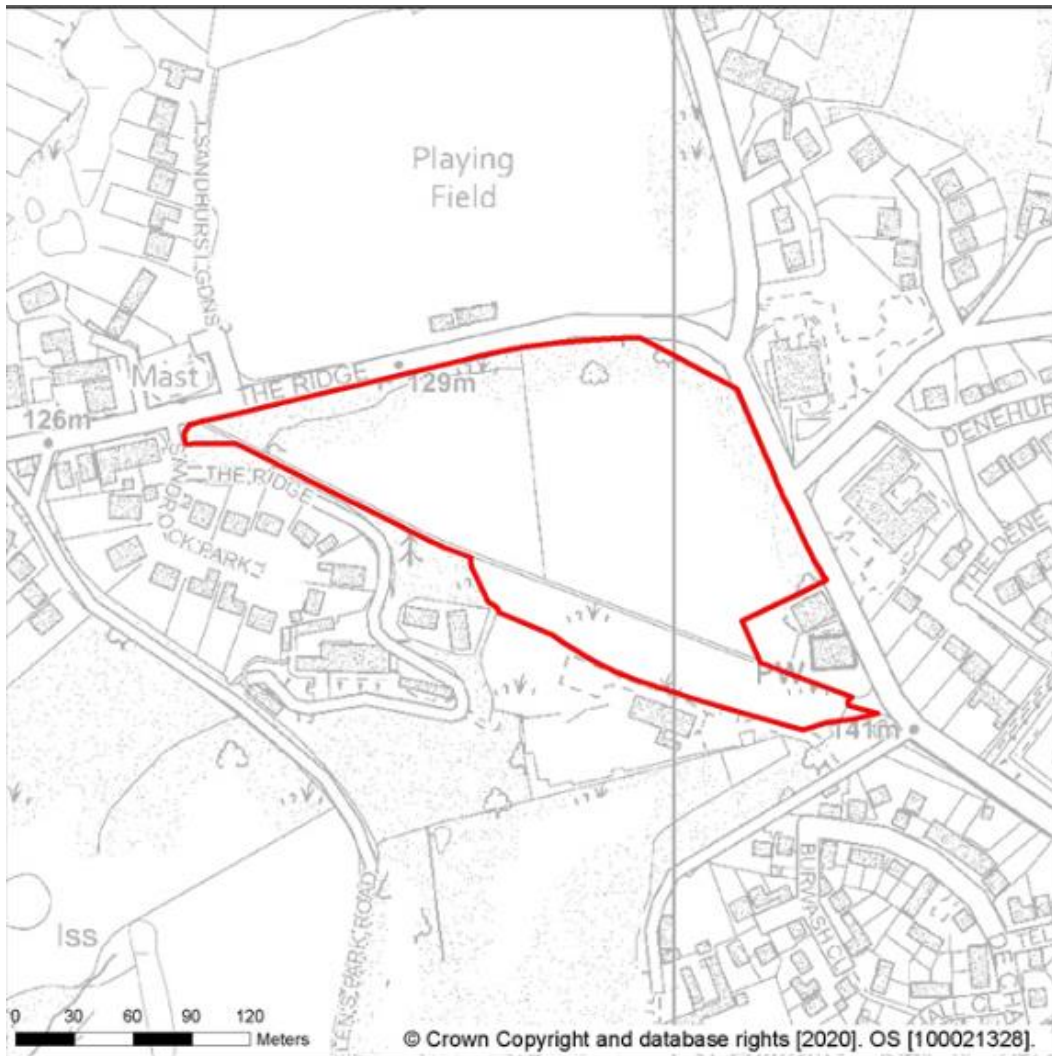
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**Local Plan and Draft Local Plan site allocation;**

The entire site, as allocated in the adopted Local Plan is pictured below. This incorporates the ESCC-owned site;



The entire site, as allocated in the draft Local Plan is pictured below. This incorporates the ESCC-owned site;



<b>Report to:</b>	<b>Lead Member for Resources and Climate Change</b>
<b>Date of meeting:</b>	<b>3 September 2024</b>
<b>By:</b>	<b>Chief Operating Officer</b>
<b>Title:</b>	<b>Corporate office estate; new lease of St Mary's House, Eastbourne</b>
<b>Purpose:</b>	<b>To agree a new 10-year lease, to be granted simultaneously to the surrender of the existing lease of St Mary's House, Eastbourne</b>

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## RECOMMENDATIONS

*The Lead Member for Resources and Climate Change is recommended to:*

- 1) **approve the proposed new lease terms of St Mary's House, Eastbourne; and**
  - 2) **delegate authority to the Chief Operating Officer to approve the final lease negotiations, the signing and completion by the Council of the new lease, the surrender of the existing lease and any related documentation and to take any other actions considered appropriate to give effect to the above recommendation.**
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## 1 Background

- 1.1 The Council's corporate office provision includes St Mary's House, Eastbourne, which the Council occupies under a lease. A plan showing the location of the property is shown at Appendix 1. The Council is undertaking a review of its corporate office requirements, as a key part of the Council's Asset Management Plan 2020-2025, to drive efficiency from its assets by reducing costs as well as reducing carbon emissions.
- 1.2 The Council previously had two office bases in Eastbourne. On 11 July 2023, the Lead Member for Resources and Climate Change agreed the strategy to reduce the Eastbourne corporate office provision to one office. In August 2024, the Eastbourne office consolidation will be completed with its main base being St Mary's House. The Council has a lease for the entire building, and shares occupation with other public sector partners by way of various licence agreements. St Mary's House provides a base for key statutory functions, with both Children's Services and Adult Social Care and Health operating from it.
- 1.3 The term of the existing lease is due to expire on 30 November 2026. The Council is seeking to secure the Council's ongoing occupation of the property. One of the main reasons to negotiate a surrender of the existing lease, before the expiry date in November 2026, and to agree a new lease now is to ensure the business continuity of the core services operating from St Mary's House. This is the Council's second largest office hub, delivering frontline services to residents.
- 1.4 The existing lease is protected by the security of tenure provisions contained within the Landlord and Tenant Act 1954, and this is proposed to continue under the new lease.
- 1.5 When a commercial lease is protected by the security of tenure provisions contained within the Landlord and Tenant Act 1954, the Landlord must serve a formal 'Section 25' notice on the tenant to bring the lease to an end. If the Landlord is not intending to grant a new lease, the notice must give the tenant a minimum of 6 months' notice



to vacate and is only valid if at least one of the seven grounds contained within the Act can be satisfied. These grounds range from 'fault' grounds such as non-payment of rent, through to 'non fault' grounds such as an intention to demolish or reconstruct the building.

## **2 Supporting information**

- 2.1 The new proposed lease will be for a term of 10 years, to expire 30 November 2034. Upon completion of the new lease, the existing lease will be surrendered. The passing rent is to remain the same until 1 December 2026, at which point there is to be a rent review. There is to be a second rent review on 1 December 2031. There is to be a rolling tenant-only break option from 30 November 2031, which is to be exercisable by the tenant at any time on 12 months' notice.
- 2.2 All other terms are to be on the same basis as the terms of the existing lease, including the ability to share the space with public partners.

## **3 Conclusion and reasons for recommendations**

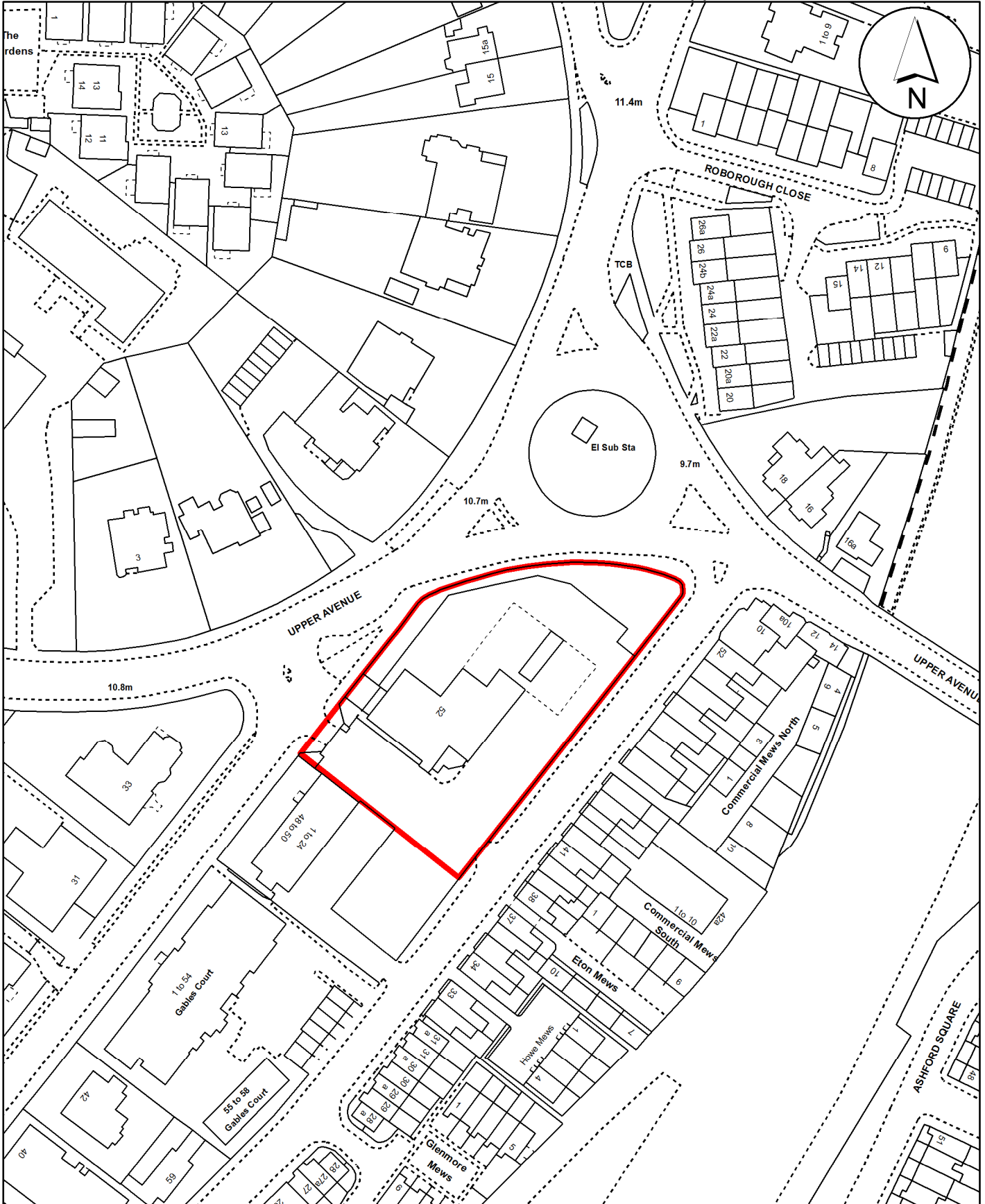
- 3.1 The Council is seeking to secure a longer lease term for St Mary's House, Eastbourne, given that it is now the sole corporate office hub in Eastbourne following the closure of St Mark's House.
- 3.2 The Lead Member for Resources and Climate Change is therefore recommended to approve the proposed new lease terms of St Mary's House, Eastbourne.
- 3.3 To facilitate the timely completion of the lease documentation, the Lead Member is also recommended to delegate authority to the Chief Operating Officer to approve the final lease negotiations, the signing and completion by the Council of the new lease, the surrender of the existing lease and any related documentation and to take any other actions considered appropriate to give effect to the above recommendation.

**ROS PARKER**  
**Chief Operating Officer**

Contact Officer: Rebecca Lewis  
Email: [rebecca.lewis@eastsussex.gov.uk](mailto:rebecca.lewis@eastsussex.gov.uk)

LOCAL MEMBER  
Councillor Pat Rodohan





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# St. Mary's Main Lease Plan

Scale: 1:1,250

Author: PHS

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Date: 13/06/2019



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