

COUNTY COUNCIL – 5 FEBRUARY 2019

QUESTION FROM MEMBERS OF THE PUBLIC

1. Question from Bob Downing, Seaford East Sussex

My question relates to the £23m second stage of the Newhaven Port Access Road (NPAR).

ESCC has always insisted that the NPAR would follow the route given planning approval by ESCC in July 1996 (LW/1751/CC), and repeated in the 2018 Business Case.

In April 2014, in commenting upon a proposed variation of the route submitted via Lewes District Council (LDC) as LW/13/0729, ESCC observed (as note HT401, which erroneously states that the road affected is the A259) that:

The horizontal and vertical alignment of the proposed road has been checked by the ESCC's consultant to ensure the alignment does not affect any future phasing of the Port Access Road. As the levels are nearly identical at Chainage 600 [only 0.05m difference] the next phase of the Port Access Road can be tied in at the Pargut Roundabout.

and that:

Therefore the Highway Authority have no objection to the proposed development ...

The lack of ESCC objection to the route variation implicit in the application and its subsequent LDC approval resulted in the then developer building the “wrong” roundabout. It very obviously has an extra 4th arm, pointing not towards where the final stage of the NPAR would run but directly out across the wildlife sanctuary towards the A259. From the comment made, it is clear that ESCC did not examine the route variation with care and so missed the opportunity to prevent the “wrong” Pargut Roundabout being built.

Since the building of Stage 1 (aka Phase 1a) was completed in Autumn 2015, the “wrong” roundabout has lain unused and obviously wrong to any passer by using the public footpaths across the Wildlife Sanctuary, or even casually looking at it via Google Earth.

Evidently at some stage in 2018 ESCC finally realised it was indeed not the route originally given planning permission in 1996 and would (somewhat bafflingly) *not* “tie in with the next phase” – contradicting its own advice. Nevertheless the Council has maintained in response to every enquiry that the NPAR’s final stage would run *exactly* as per the 1996 plan, despite this being clearly impossible given the ESCC-approved design of Pargut Roundabout.

This was the cause of much querying about why the final stage would start off heading across the SDNP, none of which was sensibly answered. ESCC has only conceded in December that the entire roundabout, including drainage, signs and electrical installations, will be dug up again and the new centre rebuilt some 65m away (which means the new roundabout will be barely 3m away from overlapping the old) in order to make Stage 2 (aka Phase 1b) conform to the 1996 route.

Yet it is clear on the ground that the “wrong” design only needs the spurious spur to be closed off – a matter of simply completing the edge kerb. The existing south-pointing arm could clearly be used as the starting point for the remainder of the NPAR, with a minor adaptation thereafter, the initial variation being a matter of a mere 3m or so.

Why has ESCC decided to spend a significant amount of public money ripping up and relaying some 165m of road, given the high cost of the groundwork required at such a site, at a time when public finances are so stretched, rather than:

- a) admitting its 2014 mistake in not objecting and simply giving itself planning permission to make a route variation, and:
- b) admitting that it did not itself read its own 2014 judgement that *“the next phase of the Port Access Road can be tied in at the Pargut Roundabout”* and proceeding accordingly,

when such simple solutions would clearly reduce the amount of overspend to a minimum?

Response by the Lead Member for Economy

In responding to the questions put by Mr Downing, I would first like to set out some context to the issue he is concerned with.

As Mr Downing correctly points out, planning permission for the full Port Access Road was originally granted in 1996. The permission was renewed in 2002 and in 2007 planning permission was granted to vary one of the conditions from the 2002 permission. Subsequent to this, Lewes District Council granted planning permission for a mixed use scheme on land to the west of the Port Access Road. This scheme, along with the subsequent planning application referred to by Mr Downing, saw an alteration to the previously ESCC approved scheme, in that a 4-arm roundabout was to be constructed at the southern end of Phase 1 of the Port Access Road. The ESCC approved scheme was for a 3-arm roundabout and the reason why a 4-arm roundabout was proposed, and subsequently delivered, was to allow suitable access to the retail, employment premises and residential development that had been granted planning permission to the west.

The County Council’s Transport Development Control team responded to this application and this response is referred to by Mr Downing. The County Council was required to consider this application on its own merits and whilst reference was made to the wider full Port Access Road scheme, an objection to this proposal was not merited on the basis that the subsequent phase of the Port Access Road could differ from the already approved scheme under the consents granted by the County Council. The response correctly highlighted that the level of the proposal (i.e. the vertical alignment) could tie in with the approved Port Access Road. What was not acknowledged in this response was that should the subsequent phase of the Port Access Road tie in with this roundabout, it would have been likely to have required an amendment to the planning permission already granted by the County Council. This was not an oversight, or mistake, as clearly it would have been inappropriate for the Council to pre-determine any subsequent decision it may have had to make on an application that sought such an amendment.

Over the course of the last three years, it has become apparent that elements of the planning permission to the west of the Port Access Road were unlikely to be delivered. In particular, this is the approved retail foodstore that would have been delivered by ASDA.

In light of this, the Council had two options for Phase 2 of the Port Access Road, namely to revert back to the alignment that was originally granted planning consent by the County Council, or to have an alignment that would tie in with the roundabout constructed as part of the planning permission granted by Lewes District Council. The County Council opted to utilise the 2007 planning permission. This was primarily due to the fact that to construct phase 2 of the Port Access Road from the recently constructed Pargut roundabout would have resulted in an alignment of the road that would have had a significant landtake in the area that is subject to the National Park designation.

I note your suggestion that Phase 1b of the Newhaven Port Access Road could be continued along its original alignment, with a minor adaption, from the 4th (southern) arm of the current Pargut roundabout thereby negating the need to move the roundabout. This was considered by our consultant design engineers and unfortunately, such an alignment - especially for large lorries entering and exiting the roundabout from the south - would not meet the design standards set out the Design Manual for Roads and Bridges, a set of technical documents that highway authorities use for the design, construction and maintenance of highways. Therefore, in order for the remaining section of the Port Access Road to be constructed to meet the necessary design and safety standards, the Pargut roundabout needs to be relocated back to its original position.

Finally, I would also like to point out that there is not an overspend on the delivery of the second phase of the Port Access Road. Current projected expenditure is in accordance with the County Council's own Capital Budget, along with the approved Business Case that was submitted to the Department for Transport.

2. Question from Alice Burchfield, Peacehaven, East Sussex

I have read the report "Schools Coping with Change - The Way Forward", and as a parent of children in Peacehaven, I am very concerned that East Sussex County Council are putting schools under pressure to join Multiple Academy Trusts (MATs). I find this very concerning indeed, given that many people consider that Academies are now a failed model. Please can you reassure me that East Sussex County Council will not be promoting MATs over other type of partnerships for schools?

Response by the Lead Member for Education and Special Educational Needs and Disability

A key priority articulated in the LA's *Excellence for All* strategy for school improvement is creating a sustainable model of system-led school improvement by developing and supporting a range of partnerships which may include multi-academy trusts. As part of this strategy, the LA works with school leaders and governors to support them to find the best solution to their local context.

The ultimate decision about whether a school converts to academy status is the decision of the governing body, unless the school has been directed to convert by the Secretary of State.

3. Question from Patricia Patterson-Vanegas, Forest Row, East Sussex

Renewable energy is already damaging the more exposed parts of the fossil fuel system. The European electricity sector has written off \$150bn of stranded assets since 2008, Peabody filed for bankruptcy in 2016 when coal demand was 4% below its peak, and GE has lost half its capitalisation in the last year' ('Myths of the energy transition: Renewables are too small to matter.', Carbon Tracker, October 2018, https://www.carbontracker.org/wp-content/uploads/2018/10/CTI_Myths_Series_1_Renewables-too-small.pdf).

Given that 'it is normal for markets to react at the peak', when do the East Sussex Pension Fund's fund managers believe that peak demand for fossil fuels is likely to take place?

Response by the Chair of the Pension Committee

The Pension Committee believes that investors with long term time horizons are more exposed to certain risks and requires that its investment managers are aware of and consider these when making investments. It is acknowledged that investment managers carry out detailed research on the prospects for individual companies and industries and have access to company management. The Committee meets with investment managers at its regular quarterly meetings and has the opportunity to discuss relevant developments in detail. To challenge investments strategies and to ensure these are being followed and that all relevant risks have been considered.

When peak demand for fossil fuel may occur is dependent on many varying factors around which many assumptions are made. Therefore there is a divergence of views from the Fund's investment managers at what point peak demand for fossil fuels will occur, along with what impact this will have on individual companies. While some managers believe that demand for fossil fuels will peak in the early 2030s. There is no consensus on 'when is peak?', but estimates vary from the 2020s, with organisations such as Carbon Tracker predicting this will be in 2023, to the energy industry's estimate of 2040. It is believed that pinpointing a precise year gives a misleading sense of accuracy.

4. Question from Ohana Banerjee, Lewes, East Sussex

I have recently read the document Schools coping with change the way forward.

I am very anxious as a parent of two children at school in East Sussex. There seems to be real pressure put on schools to form a "formal partnership" and become academies as a solution to a funding problem. Is anyone thinking about the pressure this is putting on schools? the risks to the schools and their future status and the lack of attention given to the quality of education given to our children right now and in the future?

Response by the Lead Member for Education and Special Educational Needs and Disability

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5. Question from Emily O'Brien, Newhaven, East Sussex (on behalf of Community Action Newhaven)

Community Action Newhaven are deeply concerned about the County Council's failure to engage with the public in relation to the controversial £23 million Newhaven Port Access Road and flyover to Tide Mills Beach.

At the last council meeting you responded to our question on this issue stating that you would be updating your website. Yet this has not happened, and the timeline shows construction as "starting Summer 2018" when it hasn't even begun.

More importantly you stated that there would be public engagement via a new 'community liaison group.' Likewise in response to our complaint of 14th February 2018 - nearly a year ago - you stated that "With regard to future consultation with the local community [...] it is the intention to set up a local community liaison group, or similar, in order to engage with local residents and other stakeholders and ensure progress and plans are shared"

Yet there is still zero sign of this group. Our question is therefore: Is the community liaison group real? if so when will it first meet? And will Community Action Newhaven be offered a place on it, and if not why not?

Response by the Lead Member for Economy

The construction phase of the Newhaven Port Access Road commenced on 7 January 2019, and the ESCC web site is being updated accordingly with an updated timeline.

Now that construction has started in earnest, our contractor BAM Nuttall will be making arrangements for a Community Liaison Group to be set up with the intention of meeting up every three months. Terms of Reference for this group are being prepared, and we would welcome attendance by a representative of Community Action Newhaven. Our contractor will contact local stakeholder groups to confirm the arrangements for the first of these meetings.

6. Question from Zoe Gallagher, Lewes, East Sussex

Why does ESCC want to encourage schools to enter formal partnerships - MATs or Federations - despite widespread opposition from local parents and teachers?

Response by the Lead Member for Education and Special Educational Needs and Disability

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With regards to the proposals by Lewes schools, we understand that they are now exploring a broader range of options for partnership. The LA supports the further development of the strong partnership working already in existence across schools in the town. We believe that a formal partnership of the schools will bring benefits to individual schools, improve outcomes for all pupils and secure the sustainability of high performance for the longer term.

7. Question from Philip Rowland, Lewes, East Sussex

Why is the Council trying to offload its schools by pushing them to pursue federations and academies without evidence that these are successful educational models instead of helping those schools through the difficulties caused by cuts in central and local funding?"

Response by the Lead Member for Education and Special Educational Needs and Disability

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individual schools, improve outcomes for all pupils and secure the sustainability of high performance for the longer term.

The LA recognises that the funding climate for schools will remain very challenging. This environment has led an increasing number of schools to work in, or develop, formal partnership structures such as federations or multi-academy trusts. These partnerships will contribute to the future sustainability of local schools, as well as supporting further improvement in outcomes for all pupils. In addition, the LA actively supports the recent campaign led by headteachers in East Sussex schools to lobby central government for a fair funding settlement. The Council's recent campaign for fair funding specifically asked Government for a long-term funding plan that would secure our schools' success. We want all our schools to be well funded and to ensure that all children and young people in the county receive a high quality education.

8. Question from John Edson, Bishopstone, East Sussex

East Sussex County Council is in the embarrassing situation of on the one hand making cuts to vital services including meals on wheels, and yet on the other hand choosing to spend £23 million of public money on a controversial flyover, which doesn't even tackle the traffic problems in Newhaven which so desperately need addressing - and could make them worse.

Northamptonshire County Council were recently in the news because they've asked, and been granted, permission by Government to re-allocate money earmarked for capital spend towards the day to day running of their services. This Council could ask to do the same - or could choose to fund desperately needed measures to alleviate congestion on the A259 around Newhaven and Peacehaven, given that the recent partnership bid to do so has failed to secure the funding needed.

Do Councillors agree there are more important things to spend £23 million of our taxpayers money on? - and are you now prepared to take action to re-allocate this funding?

Response by the Lead Member for Resources

The County Council is not in the same position as Northamptonshire County Council, which has been unable to produce a balanced budget and has therefore been given special permission to use capital reserves to support revenue spend temporarily. This is very much a temporary measure, is unsustainable, and Northamptonshire County Council will still need to reduce its spending in line with its income and to make reductions in service expenditure. The budget put forward to Council today, whilst meaning that there will need to be changes and reductions to some services, is balanced. It aims to make the best use of our resources to support all the Council's priorities.

Supporting economic growth in East Sussex is one of County Council's priorities and improvement of the Newhaven Port Access road is part of the work in support of that priority. It will reduce traffic on residential roads in Newhaven, removing HVGs from

them. It is also aimed at improving the economy in and around Newhaven, bringing 450 new jobs to the area. The Port Access Road is a good example of effective partnership working with Lewes District Council, the Coast to Capital Local Enterprise Partnership and the Government. The Department for Transport are providing £10m of funding. I appreciate that the A259 does have issues with congestion in parts, and the Council will be working with local communities during the year to try to identify some solutions.

9. Question from Lulah Ellender, Lewes, East Sussex

Please can the Lead Member confirm whether the move to push all Local Authority schools into MATs or Federations (merely a stepping stone to academisation) is driven by evidence-based research on improvements in educational standards and enriching experiences for our children (of which there doesn't seem to be any), or whether it's just a cost-cutting exercise resulting from funding cuts by central government?

Response by the Lead Member for Education and Special Educational Needs and Disability

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10. Question from Arnold Simanowitz, Lewes, East Sussex

Last month saw the publication of an important scientific paper in the journal Nature Communications, entitled: 'Current fossil fuel infrastructure does not yet commit us to 1.5 °C warming' (<https://www.nature.com/articles/s41467-018-07999-w>).

This found that 'if carbon-intensive infrastructure is phased out at the end of its design lifetime from the end of 2018, there is a 64% chance that peak global mean temperature rise remains below 1.5 °C' but that 'delaying mitigation until 2030 considerably reduces the likelihood that 1.5 °C would be attainable even if the rate of fossil fuel retirement was accelerated.'

According to Christopher Smith, of the University of Leeds, who led the research: "It's good news from a geophysical point of view. But on the other side of the coin, the [immediate fossil fuel phaseout] is really at the limit of what we could possibly do. We are basically saying we can't build anything now that emits fossil fuels."

According to Nicholas Stern, of the London School of Economics, who was not part of the research team: "This study confirms that all new energy infrastructure must be sustainable from now on if we are to avoid locking in commitments to emissions that would lead to the world exceeding the goals of the Paris agreement."

Given these conclusions, and the dire human and financial impacts of scenarios in which we exceed 1.5 °C of global warming, how does the East Sussex Pension Committee justify continuing to invest in fossil fuel companies that continue exploring for new sources of fossil fuels and building new infrastructure to extract them?

Response by the Chair of the Pension Committee

The Pension Committee believes by increasing pressure on oil and gas companies, through active shareholder engagement, we can get companies to improve their corporate behavior. Improvements made by these engagements lead to an increase in the long term value of the Fund's investments.

The Fund's approach to engagement recognises the importance of working in partnership to magnify the voice and maximise the influence of investors as owners. The Fund appreciates that to gain the attention of companies in addressing governance concerns it needs to join with other investors sharing similar concerns. The Committee continues to engage with investment managers, along with its investment into the climate aware fund which provides an incentive to companies to move towards limiting climate change.

11. Question from Julia Bell, Kingston, East Sussex

How can any partnership ensure the individuality/ethos and local input of each individual school ?

Response by the Lead Member for Education and Special Educational Needs and Disability

Formal partnership arrangements include federations where schools remain within LA management and multi-academy trusts where funding and accountability moves to the Regional Schools Commissioner. Formal partnerships facilitate the sharing of leadership, staff and resources more effectively than informal partnership arrangements.

Federations are legal arrangements under the School Governance (Federations) (England) Regulations 2012 and are where two or more schools are governed collectively under a single governing body.

Each school may maintain a headteacher or choose to have a single headteacher or an executive headteacher who works in a more strategic way with Heads of School dealing with the day to day management of their schools. Some schools choose to work initially in a collaboration arrangement, and then in time move to a more formal federation.

Schools within a federation continue to have their own:

- budget
- admissions arrangements and
- uniform

Schools within a federation are recognised and inspected separately by Ofsted. Within this context it is for schools and partnerships in collaboration with their communities to determine matters of ethos and organisation.

12. Question from Antonia Jewels, Lewes, East Sussex

I was interested to read the scrutiny committee review board minutes entitled 'Schools Coping with Change'. I was surprised to read that it was the council's position to encourage schools into Formal Partnerships (also known as Federations or MATs). As you know there has been recent strong opposition to these partnerships in Lewes and ALL schools in Lewes are revisiting any move towards academisation, dissolving the MAT working group. Also, it is no longer Government policy to push schools into becoming MATs.

Recently during the last full Council meeting a question was asked about the council's policy and whether they were favouring schools forming MATs. The answer was simply that the decision to become a MAT was entirely the responsibility of the school governors and that the council had no official stance on the issue.

Please can you explain why then the council is now providing contrary advice to schools and that in response to currently funding challenges, schools are better off in Formal Partnerships?

Bearing in mind that it is the responsibility of the LEA to manage schools, why are they now 'washing their hands' of schools? Encouraging schools into the flawed Academy system when it is damaging to children, teachers and the wider community.

Please explain what steps are being taken to further lobby central Government for proper and acceptable levels of funding for schools.

The same 'national funding formula' has been applied to neighbouring Brighton & Hove, please explain what mismanagement of funds has been allowed to take place in ESCC?

Response by the Lead Member for Education and Special Educational Needs and Disability

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There is broad agreement that the proposed National Funding Formula (NFF) does not address the continuing unfairness of funding allocations and remaining locked in inequalities.

The inconsistencies in funding for individual schools with similar characteristics across the country remain too great as a result of the protection of schools that are better funded. Implementation of the NFF has understandably attempted to ensure stability and the protection of schools against loss, but this undermines the ambition to create a fairer funding system across all local authorities.

East Sussex schools face the additional challenge of a significantly higher proportion of small rural schools that are both more costly to run and place a greater pressure on the total budget for schools.

I continue to work with schools, local politicians and national campaigners to address school funding matters.