

eastbourne review

Eastbourne Borough Council's Newspaper for Residents

Spring 2017

The Facts About Selling the Downland Working Farms



Please give us your opinion – see inside back page

inside this issue

- 2 Introduction by the Leader of the Council

- 3 The Financial Challenges Faced by the Council

- 4 How We Are Combatting Those Challenges

- 5 The Importance of Economic Prosperity – Exciting Projects for the Future Prosperity of our Town

- 8 Downland Working Farms Proposal – The Full Facts

- 11 We Need Your Opinion



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Welcome to the Spring Edition of the Eastbourne Review

I would like to welcome you all to the latest edition of the Eastbourne Review. In some respects, this is a slightly unusual edition. In 2016, the Council approved a new Corporate Plan. This sets out our priorities and objectives, taking us forward up to 2020. Many exciting projects are on the horizon and much has been achieved over the life of the previous 2010–2015 Corporate Plan. So in the following pages we highlight some of the most significant projects that have been completed or are in progress.

However, achievement does not come without making difficult decisions. Local Government has been under relentless financial pressure over the last few years and this is set to continue. We are proud of the fact that we have maintained all our front line services, for several years resisted increases in Council Tax, and been able to provide and attract major capital investment in the future prosperity of our town. But, we cannot sustain this position without continuing to provide rigorous management of our resources and make tough but necessary choices.

The purpose of this edition of the Eastbourne Review is to take the opportunity to look at what has been achieved and what is planned and also to communicate openly and honestly, the scale of the challenges that we face, and how we are already combatting those challenges. In particular, in this edition, we fully set out our proposal in respect of the sale of the freeholds of the Downland farms. I am concerned that there has been a great deal of confusing, and in some cases, misleading information on this matter. Hopefully, the information provided in the following pages will help you all by providing the facts of the proposal and providing an opportunity for anyone to submit questions and concerns as part of our engagement and consultation on this important matter.



As well as inviting you to comment on the specific Downland farms proposal, I am also inviting you to complete and return the opinion slip which you will find on the inside back page. It would be wrong of me to insult your intelligence by pretending that we do not have some difficult financial choices to make. Therefore, I am asking you to let me know if you agree with our proposal that the sale of the Downland Working Farms freeholds is an acceptable way forward or, alternatively, make the proposed service cuts.

Despite the financial pressures, I am convinced that Eastbourne has a vibrant future. Many of the exciting projects highlighted in this Review will have a lasting legacy and we are determined to keep looking forward and improving our town for residents, businesses and visitors alike. Our commitment remains as always to provide the best possible levels of service to the people of Eastbourne and make the necessary decisions to enable the town's future prosperity. I hope you enjoy reading through the content of this Review.

Cllr David Tutt
Liberal Democrat and
Leader of Eastbourne Borough Council

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The Challenges That We Face

Protecting Important Services

The Council requires revenue funds to deliver its services. Without adequate revenue funds we cannot continue to provide essential services. The Council's revenue funds come from two primary sources, namely Council Tax and Government Grant. Councils have been receiving significant reductions in Government Grant over the last few years. The scale of the problem is illustrated here:



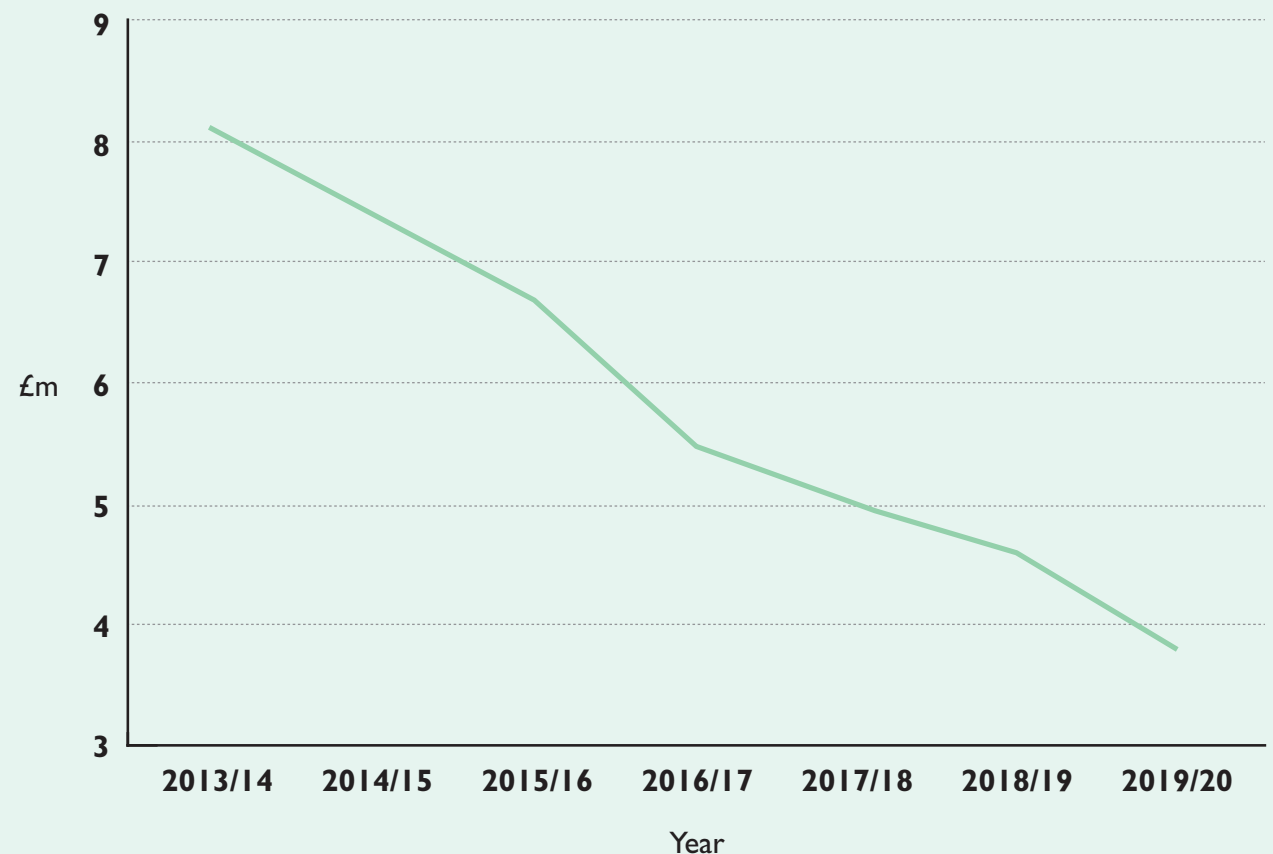
As can be seen, revenue grant funding from the Government has reduced from £8.2m in 2013/14 to a projected £3.7m in 2019/20. In fact, the real position is worse than this as this grant funding has been declining since 2008 and it takes no account of inflationary increases over the same period.

These levels of revenue reduction are simply not sustainable without compensatory measures. Thus, we must understand and accept the importance of making efficiencies and generating new streams of revenue income to compensate for the loss of grant. Some of the initiatives that we have already taken to meet these challenges are set out in the following pages.

The Use of Capital Funds

The Council places great priority on economic prosperity, without which we are unable to invest in the town's future and maintain important services and initiatives that are so important to quality of life. The future sustainability of the town hinges on major investment but this can only be achieved with sufficient capital funds. Whilst we can sometimes generate additional capital funds by seeking grant funding where possible, capital funds are primarily obtained by objectively assessing the value and contribution of our existing and potential capital assets (land and buildings that the Council owns). This means taking into account the usage, social value and

Chart showing the actual year on year decrease in Government Grant awarded to the Council



land/property value of such assets and making decisions on how best to maximise value.

As well as one-off projects, capital investment can also be used to generate additional revenue income, thus helping to tackle the revenue grant loss referred to earlier. Some of the Council's initiatives in meeting the financial challenge are set out in this Review, but the challenge is ongoing and requires difficult choices.

Financial and Strategic Management

Balancing priorities and securing best value is a complex combination of sound financial management, setting priorities according to the needs of the town, assessing social value, protecting essential services, and being prepared to make necessary decisions.

It is natural that not everyone will agree with the decisions we make or the priorities we set. However, we are in an unprecedented period of funding reductions in Local Government and we cannot secure the economic future of the town without being prepared to take tough decisions and explore different and innovative ways of working.



What We Are Already Doing

The Council has sought to meet the financial challenges imposed on us in a number of different ways over recent years. By working innovatively in our approach to making efficiency savings, managing our assets, undertaking new income generating projects, seeking and bidding for grants, and working proactively with partners, much has been achieved. Here, we highlight some examples:

Joint Transformation Programme

Eastbourne Borough Council, Eastbourne Homes Ltd and Lewes District Council are working together to protect frontline services and save money by sharing the majority of services. We are calling the work to join our services together the Joint Transformation Programme and through this work we aim to save £2.8m of the £6.6m the councils need to save over the next four years.



Solarbourne

In 2011/12, we invested in the installation of solar panels on the roofs of some of our housing properties, and some commercial buildings, including our 1 Grove Road offices. Capital funds were used to pay for the panels and the installation. The aim was to assist households in fuel poverty, create clean electricity, reduce carbon emissions and generate an income for the Council over a 25 year period, to support the delivery of front-line services. We are now in year 5 of the 25 year programme, and up to September 2016, Solarbourne has contributed an income of £537,000, more than was originally anticipated.

Solarbourne has also generated 3,927,000 kWh of clean electricity for Eastbourne, as surplus electricity generated by the solar panels is sold back to the National Grid. This has an estimated cash value of £511,000 and has saved enough CO₂ to drive round the earth 332 times!

Partnership Working – How we work with business to enable investment

Alongside the planned extension to the Arndale, the Borough and County Council have been working in partnership with Legal and General to deliver significant improvements to the public realm in Terminus Road and Cornfield Road. This £6m scheme will see buses and bus stops moved out of Terminus Road; widened footways; new paving, landscaping and seating areas and new bus shelters, signage and lighting.

Seeking Grants

A number of significant regeneration projects have been delivered in the Devonshire Ward since April 2015, following the receipt of £1.8 million funding from the Coastal Communities Fund. These projects include:

- Princes Park Café refurbishment
- Princes Park Public Realm works
- Sea Houses Square Public Realm refurbishment works

- Refurbishment works at 1–5 Seaside Road and 67–69 Seaside
- Co-ordinator for the Coastal Cultural Trail
- Tech Resort which offers free digital and coding courses and events for young people and provides business support/networking opportunities for the digital and information technology sector in Eastbourne, to encourage growth
- Building Partnerships is a brokerage initiative that provides employment and training opportunities within the construction industry.

In 2012, the Council successfully bid for and was allocated £2.6 million from the Government's Weekly Collection Support Scheme, which enabled us to maintain a weekly refuse collection for our residents.



The Importance of Economic Prosperity

Town Centre – Extension to the Arndale Shopping Centre

The Council has had a long standing ambition to see the Town Centre regenerated to provide a vibrant and sustainable retail offer and to improve its long term vitality and viability.

With an expanding population, Eastbourne needs to attract shoppers into the Town Centre by bringing in new retailers and leisure operators in large format units that don't currently exist and to allow existing retailers to expand and broaden their range.

The £85 million private investment by the owners of the Arndale Centre will provide 22 new shops, 7 new restaurants and a new state of the art 9 screen cinema.

The development will create around 500 full and part time jobs and will act as a catalyst for wider Town Centre regeneration.

Increased footfall generated by the development will have a significant positive effect on independent traders. The first two units fronting Terminus Road which will be occupied by Next and H&M will be open for business in August 2018, with the rest of the development completed in November of that year.



Devonshire Park Quarter

Devonshire Park is already very important to the economy of Eastbourne with over 400,000 visitors a year and an estimated £18 million in visitor spend in the local economy. The £44 million investment to establish Devonshire Park as a premier conference and cultural destination will include:

- New Welcome Building providing conference and exhibition space
- Restoration of three listed buildings – Congress, Winter Garden and Devonshire Park theatres
- Improved accessibility for all users
- Improving tennis facilities to secure the long term future of the pre-Wimbledon International Tournament
- Much improved catering with two new cafés
- Completion – Summer 2019.

The key purpose of this project is to protect the town's economy and the creation of new jobs. Key highlights are:

- 169 additional jobs supported in Eastbourne as a result of the additional visitor spending
- 114 new local construction jobs as a result of £44 million capital expenditure
- An additional 34,000 conference visitors per year – more than 4 times the current number – all of whom will increase the spend in local hotels, restaurants and shops
- Additional visitor spend in the town estimated at £13 million a year creating a wide knock-on effect in the local economy as a whole



Sovereign Harbour Innovation Park

Pacific House is the first office building on the Sovereign Harbour Innovation Park which was completed in 2015. It is a three-storey business centre of striking contemporary architectural design, offering flexible office space ranging from 627 sq ft, suitable for small, medium and large companies.

The Innovation Park project is designed to provide an economic boost to the area by providing high-quality premises and sites on previously disused land. It aims to help local firms expand and to attract new companies to the area, creating additional jobs.

New Sovereign Leisure Centre

The current Sovereign Centre is visited some 600,000 times a year by residents and visitors. It was built in the 1970s/80s and is now in need of replacement. The proposed new centre will provide:

- Swimming facilities for training, competition and fun- including a range of exciting fun water features
- A much larger gym, equipped with a wide range of new equipment
- An exciting trampoline centre, soft play and a fun climbing wall
- A range of party rooms and exercise studios
- First class changing and catering facilities.

The key objectives of this project are:

- To meet the sporting and leisure needs of residents and visitors
- To contribute to the health of residents
- To address the need for our visitors to have wet weather activities and young teen activities
- To reduce the costs to our local taxpayers of leisure provision as this project will eliminate the Council subsidy of around £350,000 per year to the current centre.



Joint Venture for Energy and Sustainability

We are currently setting up a Joint Venture for Energy and Sustainability, together with Lewes District Council, and we will be working with a private sector partner. As well as aiming to achieve large scale change and sustainability, and invest in significant projects that will achieve income for the Council, potential opportunities for residents are:

- Energy efficiency to include retrofit of domestic and non-domestic properties
- Energy generation using natural assets such as solar, with energy centres being built into new housing developments

- Local energy supply for the town
- Local greenhouses to create local food supplies
- Cleaner transport.

We anticipate that the Joint Venture will be in place in June 2017, subject to finding the right partner, and then a pipeline of projects will be identified.



Housing Investment

The Council and Eastbourne Homes have worked together to deliver over 100 homes in Eastbourne since 2015. By developing in areas needing regeneration, we have provided rented and shared ownership housing as well as improving the local area. The Council has now set up a Housing Company which aims to deliver an initial 300-400 more homes. In 2016 the Council won the national 'Outstanding New Developer of the Year Award' for its programme of new homes and economic development work.



The Downland Working Farms Proposal

The Downland, within the boundaries of Eastbourne, consists of two parts. The Open Downland (which is freely accessible to members of the public), and the Downland working farms (which are not).

Our proposal is to offer for sale the Downland working farms. The Council would still be retaining over 1000 acres of Open Downland, including Beachy Head.

Our proposal can be summarised as follows:

- The Downland working farms have been the subject of leaseholds with tenant farmers for many years.
- The sale of the working farms would mean new owners but they would remain as farms.
- Extensive existing covenants, and planning controls enforced by the South Downs National Park Authority, would ensure strong controls over inappropriate development on this land.
- Because of existing pre-emption rights, the working farms must first be offered to the two estates (Devonshire and Gilbert estates).
- In the event of selling on the open market (i.e. where the pre-emption offers have not been accepted), the Council will create new covenants to further reinforce future protection.
- Public access through the farms via bridleways and footpaths, would all remain.
- The public Open Downland will not be part of any sale and will remain as it is today.
- We will invest around £1 million of the sale

proceeds to improve the quality of the public Open Downland and its infrastructure.

- The balance of the funds will go towards supporting job creation, town centre improvements, housing and other key Council projects, and income generating new assets.
- The farmers would get an opportunity to purchase the working farms if the estates decline to buy.
- All the farmers have rights of tenancy and, in some cases, that equates to a lifetime tenancy.
- We aim to establish the interests of the two estates and/or the tenant farmers by summer 2017 when a final decision can be made as to whether to accept offers and/or proceed to the open market.



Why are we doing this?

The Council is only considering selling the Downland working farms because we are satisfied that there are sufficient protections in place that will protect this land and ensure the farms will continue to operate as working farms in the future.

As you will read elsewhere in this Review, Government funding to the Council is being cut and the gap is getting wider between the funding we need to protect frontline services and the funding we have available. By 2020, Government funding will have all but disappeared.

Eastbourne is a growing, thriving town with some 100,000 residents. It is also an important destination for tourism and business. It is crucial that we ensure the economic prosperity of the town for the future. This means making difficult choices in how best to use our capital assets to invest in the town's future.

We believe that our major projects such as the Devonshire Park Quarter, the Sovereign Harbour Innovation Park, housing, the new Town Centre, the new swimming and leisure complex to replace the Sovereign Centre, and investment in our public open spaces such as the Open Downland, are vital to that economic prosperity, creating jobs, providing improved facilities for all our communities, raising quality of life, and attracting more visitors to our town.

But to achieve these ambitions, we must use our capital funds wisely and objectively in the interests of all. The Downland working farms are

major capital assets which are not available for use by the general public and which earn low levels of income. This is not to devalue the attraction of their views and vistas, which will remain if the freeholds are sold given the protection on this land.

Your Opinions and Concerns

We welcome your opinions and will try to answer your concerns. On the Council's website we are publicising all questions received with our responses on a regularly updated FAQ list. You can view the latest version of this list at www.eastbourne.gov.uk/downlandfaqs

If you do have a concern or question that you feel is not already covered within the FAQs, please submit it to mark.langridge-kemp@eastbourne.gov.uk or alternatively by post to Mark Langridge-Kemp, Eastbourne Borough Council, 1 Grove Road, Eastbourne, East Sussex BN21 4TW.

We commit to publishing the content of all questions and concerns received, together with our response.

The Council's rights to sell the Downland working farms

The land was purchased by Eastbourne Corporation using powers given under the Eastbourne Corporation Act 1926. The land was not gifted to the Corporation.

The land is not held by the Council on trust for the people of Eastbourne in perpetuity. The purchase documents, the statutory powers available to the Corporation at the time of acquisition and subsequent dealings with the land by the Corporation and the Borough Council do not support the contention that a trust is in existence.



The Eastbourne Downland Management Plan 2007-2012 made reference to quotations from evidence put before a Select Committee of the House of Lords in the 1926 (during the passage of the Eastbourne Corporation Act 1926). This included an exchange between Mr Abady, acting for the Corporation in promoting the Bill, and Mr Knight, who was the Mayor of Eastbourne. The exchange was as follows:

[Mr Abady] Is it the deliberate intention of the Corporation, in promoting this clause, to secure to the public the free and open use of the downs in perpetuity?

[Mr Knight] - Absolutely."

It is the Eastbourne Corporation Act 1926 which set out the Corporation's powers. Parliament did not impose any controls requiring the

Corporation to hold the land in perpetuity or as a trustee or to prevent the Corporation from having the power to dispose of any land acquired. Reading the evidence as a whole, it is clear that the Corporation expressly envisaged, and informed Parliament, that it would have the power to sell any land acquired under the statutory powers it was seeking if it thought fit. What the Corporation was seeking was the powers it was ultimately given, being the ability to sell the land.

There is no difference between this land and any other land or property owned by the Council. Decisions on acquiring and/or disposing of assets happen all the time and they are an essential part of the Council managing its resources.

Investing in the Open Downland

If the Council sells the Downland working farms, this would generate a substantial capital receipt. Around £1m of this would be earmarked for improvements on the public Open Downland that the Council is retaining. These works could include:

- Improvements to the Countryside and Visitor Centre
- Enhanced disabled access
- Upgrading stiles to gates on Rights of Way
- New hedging along the north side of the A259, rebuilding the Peace Path and track resurfacing
- Restoring the Beachy Head watch tower memorial plaques
- Modernised and enhanced information boards.



Myth Versus Reality

Myth	Reality
The Council is selling off the public Open Downland	The Council is proposing to sell the freeholds of the Downland working farms which are currently leased to tenant farmers. This is not Open Downland accessible to the general public other than via public rights of way, which will all remain. The Council will be retaining over 1000 acres of Open Downland, which it will continue to manage.
The Council has no right to sell this land as it was gifted to the people of Eastbourne in perpetuity	The land was purchased by Eastbourne Corporation using powers given under the Eastbourne Corporation Act 1926. The land was not gifted to the Corporation and the land is not held by the Council on trust for the people of Eastbourne in perpetuity. There is no difference between this land and any other land or property owned by the Council. Decisions on acquiring and/or disposing of assets happen all the time and they are an essential part of the Council managing its resources.
The Council can only use the funds from the sale once. When it's gone, it's gone	Capital funds can be used to fund one-off projects that create improved and new facilities for our communities, additional attractions and support the town's economy, but they can also be used to acquire capital assets that yield ongoing revenue funds to help maintain essential services.
Once it is sold, private owners will be able to put development on the land	The Downland working farms are extensively protected by restrictive covenants and subject to planning controls. These protections will ensure that the working farms remain as farms and will not be built on if their ownership changes.
If whoever buys the land then sells it on, the covenants will not apply to subsequent buyers	This is untrue. Restrictive covenants are enforceable against subsequent buyers of land. Further, the Council will commit the necessary resources to enforce those covenants and make any new covenants before any open market sale.
Sale of the land to private owners will put wildlife and habitat at risk	We will be undertaking an Environmental Impact Assessment prior to any future decision to sell the working farms. In addition, we believe the protection the Downland working farms' land currently has, along with the Council's continued management of the Open Downland, will ensure that wildlife and habitat across the Downland is preserved.

Myth	Reality
Sale of this land will jeopardise the town's water supply	There is a private water supply system on the Downland Estate which is currently owned by the Council. A water management company has been set up to manage the private water supply if the farms are sold. The private supply will not be jeopardised in the event that the farms are sold. The sale of the farms will not impact on the regulatory regimes protecting the chalk aquifer underneath the farms. In particular, the Water Resources Act 1991 sets out significant protection for controlled waters, including any waters contained in underground strata. The regime includes powers for the regulator (the Environment Agency) to carry out works to prevent water pollution or to improve and remediate controlled waters, and to serve notices requiring others to carry out those works.
This proposal will result in the loss of a valuable amenity to the general public	The proposal only relates to the Downland working farms not the public Open Downland. Current public rights to roam the Open Downland and use rights of way across the working farms will remain as they are now.
The Council has made this decision in secret and not consulted with the general public	The initial decision was taken confidentially as the Cabinet report contained commercially sensitive and personal information. This gave officers the authority to further explore the proposed freehold sale and carry out due diligence regarding the proposal. This work is continuing.
The Council refuses to consult with the general public on this matter	We are carrying out comprehensive engagement with residents to seek their views and answering any questions or queries that they may have regarding this matter. Full details of this proposal, together with an invitation for people to comment and a commitment to publicly respond, has been on the Council's website since before Christmas and is fully set out here in this publication, which is delivered to every household in the town.
The Council has already made its decision	The Council will make a final decision on whether to proceed in Summer 2017 once officers have completed due diligence, the position of the two estates in respect of their pre-emption rights has been established, and the personal wishes of the existing tenant farmers are understood. When making a final decision, the Council will take full account of the public feedback received.

We want your opinion

What we must do

The Council must increase its capital funds in order to invest in major projects and high yield assets to increase revenue funds to protect essential services. We need to raise some £20 million of capital funds. There are, essentially two ways to do this, either:

1. We dispose of a capital asset of that value but with low income yield and use that money partly to invest in major projects and partly to invest in higher value capital assets that will generate greater revenue funds

Or:

2. We make cuts to discretionary services in order to use those saved revenue funds to borrow and finance a capital sum of equivalent amount. We would require around £1.1 million of revenue funds in order to borrow around £20 million capital.

Option 1 – The disposal of the Downland working farms:

- **The disposal will not affect the Open Downland that is accessible to the public**
- **It will allow us to commit £1m of funding towards public access improvements on the Open Downland**
- **It is not a one-off windfall as much of the money can be invested in other assets that will generate higher revenue income to protect important services to our community for the foreseeable future**
- **The protections in place will ensure that the land will remain in use as farms**

Option 2 – A selection of service cuts to raise sufficient revenue to be able to borrow the required capital for investment. We have to be mindful of the need to provide statutory services to the legal minimum level, and essential services to vulnerable people. The reductions to discretionary/desirable services that we would suggest as a potential alternative to selling the working farms would include:

Proposal	Impact
Halve the community grants programme – saving £100,000	Discretionary grants are awarded to a variety of large and small voluntary organisations and community groups in the town. This cut would have a severe impact on the future sustainability of such organisations and groups
Reduce street cleansing to the legal minimum – saving £300,000	25% reduction in the current level of street cleansing across the town
Charge £50 per year for green waste collection – income generation of est: £300,000	Currently free to residents. The estimated saving is based on the level of charge and households using the service in Hastings
Reduce grass cutting and grounds maintenance to the legal minimum – saving £400,000	<ul style="list-style-type: none"> • Reduced grass cutting of highway verges and Downland from 12 to 5 cuts per year • Change to permanent plants and reduced grass cutting of the Carpet Gardens • Reduce all other grounds maintenance to minimal standard required

How to give us your opinion

Doing nothing is not an option. Therefore, we want your opinion on which of these two options you would prefer us to pursue. We would urge you to give us your opinion as, with a significant level of response, we can legitimately commit to being guided by your views in making our decisions on the preferred way forward.

- Please complete the attached slip below and return it to us at the Freepost address shown on it.
- If more than one person in your household wishes to participate, please feel free to photocopy the slip but only one slip per person.
- We require the contact details to be filled in as this survey is for Eastbourne residents only and we reserve the right to make checks as to the residential validity of respondents.
- The slips will be returned to the Council's Monitoring Officer and will be opened and counted in the presence of one of the Council's Independent Standards Members.

PLEASE NOTE: This is an informal ballot for residents within the Borough of Eastbourne only.

Name

Address

Postcode

Potential options for the Council

Your Choice
(Tick only one box)

Sale of the Downland Working Farms Freeholds whilst retaining and investing £1m of improvement in the public Open Downland. Est: £15-30m capital value

OR

The following package of revenue reductions totalling £1.1m

- Halve the community grants programme (£100k)
- Take 25% from the street cleansing contract (£300k)
- Charge £50 per year for green waste collection (£300k)
- Reduce grass cutting and grounds maintenance (£400k)

Please tear off and return this form by post to:

Peter Finnis, Eastbourne Review Survey,
Freepost RTRJ-ZSLT-BBZE, Eastbourne Borough Council,
1 Grove Road, Eastbourne BN21 4TW

**Deadline for responses to be received –
Friday 3 March 2017**





Please don't forget to
give us your view



www.eastbourne.gov.uk