



Seaford Town Council

MINUTES of a **Special Meeting** of the **Full Council** held at Seaford Baptist Church, Belgrave Road, Seaford on **Wednesday 19th August 2015** at **7.00pm**.

Present:

Councillor D Argent (Mayor) and Councillor R Hayder (Deputy Mayor).
Councillors S Adeniji, P Boorman, M Brown, D Burchett, C Campbell, R Chambers, L Freeman, O Honeyman, R Honeyman, M Lambert, P Lower, A McLean, I Murray and L Worcester.
James Corrigan, Town Clerk – Seaford Town Council
Georgia Raeburn, PA to the Town Clerk – Seaford Town Council (minutes)

133 members of the public.

C43/08/15 Apologies for Absence

Apologies for absence were received from Councillors B Burfield, A Latham, D Silvey-Adam and L Wallraven.

C44/08/15 Disclosure of Interests

No declarations were made of discloseable pecuniary interests or interests other than pecuniary interests as defined under the Seaford Town Council Code of Conduct and the Localism Act 2011, in relation to matters on the agenda.

C45/08/15 Public Participation

A **MOTION** was put forward that under Standing Order 10.a.x the overall public participation item on the agenda be extended to one hour; this was **CARRIED**.

John Bailey Stated his concerns at Lewes District Council's (LDC) justification to keep the list of potential sites for development confidential due to it being in the public's best interest to contain the information outweighing disclosure of it. Feels this was proved wrong by the presence at this meeting tonight. If the site list had been made public then as per LDC's process, the District Councillors could have been lobbied to call in the decision and have the Scrutiny Committee review it. The Scrutiny Committee may have been able to withdraw items or even remove certain sites. The Information Commissioners Office would likely say it was not in the public's best interest not to disclose the information.

At the Town Council meeting on 9th April 2015, agenda item 20, exempt report 249/14 was regarding potential plots of land for development. He has heard that this was a confidential document from LDC, which contained similar sites now being discussed including the Buckle Car Park. Questioned what was on this list of sites and why was this kept secret.

Town Clerk An exempt report was received by Seaford Town Council (STC) from LDC with the caveat that it must be kept confidential. This was challenged at the time however STC were told that if they made this public that it would not be able to make a representation. STC has recently received a request under the Freedom of Information Act for details of the sites included in exempt report

249/14; these were released. It did include the Buckle Car Park and the three other car parks in the town centre. STC did object to the four sites above and one other.

Anthony White *Was a councillor at the time and attended the Council meeting on 9th April. He was confused and felt disillusioned as to why the public had to be kept in the dark. He felt it necessary to tell a member of public details of the sites that had been discussed as he believed the public had a right to know and needed the chance to fight for Seaford.*

Mark Enser *Read out a statement on behalf of ex-councillor Sylvia Dunn who is unfortunately unable to attend.*

Questioned whether for the Council meeting on 9th April with agenda item 20 STC should have, in the interest of the public, either refused the confidential information or disclosed it.

Questioned what jurisdiction LDC has over STC to keep the list of sites out of the public domain right before the general election. This being in addition to the list being kept confidential in 2012.

Furthermore only two tenders were invited to submit an outline proposal, which is questionable given the potential development value across the district being around £53m.

Expressed concern over the potential loss of an important community asset and the impact this could have on the already overstretched health facilities.

There are other towns in the District that are opposed to the proposals and we should stand together to get the development halted. There are so many unanswered questions around this process.

Canvassing is taking place with the people of Seaford regarding the issues and it is being stressed that this is not just being opposed for the sake of opposing. This is an unsuitable development being imposed upon the town; a town which needs affordable housing, in particular for young families who will lose the local support network if they are pushed in to another town.

Phillip Light *Feels that with the proposals this will effectively mean the west end of the beach is finished for use by older people.*

Ruth Rose *On behalf of Access in Seaford & Newhaven Committee:*

The Access Committee has gone to great pains to improve access from the Buckle Car Park to the Sailing Club café for disabled people. The Sailing Club even carried out works to assist with this. Loss of the car park will render this obsolete as disabled people are not able to get out of cars from the parking bays on the seafront.

As an early morning swimmer:

Every day the early morning swimmers use the Buckle Car Park, with swimmers travelling from as far afield as East Grinstead. This is not just a facility for Seaford but for the whole county and even

people arriving on the ferry in Newhaven, as Seaford beach is one of the first sights they see as an attraction.

On past experience she believes that the flats will be sold in London by a London based estate agency. This therefore will not bring revenue to the town.

Disabled people have a right to access to toilets and the beach; a formal protest is needed.

- Bob Gower* *Questioned whether any LDC representatives were here tonight and if not, why not.*
- Town Clerk* *STC cannot give an answer to that; the question would have to be put to LDC.*
- Councillor Adeniji* *Confirmed that he is a District Councillor but he is at this meeting as a Town Councillor. He is not on the Cabinet at LDC and is against this proposal. This decision was made by LDC Cabinet and Officers without any consultation with the District Councillors.*
- Brian Spicer* *Stated that he had had a response to his query to the Chief Executive Officer at LDC who confirmed that there is no provision for affordable housing in Seaford.*
- Debbie Ward* *Had just attended the LDC Planning Committee meeting where the proposal to extend the East Quay in Newhaven had been passed. STC's recommendation and that of the people of Seaford has been ignored.*
- Roger Foxwell* *Asked for clarity on the format that the meeting was taking; is this just voicing public concerns or will there be a constructive outcome from the Councillors.*
- Raised the importance of STC creating a Neighbourhood Plan for Seaford. Without a Neighbourhood Plan in place the town will struggle to challenge any development in Seaford. Asked what had been done over the past 12 months on creating a plan. Stressed that STC will need to engage with the public when working on the plan, not just appoint consultants; it must be steered by the people of Seaford to make the plan work.*
- Councillor Brown* *Confirmed that the Neighbourhood Plan Working Group has met three times now and has set out the requirements for a plan ready to take a report to Council on 24th September asking that it accept the recommendation to start work on the plan.*
- Julie Martin* *Her family have recently bought The Buckle and had plans to return The Buckle to a community place to eat. The removal of the car park hinders their plans to improve the community facilities on offer along the seafront.*

Questioned whether, as per report 55/15, STC has already decided that to fight these proposals would cost too much money.

Concerned about the idea to remove the well-used cycle lane and questioned where the parking lane would go.



Asked if anyone had thought about the impact on the caravan site if recommending a 5 or 6 storey high building.

There is no affordable housing proposed for Seaford and no care for the community of Seaford by LDC.

Questioned whether STC believe it can fight this or if it is resigned to just replacing the facilities.

Asked if anyone had looked at the possibility of only selling part of the car park.

Town Clerk

Explained that report 55/15 is a summary of information gathered, this is not a decision being made. However, the information on the cost of a judicial review is a reality. It is recommended that STC has around £250k in reserves however by the end of this financial year STC will be closer to £50k, meaning that STC is currently financially exposed. It would be impossible with the current financial position to challenge this legally. A judicial review would be around £100k, if it all went smoothly, and the success rate is only around 10%.

STC can encourage the public to make their voices heard to LDC and will give advice to any non-political groups to help this be achieved; the public must make their views known and pursue them. If STC were to enter in to conflict with LDC this would be at a huge financial cost.

STC do not make a decision on whether or not the land is sold but will make its objections known to the LDC Officers and Councillors.

Councillor
Campbell

At the Council working party meetings, the councillors discussed at lengths what options and solutions could be found. If STC cannot afford to fight LDC then it will find different solutions. Urged that any members of public with ideas bring these to the councillors attention

John Bailey

Suggested that STC look to get a counsel's opinion on a judicial review, as this would not cost a huge amount and would give STC advice as to whether or not this is a viable option.

STC could then form a consortium across the District to fight this.

The Local MP has stated that she will take this matter up with the minister.

There are two key points firstly, the covert way in which this has been dealt with and secondly, whether LDC are the correct authority to deal with any subsequent planning applications as legally you cannot have a prejudgment on any planning applications (the same may also apply for STC).

Councillor
Adeniji

Will be making a proposal that STC itself write to the Minister and finds ways in which to work with other local councils to stop the proposals from happening.

Anthony White

Questioned the legality of what LDC has done. As tax payers, the District Council must keep the public informed if it is relevant to



the town. Has the procedure been followed legally, if not what are the legal ramifications of this? This ought to be investigated.

Jon Freeman

The Chair of LDC has launched a petition to stop or postpone this from happening across the District. This petition will be presented to the Council in September; this will add weight to any fight made.

The west end of the beach is mentioned in various guides to the town and is an important tourist attraction.

It needs to be asked how LDC achieved the retail figures from the flats; it is highly unlikely that luxury apartments of this nature will bring money to businesses in the town.

Wonders if LDC has considered the impact on the town; the health facilities in town are already overstretched, with 1,800 patients waiting to register. This is an ongoing campaign, with Horder Healthcare being relied on hugely.

LDC's Scrutiny Committee ought to be looking at this; it is convenient timing that it has been brought to light during the changeover of councils at election time.

Has serious concerns that the correct tender process has not been followed, whether three tenders were sought and all duly validated (both financially and the terms of the outline of the proposal).

These questions ought to be put to LDC.

Ruth Rose

Before any change of use application is granted there needs to be an impact assessment. Requested that STC ensure that all parties are consulted; fisherman, kite surfers, swimmers, families, disabled users etc.

Mark Enser

A formal complaint was lodged with LDC one month ago; both the first and second stages did not provide adequate answers so this is now being taken to the Ombudsman. Urged that member of the public address their formal complaints to the Chief Executive of LDC.

Roger Foxwell

Asked whether STC had earmarked other sites for possible development. If STC cannot offer other sites to build the 112 houses on then any challenge lacks weight. There are sites on the outskirts of the town, within the South Downs National Park, that could be used.

Newhaven has nearly 1,000 properties to build according to the Core Strategy document. STC ought to be working with Newhaven Town Council with its thoughts on the Core Strategy.

Town Clerk

Explained that STC cannot predetermine aspects of a Neighbourhood Plan, this must be done in consultation with the public.

Central Government put requirements on the District Councils through the National Planning Policy Framework document; LDC



has to accommodate 7,200 additional houses across the district and around 360 for Seaford by 2030.

STC is looking at possible alternative sites but not as part of a Neighbourhood Plan.

Councillor
Campbell

Felt frustrated that at the public drop in session held by LDC in July, it took the format of the developers convincing the public of their proposals rather than listening to the public's concerns. Suggested that STC request the next LDC drop in session be more of a consultation i.e. listening to the residents.

John Bailey

Recommended that STC need to look at the planning law surrounding this and the material considerations that can and cannot be made. Having a planning lawyer would assist with written representation on any case. Questioned how LDC will keep this process adherent to planning law.

Consider if the Environment Agency (EA) being located on this site is beneficial for Seaford. Can STC and the EA pull together to fight to keep the site as it is on planning grounds.

Town Clerk

Has been in touch with the EA independently to LDC. The EA were approached by LDC with the request to rescind the lease on the site. No conclusions have come from these discussions yet. If the EA did vacate the site it would not impact on its operations at Seaford beach as they would likely be relocated within Seaford or Newhaven.

Debbie Ward

Asked whether the 100 or so properties already granted planning permission in Seaford could be taken in to account with meeting the required number of new builds in the town.

Questioned why the Council's resolution in 2012 to earmark sites under the community right to bid scheme had not been actioned on.

Town Clerk

Confirmed that the figure given for new builds does take in to account any proposals already given planning permission. Permission is granted for three years so if not actioned on in this time, the number would go back up again.

Anthony White

Concerned that the EA would recommend against having beach huts on Bönningstedt Parade due to the risk of flooding, yet LDC would consider building so many properties so close to the sea. Climate change is happening and a rise in sea level of only 50cm would put the flats at risk.

Mark Enser

Requested that STC seriously consider working with other local councils.

Highlighted that suggesting alternate sites is not the issue here. LDC want to sell its own land in order to get money to fund building housing elsewhere.

Urged that STC make recorded votes at any votes taken today.

Peter Crowley

Questioned why it has taken LDC so long to bring these proposals to light; it is morally wrong to develop this scheme so far without



consulting the residents of Seaford.

Wonders why the funds from the land sale could not go towards affordable housing for the 370 families in Seaford on the waiting list.

There should be an impact study on the loss of amenities; the car park, environmental impact with the maintenance of the beach, recycling, public disabled toilets, tourism and the potential loss of Bishopstone train station if the parking facility is removed. Is it appropriate that LDC give planning approval for this site?

Proposed that the scheme is put on hold until public questions are answered and a proper open public consultation has taken place, also taking in to account the alternative proposals from STC.

Councillor Boorman Informed the public that he will be in the Alfriston Road area with a similar petition to that launched by the Chair of LDC.

C46/08/15 Consideration of Lewes District Council's New Homes Proposals

C46.1 Members considered report 55/15 summarising the current position, reporting back on the findings of the Town Council working party, survey results, comments from the public and to determine what action if any to take.

C46.2 The Town Clerk advised any members of the Planning & Highways Committee that they may wish to abstain from voting on any objections being made against the sale of the land and proposed development. This could be deemed as predetermination by law and they would therefore not be able to pass comment on any subsequent planning applications.

C46.3 Concern was raised with regards to LDC being the authority that would be dealing with any planning applications for these sites, as the authority that is also promoting the scheme. LDC's planning process at page 15, appendix C, makes no mention of consultations with Town or Parish Councils.

The Clerk confirmed that as the Local Planning Authority LDC would be responsible for considering any planning applications. Similarly, any planning applications submitted for the South Downs National Park Authority (SDNPA) would also be dealt with by LDC's Planning Committee as acting planning agents for SDNPA.

C46.4 The Clerk highlighted an issue under discussion nationally at present with a weakness in the Neighbourhood Plan process whereby if a planning authority grants permission that goes against a town's Neighbourhood Plan that town has no right of appeal (the right is only there if permission is not given).

C46.5 The following was **PROPOSED** as a motion;

- i. To write to LDC setting out that whilst STC acknowledges new housing is much needed across the District, STC urges LDC to listen to the wishes of Seaford residents and halt its proposed plans to develop on the Buckle Car Park, a valuable community asset. STC urges the Cabinet of LDC at its next meeting to rethink its proposal to build on this site;



- ii. To write to the Secretary of State setting out STC's and the public's objections to the proposals by LDC and highlighting the process followed whereby decisions were made in secret by LDC Cabinet two years ago;
- iii. To write to other local Councils (Newhaven, Peacehaven, Lewes and Wivelsfield Green) asking to work together to stop these proposals from happening – lead by example and take control;

A **RECORDED VOTE** was requested:

Cllr S Adeniji	For
Cllr D Argent	Abstained (member of Planning Committee)
Cllr P Boorman	For
Cllr M Brown	For
Cllr D Burchett	Abstained (member of Planning Committee)
Cllr C Campbell	For
Cllr R Chambers	For
Cllr L Freeman	For
Cllr R Hayder	For
Cllr O Honeyman	For
Cllr R Honeyman	Abstained (member of Planning Committee)
Cllr M Lambert	Abstained (member of Planning Committee)
Cllr P Lower	Abstained (member of Planning Committee)
Cllr A McLean	Abstained (member of Planning Committee)
Cllr I Murray	For
Cllr L Worcester	Abstained (member of Planning Committee)

It was **RESOLVED** that the motion be **CARRIED**.

- C46.6** It was **RESOLVED** to **AGREE** that the recommended actions for compensation be **DEFERRED** pending the outcome of the first motion as set out at C46.5.

STC is apprehensive about discussing any recompense for the town when it has put forward a request to LDC to halt the proposed scheme.

C47/08/15 Seaford Community Rights to Bid

- C47.1** Members considered report 59/15 informing the Council of LDC's decisions on three applications submitted to be registered as community assets under the Community Rights to Bid Scheme, seeking further determination as to whether the original sites agreed to should be re-evaluated and to consider if any additional sites should be added.
- C47.2** The Clerk explained the process of submitting an application to register a community asset and the impact that having an asset registered may have on any future sale of that site.
- C47.3** It was **RESOLVED** to **APPROVE** applications being submitted under the Community Rights to Bid Scheme to register the Buckle Car Park, East Street Car Park, West Street Car Park and Saxon Lane Car Park as Community Assets, with the Buckle Car Park taking highest priority followed by the other car parks.

Furthermore, that the original list of sites to apply to register be processed after the above sites have been completed, as set out below with those no longer relevant having been removed:

The Old School Surgery
St Leonards Church
Land at Valley Dip
All Pubs in Seaford
Railway Stations
Barn Theatre
Little Theatre
Cradle Hill Industrial Units
Homefield House
Tide Mills
Chyngton Way Field
Seaford Head Swimming Pool
Portacabins at The Peverels
The Constitutional Club
The Union Club
The British Legion Club
Clinton Place Hall

The meeting closed at 8.43pm.

Councillor Dave Argent
Mayor of Seaford

A handwritten signature in black ink, appearing to read 'D Argent', written in a cursive style.

