

Report to: Cabinet

Date: 17 September 2018

Title: Draft Lewes District Local Plan Part 2

Report of: Director of Regeneration & Planning

Cabinet member: Councillor Tom Jones (Planning)

Ward(s): All wards that lie wholly or partially outside of the South Downs National Park

Purpose of report: To seek Cabinet approval to progress the Local Plan Part 2: Site Allocations and Development Management Policies through to its formal submission to the Secretary of State and to seek approval for the arrangements for the Examination in Public

Decision type: Budget and policy framework

Officer recommendation(s): (1) To approve the Draft Local Plan Part 2 for public consultation under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations;

(2) To authorise the Director of Regeneration & Planning, in consultation with the Cabinet Member for Planning, to make any minor changes arising from the consultation and to seek the approval of full Council to submit the Local Plan Part 2 to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations for examination.

Reasons for recommendations: To ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the Local Plan Part 1: Joint Core Strategy through the allocation of additional development sites and up-to-date development management policies to assist in the determination of planning applications.

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1 Introduction

- 1.1 The Lewes District Local Plan Part 1: Joint Core Strategy (JCS) was adopted by the Council in 2016 and provides the planning policy framework to guide strategic growth across the district to 2030.
- 1.2 The Draft Lewes District Local Plan Part 2 builds upon the strategic policies of the JCS by allocating smaller-scale sites for development and providing the detailed development management policies to inform planning decisions. It will cover the period to 2030 and replace the majority of the ‘saved’ policies of the 2003 Local Plan.
- 1.3 The Local Plan Part 2 only applies to the area covered by the Lewes District Planning Authority (i.e. Lewes District *excluding* the area within South Downs National Park). The South Downs National Park Authority is preparing its own Local Plan, which will on adoption supersede all existing local plan policies within the National Park.
- 1.4 The Draft Local Plan Part 2 was formally published for public consultation in November 2017. All the comments received during this consultation have been carefully considered and, where appropriate, changes have been made to the Draft Local Plan to reflect them. A summary of the main issues raised and how these have been addressed is set out in the ‘Summary of Consultation’ background document.
- 1.5 This report introduces the Pre-Submission Local Plan Part 2, which incorporates the changes made in response to the public consultation above. It will be published for public representations to be made prior to the submission of the document to the Secretary of State. The timetable for the remaining stages of the plan process is set out below:

Stage of Local Plan Preparation

Date

Pre-Submission Plan Consultation (Reg.19)	Sept/Nov 2018
Formal submission to the Secretary of State (Reg.22)	January 2019
Examination in Public	Spring/Summer 2019
Adoption	Autumn 2019

2 Main Changes

- 2.1 The Pre-Submission Local Plan Part 2 is attached at Appendix 1. This document is consistent with the vision, objectives and strategic policies of the JCS and conforms with the National Planning Policy Framework (NPPF). Its policies are based on recent evidence, taking account of responses from statutory consultees and other comments received during consultation. The main changes to the document since the publication of the Consultation Draft Plan are set out below.

Residential Site Allocations

- 2.2 The Consultation Draft Plan contained 11 housing site allocations, all of which received representations. Relevant amendments to the housing site allocations have been made to provide clarification and respond to concerns raised in representations.
- 2.3 Draft Policy BH02: Land at Oakfields, Theobalds Road, Wivelsfield has been removed as a proposed housing site allocation. This Draft Policy received a high number of objections. Representations made raised a number of concerns such as access, capacity of local infrastructure, over development and impact on surrounding wildlife. Whilst investigating these concerns it was confirmed to the Council that the proponent's intentions for the site had changed, to the extent that the site could no longer be allocated within Local Plan Part 2.
- 2.4 Amendments to the site boundaries have been made to three draft housing site allocations: CH01: Glendene, North Chailey; BA01: Land at Hillside Nurseries, Barcombe Cross; and RG01: Caburn Field, Ringmer. The change to Draft Policy CH01 is a correction.
- 2.5 The amendments to Draft Policy BA01 reflect further work and discussions between the Council and proponent in response to representations received concerning the loss of 'saved' Policy BA1 of the Lewes District Local Plan 2003. Policy BA1 allocates land for an extension of the existing Recreation Ground to provide additional recreational space within the village. It was highlighted by the local community that the justification for BA1 still existed and therefore the need to safeguard an area of land in this location remained. As such, the Draft Policy BA01 has been expanded to incorporate a slightly larger development of 10 net dwellings (an increase of 4 net dwellings) and approximately 1600sqm of amenity space to provide equipped and informal play space.
- 2.6 The boundary of Draft Policy RG01 is amended to reflect the total area of land now being jointly promoted by Ringmer Football Club and the District Council for redevelopment. This has resulted in the housing numbers set out in the revised Draft Policy increasing from a 'minimum of 60' to 'approximately 90' net additional dwellings, reflecting the deliverable capacity of the redevelopment.
- 2.7 Local Plan Part 1 Core Policy 3: Gypsy and Traveller Accommodation requires the provision of 5 permanent pitches to serve the needs of the area outside the South Downs National Park. The Consultation Draft Plan did not include any proposed sites for permanent Gypsy and Traveller pitches. This is because at the point of preparation no potential suitable sites had been identified.
- 2.8 To address this shortfall a call-for-sites inviting the submission of potential Gypsy and Traveller sites ran parallel to the November 2017 Draft Plan consultation. No potential sites were submitted. The Council continued the search and, with the support of East Sussex County Council, has identified a potential deliverable site. Draft Policy GT01 in the Pre-Submission Plan therefore allocates land south of The Plough, Station Road, located north of Plumpton Green village adjacent to 'The Old Brickworks', for the provision of 5 permanent pitches.

Employment Site Allocations

- 2.9 The Consultation Draft Plan did not include any new employment site allocations. This is because there is sufficient land in quantitative terms to meet the employment floorspace requirement of 74,000sq.m. set out in the JCS Spatial Policy 1. This existing supply will meet the forecast need for employment land and premises, with a modest allowance for market choice to allow for the changing needs of business and for the possibility of a greater than expected level of local economic growth.
- 2.10 In their responses to the consultation, ESCC and Newhaven Town Council have pointed to the need for a new policy to replace 'saved' Policy NH20 of the 2003 Local Plan. This 'saved' policy allocates land at East Quay and East Beach, Newhaven, for uses associated with upgrading and expansion of the port. Whilst most of this site is located within the planning boundary, where development is acceptable in principle, it remains largely undeveloped and it is acknowledged that a replacement policy allocating the land for employment purposes would be appropriate.
- 2.11 Draft Policy E1 in the Pre-Submission Plan therefore allocates land at East Quay for employment uses associated with Newhaven Port. Employment development which is not associated with port-related activity would also be permitted where it can be demonstrated that such development would not undermine the operational use of the port. The allocated site excludes land which currently has planning consent for the expansion of the existing port area.
- 2.12 Officer agreement has also been reached with Brighton & Hove City Council to allocate a site for employment purposes at the American Express Community Stadium at Falmer. This is set out in Draft Policy E2. The allocated site, which straddles the border between the two Councils, provides an opportunity for the development of office or health/education uses associated with the stadium or the two adjacent universities. The site is also allocated in the Draft Brighton & Hove City Plan Part 2, which is currently out for consultation.
- 2.13 Draft Policies E1 and E2 are included in section 3 of the document, which is titled 'Employment Site Allocations'.
- 2.14 The 2003 Local Plan employment site allocations within the designated neighbourhood plan areas at Newhaven, Peacehaven/Telscombe and Seaford continue to be 'saved', and therefore form part of the development plan for the area until the respective neighbourhood plans for these towns are approved. These are listed in Appendix 3 of the Pre-Submission Plan.

Development Management Policies

- 2.15 The draft development management policies were generally well received and it has not been necessary to make any major changes. The Environment Agency and Historic England support many of the proposed new policies in the 'Creating Healthy, Sustainable Communities' and 'Protecting and Enhancing the Distinctive Quality of the Environment' sections of the document.
- 2.16 Natural England and the Sussex Wildlife Trust suggested a number of minor

amendments to embed biodiversity considerations more firmly within the Local Plan. These amendments have been incorporated in Draft Policies DM6 (*Equestrian Development*), DM11 (*Existing Employment Sites in the Countryside*), DM17 (*Former Lewes/Sheffield Park Railway Line*), and DM18 (*Recreation & Rivers*). Minor amendments have also been made to Draft Policy DM24 (*Protection of Biodiversity and Geodiversity*) in the light of comments from both organisations.

3 Consultation

- 3.1 Subject to approval by Cabinet, the Pre-Submission Local Plan Part 2 will be published for consultation over a period of six weeks, in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations. This consultation will specifically focus on whether the document is 'sound' and has been prepared in accordance with legal and procedural requirements.
- 3.2 All statutory bodies, together with individuals or organisations that previously commented on the JCS, will be directly notified. The consultation will also be publicised on the Council's web site, through press releases, and working in partnership with town and parish councils. Paper copies of the document will be made available in local libraries and at Southover House. Comments received will be forwarded by the Council to the Secretary of State for consideration at the Examination in Public.

4 Next steps

- 4.1 Following the consultation period, all comments will be carefully considered to ensure that no new issues have been raised that could risk the Local Plan Part 2 being found not 'sound' at examination. Provided that there are no such issues, the approval of full Council will be sought to formally submit the document to the Secretary of State. However, if Council considers that significant changes are necessary to make the document sound, a further round of consultation will be required.
- 4.2 The Examination in Public will commence following submission of the Local Plan Part 2 to the Secretary of State. The examination will include public hearings but the majority of issues will be addressed through written representations. If the document is found 'sound', it will be presented to full Council for formal adoption. The Local Plan Part 2 will then comprise part of the development plan, alongside the JCS, the Waste & Minerals Plan, and any approved neighbourhood plans.

5 Financial appraisal

- 5.1 The financial implications of publishing the Pre-Submission Local Plan Part 2 will be minimal, primarily the costs associated with printing and postage. These costs will be met by the Planning Policy budget and are anticipated to be about £1,000.
- 5.2 The costs associated with submitting the document and the subsequent

Examination in Public will be much more substantial. The cost of the Planning Inspector alone will be over £1,000 per day and further costs will be incurred through the hire of a venue, the appointment of a Programme Officer, administrative expenses, etc.

- 5.3 The exact costs cannot be predicted until it is clear which issues the Inspector will wish to examine and the length of the Examination in Public. The Council has included £40,000 in its 2018/19 General Fund Budget to cover these costs.

6 Legal implications

- 6.1 Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 requires the submission of a Local Plan to the Secretary of State to first be approved by Full Council. In taking this to the next stage, the Council are also required to comply with the provisions of the Planning and Compulsory Purchase Act 2004, Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and to have regard to the National Planning Policy Framework (NPPF) 2012.

- 6.2 Legal Implications Provided 15.08.18 7620-LDC-JCS

7 Risk management implications

- 7.1 I have completed a risk assessment. The following risks will arise if the recommendations are not implemented and I propose to mitigate these risks as follows:

Risk

A delay in progressing the the Local Plan Part 2 towards adoption will mean that the Council will not be meeting its strategic requirements for new homes, including permanent Gypsy & Traveller pitches, and that planning applications will continue to be determined in accordance with broad national policies and the strategic policies of JCS, rather than more detailed, up-to-date planning policies that are locally derived.

A revised NPPF was published on 24 July 2018. However, the Local Plan Part 2 will be examined in the context of the previous NPPF, provided that the document is submitted to the Secretary of State within six months of this date, A delay in publishing the Pre-Submission document for consultation under Regulation 19 would make it impossible to meet this deadline. This

Mitigation

If the recommendations are approved, the Local Plan Part 2 will be progressed in the shortest possible time period. A Members' Briefing has therefore been organised to ensure that Members have an opportunity to more fully understand the supporting evidence and justification for the more detailed policies contained in the draft Pre-Submission Plan. Once the Local Plan Part 2 is adopted, these policies can be used to determine planning applications for development.

As above.

may increase the risk of the Local Plan Part 2 being found 'unsound' at examination because its policies were drafted prior to the publication of the revised NPPF.

At the next stage of consultation (Regulation 19), new issues could be raised which risk the Local Plan Part 2 being judged to be 'unsound' at the Examination in Public.

The Planning Officers Society has been employed to carry out an expert 'critical friend' review of the draft Pre-Submission Plan to help ensure that this situation does not arise.

8 Equality analysis

8.1 An Equality and Fairness Analysis has been undertaken and is included as a background paper to this report .

9 Appendices

Appendix 1 - Pre-Submission Lewes District Local Plan Part 2 (draft version for approval)

10 Background papers

The background papers used in compiling this report were:

- Lewes District Local Plan Part 1: Joint Core Strategy
- Sustainability Appraisal: Pre-Submission Document
- Habitat Regulations Assessment: Pre-Submission Document
- Equality & Fairness Analysis
- Summary of Consultation on the Consultation Draft Local Plan Part 2
- Consultation Draft Local Plan Part 2
- Summary of Consultation on the Local Plan Part 2 Topic Papers
- Local Plan Part 2 Topic Paper 1: Introduction
- Local Plan Part 2 Topic Paper 2: Housing
- Local Plan Part 2 Topic Paper 3: Employment
- Local Plan Part 2 Topic Paper 4: Infrastructure
- Local Plan Part 2 Topic Paper 5: Development Management Policies

All the background papers are available at: <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/>