



**Lewes District Local Plan Part 2:**  
**Site Allocations and Development Management Policies**  
**Examination**

**Lewes District Council**

Response to Inspector's Questions

**Matter 6 - Are the policies to manage and promote the Local  
Economy and Employment Areas and Allocations sound?**

March 2019

## **Matter 6 - Are the policies to manage and promote the Local Economy and Employment Areas and Allocations sound?**

### Inspector's Question

- 6.1 Is the policy framework in the Plan for employment land provision, which includes policies E1, for land at East Quay, Newhaven, and E2, for land adjacent to American Express Community Stadium, Village Way, Falmer, together with the approach for sustainable economic growth in core policy 4 in Part 1 of the development plan, and the policies in this Plan (DM 9, 10 and 11) for rural areas, justified and realistic to meet the plan area's economic needs during the plan period?**

### LDC Response

- 1.1 The employment land requirement of 74,000sqm for the plan period that is contained within the Local Plan Part 1 (CD031) was informed by the Employment and Economic Land Assessment 2010 (CD052) and 2012 Update (CD053).
- 1.2 The Employment Background Paper (CD051) shows that since the employment land requirement base date of 2012, there has been 13,400sqm of employment floorspace completions, and 28,600sqm of employment floorspace with an extant permission. This means that there is a remaining requirement for 32,000 sqm to the end of the plan period.
- 1.3 Five of the seven sites that made up the supply in Local Plan Part 1 (CD051, Table 2) have an extant permission for employment, or have been developed for other uses.
- 1.4 The other two sites (Land at Cradle Hill, Seaford and Land at East Quay, Newhaven) are unimplemented employment site allocations from the 2003 Local Plan.
- 1.5 An extension to the Cradle Hill Industrial Estate, Seaford to provide employment land was allocated through 2003 Local Plan Saved Policy SF8, and is identified in the emerging Seaford Neighbourhood Plan.
- 1.6 Land at East Quay, Newhaven was retained and included within the supply in Local Plan Part 1 as a result of its allocation through Saved Policy NH20. The Newhaven Port Authority Masterplan (CD047) provides evidence of the Port Authority's intention to deliver E1 site.

- 1.7 In addition, there are two more sites that make up the supply to meet the employment land requirement to the end of the plan period.
- 1.8 Local Plan Part 1 allocates land at Harbour Height Newhaven for a mixed use development including employment land provision. Pre-application discussions have been taking place in relation to the development of this site.
- 1.9 Land adjacent to the AMEX Community Stadium, Falmer (E2) was allocated in order to ensure consistency with Brighton & Hove City Council's Draft City Plan Part 2. The site straddles the administrative boundary, and it is important that the policy and approach to the site across both authorities is consistent.
- 1.10 CD051 (Section 8, pp27-30) identifies and assesses the reasonable alternative sites for the delivery of employment land. These reasonable alternatives are ruled out for reasons of deliverability.
- 1.11 CD051 (Table 6, p17) shows that allocations at Cradle Hill, Seaford; Harbour Heights, Newhaven; Land at East Quay, Newhaven (E1); and Land adjacent to the AMEX Stadium, Falmer (E2) together would be expected to provide 43,000 sqm of employment land.
- 1.12 Therefore, once completions and extant permissions have been taken into account, a total of 85,000sqm of employment floorspace would be provided over the plan period against a requirement of 74,000sqm.
- 1.13 The headroom provided by the allocations, plus any additional floorspace provided through the supportive approach of Core Policy 4 or permitted in the rural areas through DM9, DM10 and DM11, will increase the choice and range of sites available to meet needs and provide contingency against sites with an extant permission not being built out and provide flexibility within the plan.
- 1.14 Based on the above, it is considered that the policy framework for employment land provision is the most appropriate strategy when considered against the reasonable alternatives; is based on proportionate evidence; and is realistic to meet economic needs during the plan period.

Inspector's Question

**6.2 Regarding policy E1, for land at East Quay, Newhaven:**

- (i) The site is located within and adjacent to Tide Mills shingle beach/distinctive wildlife area, and close to the South Downs National Park. In addition to its sensitivity in terms of its biodiversity and landscape, the site is also part of an area which is used for recreational and leisure purposes and functions as a tourism/visitor attraction.**
- (ii) Given this background, (a) what is the evidence to support the need for the proposed employment development (such as a business plan and any employment land need studies)? (b) if there is a need for more employment land, which other sites were considered? (c) is the policy supported by the SA and HRA?**
- (iii) Have any constraints to effective development of the policy, such as the construction of the port access road, been overcome? Is the date of 2020 in the Plan for the completion of the road aspirational? Have the flood risk issues been satisfactorily addressed in the Plan? How critical are other potential adverse factors, such as air and noise pollution, traffic congestion and impact on the marine environment?**
- (iv) What are the arguments which tip the sustainable balance in favour of employment development rather than keeping the site undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and its potential harmful impact on the setting of the National Park?**
- (v) Based on the outcome of the arguments in (iv) above, is there a sustainable case for reducing the extent of the proposed employment land, to secure an 'appropriate' balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation and employment use?**

Summary of Response

- 2.a** The need for employment floorspace across the plan period is set out in Local Plan Part 1, which was informed by the Employment and Economic Land Assessment 2010 (CD052) and the 2012 Update (CD053). Land at East Quay, Newhaven will play a significant role in meeting the requirement for employment floorspace in the plan area.

- 2.b In addition, Newhaven Port is an important economic driver, not just for the local community but also for the sub-region. The Newhaven Port Masterplan (CD047) identifies a need to attract more freight traffic as part of its continued growth, and land at East Quay as the key focus for its proposals.
- 2.c Alternative sites were considered through CD052 and CD053, and the unimplemented employment site allocations from the 2003 Local Plan were assessed in CD051. This assessment shows that there are clear economic viability or environmental amenity reasons for not retaining these allocations, and therefore the allocations have not been carried forward.
- 2.d The policy is supported by Sustainability Appraisal, which identifies mitigation measures that have been clarified as part of the Minor Modifications (CD012). The Habitats Regulations Assessment confirms that there are no HRA implications.
- 2.e The Port Access Road is currently under construction and is due to be completed in October 2020. Similarly, the Newhaven Flood Alleviation Scheme is underway and due to be completed by autumn 2019. Other issues will be dependent on the specific type of use and can be mitigated through other policies in the plan.
- 2.f Whilst the site is within a Local Wildlife Site (LWS), the majority of the site is not within a type habitat that is identified in the LWS designation as being a reason for the designation. In addition, a 'nature reserve' has been created adjacent to the allocation as part of mitigation of other permission in the area, and this could be used as an ecological receptor site for the allocation.
- 2.g It is considered that the importance of the Newhaven Port to the local and sub-regional economy, the support for Newhaven in the Lewes Local Plan Part 1, the need for employment space to meet employment land requirements, and that the potential impacts of the development can be mitigated, would tip the sustainable balance in favour of the employment allocation.
- 2.h This being the case, it is considered that the policy does secure an appropriate and sustainable balance.

LDC Response

*(ii)(a) What is the evidence to support the need for the proposed employment development (such as a business plan and any employment land need studies)?*

- 2.1 There is a need for the employment allocation at Land at East Quay, Newhaven, both in terms of the overall employment land requirement for the plan area, but also for the continued viability and sustainability of Newhaven Port, which is a significant and important part of local economy.
- 2.2 The Employment and Economic Land Assessment 2010 (CD052) and the 2012 Update (CD053) provides evidence for the employment land requirement for 74,000sqm of employment floorspace over the plan period in Local Plan Part 1.
- 2.3 The Employment Background Paper (CD051) identifies that since the 2012 base date, 13,400sqm of employment floorspace has been completed towards the requirement, and 28,600sqm has extant permission. This leaves a remaining requirement for 32,000sqm to the end of the plan period, of which 3,400sqm is to be provided through the emerging Seaford Neighbourhood Plan at Cradle Hill Industrial Estate, and 3,300sqm will be provided through a mixed used development at Harbour Heights, Newhaven, which was allocated through Local Plan Part 1.
- 2.4 Land adjacent to the AMEX Community Stadium, which is allocated through Policy E2 can provide 5,100sqm. This leaves a residual requirement for 20,200 sqm.
- 2.5 Other alternatives have been considered in CD051 and ruled out due to deliverability issues. This means that Land at East Quay Newhaven is the only site that is capable of delivering the residual employment land requirement.
- 2.6 Not only is there a quantitative need for the allocation, but it is also important for the future of Newhaven Port, which has been identified as a strategic growth location in the Strategic Economic Plans (SEP) for both the South East Local Enterprise Partnership (SELEP) and Coast 2 Capital Local Enterprise Partnership (C2C). In addition, the Greater Brighton City Deal identifies Newhaven as one of a network of 'Growth Centres' that are intended to act as anchors for the growth of high value business across an area covered by Brighton & Hove City and the districts of Lewes, Adur, Worthing and Mid Sussex.

- 2.7 The importance of Newhaven is described in the Employment Background Paper paras 4.4 to 4.8
- 2.8 Through the Newhaven Port Masterplan (CD047), the owners Newhaven Port & Properties Ltd are implementing an investment programme across the port's facilities and the strategic planning process sets out the vision of a sustainable long term future (para 3.1, p20). CD047 sets out a vision for Newhaven Port *to create a thriving commercial and ferry port and tourism gateway, providing infrastructure for job-creating businesses in the new low carbon, leisure marine and fishing industries* (para 5.1, p38).
- 2.9 CD047 identifies that a wide variety of businesses operate from the port, and the port currently trades in a number of cargos, with a principal focus on recycled metals and aggregates.
- 2.10 CD047 confirms that whilst there is a continued commitment to a mixed passenger / freight ferry service, Newhaven Port is likely to be a niche player in the ferry market given the scales of its operations. There are better growth prospects and potential in attracting freight traffic (para 3.8, p27). It is understood that since the Masterplan was adopted it has become evident that the ferry terminal may need to be relocated in the short to medium term in order that modern ferries can be accommodated.
- 2.11 CD047 identifies East Quay (including the E1 site allocation) as the commercial and operational heart of the port and consequently the area is the primary focus of the masterplan proposals.
- 2.12 The employment allocation at Land at East Quay (E1) will allow for the provision of new storage, distribution and manufacturing space that will attract new marine and port related industries that can make good use of the port trades and shipping links. This will help to deliver long-term economic growth and new jobs required to secure a sustainable future for Newhaven.
- 2.13 There are no other reasonable alternative sites in the plan area that can meet the residual employment land requirement or the needs of the port.

*(ii) (b) if there is a need for more employment land, which other sites were considered?*

- 2.14 The Employment and Economic Land Assessment 2010 (CD052) and 2012 Update (CD053) analysed the undeveloped employment land and potential redevelopment opportunities that informed the employment land supply in Local Plan Part 1.

- 2.15 CD052 (Table 5.3, p62) identifies the available development land at the time, and CD052 (Appendix 5) provides a detailed assessed of sites. CD052 (para 5.50) identifies deliverability issues for some unimplemented 2003 Local Plan allocated sites including the Former Woodgate Dairies site, Hamsey Brickworks and Balcombe Pit. Due to these deliverability issues, these sites were not included within the employment land supply identified within Local Plan Part 1. However, as unimplemented employment site allocations from the Local Plan (2003), these allocations continued to be saved.
- 2.16 The sites that made up the supply were re-assessed in the Employment Background Paper (CD051). This found that most of the sites already have a planning permission, and that Land at Cradle Hill, Seaford (ELW9) and Land adjacent to East Quay and East Beach, Newhaven (ELW5) were the only sites suitable of remaining in the supply at the current time.
- 2.17 CD052 (Appendix 8) provides an Assessment of Potential New Sites that could have made up the supply for Local Plan Part 1. Of the 12 sites assessed, 11 are located within the National Park. The only site within the plan area is the Land to the East of Caburn Enterprise Centre, Ringmer.
- 2.18 This site could potentially provide around 6,200sqm of employment floorspace, but was not included in the employment land supply in Local Plan Part 1 due to a lack of evidence of deliverability (CD031, para 6.31, p50). The site has been identified in the 'made' Ringmer Neighbourhood Plan (CD043, Policy 6.1) in terms of a potential extension to the Broyle Business Centre, however there is no evidence that the deliverability of the site has changed since Local Plan Part 1, and therefore the site has not been included within the supply for LPP2.
- 2.19 Local Plan Part 1 Core Policy 4 contained a presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003), unless there are clear economic viability or environmental amenity reasons for not doing so, in which case the sites will be de-allocated.
- 2.20 CD051 (Section 8, pp27-30) re-assesses the unimplemented employment site allocations from the 2003 Local Plan. This assessment shows that there are clear economic viability or environmental amenity reasons for not retaining these allocations, and therefore the allocations have not been carried forward into LPP2.



*(ii) (c) Is the policy supported by the SA and HRA?*

- 2.21 Policy E1 has been considered in the Sustainability Appraisal. Employment site options are assessed in CD004 (pp78-81) and Policy E1 has been assessed in CD004 (pp96-97).
- 2.22 Planning Practice Guidance (Strategic environmental assessment and sustainability appraisal, Paragraph: 001 Reference ID: 11-001-20140306) confirms that Sustainability Appraisal is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have.
- 2.23 CD004 identifies that Policy E1 would have a positive impact on the economic objectives and travel objectives, however it could have an impact on the biodiversity and environment objectives which will need to be considered within the policy to minimise potential negative effects.
- 2.24 The minor modifications to E1 (CD012, ref. M24) clarify the mitigation measures required in order to minimise the potential negative effects of the allocation.
- 2.25 The Habitats Regulations Assessment (CD005, page 24) confirms that there are no HRA implications from the employment allocation on Land at East Quay, Newhaven (E1).

*(iii) Have any constraints to effective development of the policy, such as the construction of the port access road, been overcome? Is the date of 2020 in the Plan for the completion of the road aspirational? Have the flood risk issues been satisfactorily addressed in the Plan? How critical are other potential adverse factors, such as air and noise pollution, traffic congestion and impact on the marine environment?*

- 2.26 East Sussex County Council has confirmed that construction of the final phase of the Newhaven Port Access road commenced on the 7 January 2019. The contractor anticipates a construction period of 21 months and the current completion date is programmed as 27 October 2020. The location of the Port Access Road in relation to the allocation is shown in Appendix 1.
- 2.27 The total cost of the scheme is £23.2m, of which the County Council has committed £13.2m from its capital programme. The remaining cost is being met from Local Growth Fund money, obtained through the Coast to Capital

Local Enterprise Partnership (LEP) and following the submission of a successful business case to the Department for Transport.

- 2.28 The Newhaven Flood Alleviation scheme commenced in January 2017 and is scheduled to be complete by autumn 2019. The scheme will be designed to provide a 1-in-200-year standard of protection, taking into account the effects of climate change, which greatly increases the flood protection and reduces the risk of flooding to existing residential and commercial properties, including Newhaven Port, industrial areas, road networks and the railway line.
- 2.29 The Environment Agency Flood Map for Planning shows that the site is mainly located within Flood Zone 1, with some parts of the north east of the site in Flood Zone 2 and the southern section of the site within Flood Zone 3. The Flood Map for Planning is provided in Appendix 2.
- 2.30 Employment uses for this site are likely to fall into the 'less vulnerable' flood risk vulnerability classification. The Planning Practice Guidance (Flood Risk and Coastal Change, Paragraph: 067 Reference ID: 7-067-20140306) identifies that 'less vulnerable' uses are appropriate in Flood Zones 1, 2 and 3a.
- 2.31 NPPF 2012 (para 101) advises that the aim of the Sequential Test is to 'steer new development to areas with the lowest probability of flooding'. Furthermore, it states: 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'
- 2.32 As the allocation is for employment uses associated with Newhaven Port, the development needs to be located in close proximity to the port. There are no other reasonably available sites appropriate for the proposed development at Newhaven Port with a lower risk of flooding.
- 2.33 Within the site, development should be directed to the areas with the lowest risk of flooding first as part of the Flood Risk Assessment submitted with any planning application for the site, as required by Local Plan Part 1 Core Policy 12: Flood Risk, Coastal Erosion & Drainage.
- 2.34 Although the Policy E1 requires the development to be uses associated with Newhaven Port, the exact end use is not known; therefore a meaningful assessment of impacts cannot be undertaken at this stage. However, other local plan policies, particularly Core Policy 9 (Air Quality); Core Policy 12 (Flood Risk, Coastal Erosion & Drainage); Core Policy 13 (Sustainable Travel); Policy DM22: Water Resources and Water Quality; and Policy DM23: Noise, will ensure that any potential adverse impacts are minimised.

*(iv) What are the arguments which tip the sustainable balance in favour of employment development rather than keeping the site undeveloped to protect its wildlife and recreation, leisure potential, tourism/visitor attraction and its potential harmful impact on the setting of the National Park?*

- 2.35 Local Plan Part 1 (CD031, para 7.48) recognises Newhaven Port as an important strategic asset both for the district and the wider region, and development and job-creation opportunities related to the Port are considered vital to the regeneration of Newhaven and the surrounding coastal area and to improve the continental ‘gateway’ to the South Downs National Park.
- 2.36 The Employment Background Paper (CD051, para 4.4 to 4.8) emphasises the strategic importance of Newhaven to the wider area. It particularly notes that Newhaven has been identified as a priority growth location in both Strategic Economic Plans that cover the area, and that the Greater Brighton City Deal identifies Newhaven as one of a network of ‘Growth Centres’ that are intended to act as anchors for the growth of high value business across an area covered by Brighton & Hove City and the districts of Lewes, Adur, Worthing and Mid Sussex.
- 2.37 CD031 Core Policy 4(7) formally sets out the Council’s commitment to supporting the continued use of Newhaven port for freight and passengers including plans for expansion and modernisation of the port as identified in the port authority’s Port Masterplan.
- 2.38 The Newhaven Port Masterplan (CD047) identifies that the expansion and enhancement of the Port is important for its long-term viability and sustainability, which in turn has a significant impact on the local economy. The development allocation will help attract new port-related industries that are considered critical in being able to deliver long term financial viability, and secure the future of the Port which is important to the local economy.
- 2.39 In addition, there is a need to provide employment land within the plan area to meet the employment land requirements set out in Local Plan Part 1 to balance the economy and jobs growth with housing provision.
- 2.40 As the allocation is for employment uses associated with Newhaven Port, it can only be provided in close proximity to the port and there are no other reasonably available sites appropriate for the proposed development at Newhaven Port.
- 2.41 The original allocation of Land at East Quay in the 2003 Lewes Local Plan was made in the context of the designation of the area as a Site of Nature Conservation Importance (now known as Local Wildlife Site), which was

originally designated in 1993. Therefore the balance at the time of the original allocation was tipped in favour of employment development.

- 2.42 The whole of the Tide Mills Local Wildlife Site designation covers an area of 158 hectares, extending from A259 / B2109 roundabout in the north, down to East Quay in the south, and along to the western edge of Seaford in the east. The Tide Mills Local Wildlife Site is shown in Appendix 3.
- 2.43 The E1 allocation comprises 11.3 hectares, which includes an area outside of the LWS designation. 9.8 hectares of the allocation is within the LWS designation, which amounts to just 6% of the total LWS designated area.
- 2.44 The Tide Mills LWS has been designated due to its areas of vegetated shingle, saltmarsh, marshy meadows, chalk embankment with downland flora and few cultivated fields with wet margins. The areas support large flocks of waders, slow worms, grass snakes and nereid worms.
- 2.45 A Phase 1 Habitat Survey (2017) that has been undertaken as part of the Newhaven East Quay and Port Expansion Area Onshore Ecological Mitigation and Management Plan (CD079) shows that the majority of the allocation north of the Seaplane base is neutral grassland (semi-improved) and scattered scrub with a small area of dense/continuous scrub. The area in the south of the allocation is identified as shingle above the high tide mark.
- 2.46 Whilst the vegetated shingle is a priority habitat that is reflected in the LWS designation, the neutral grassland (semi-improved) and scrub (dense/continuous) that makes up the majority of the site is not a feature of importance in the LWS designation.
- 2.47 In addition, CD079 notes existing high levels of disturbance of birds from dog walkers and specifically dogs off the lead (para 8.5.3, p86).
- 2.48 The Newhaven Port Masterplan (CD047) identifies an area of approximately 4.3 hectares to the east of the proposed allocation to be set aside as a specific nature reserve. This was established through the permission for the construction of a new multi-purpose berth and slipway at the southern end of the East Quay (ref. LW/15/0034), which was approved by Lewes District Council in 2016.
- 2.49 This nature reserve will remain undeveloped to protect wildlife and recreation, and would be appropriate to act as an ecological receptor to mitigate the impacts of the E1 allocation. Since the implementation of the nature reserve, interpretation boards have been installed to enhance the visitor experience.

- 2.50 In addition, a minor modification is proposed to Policy E1 (CD012, M24) to clarify the mitigation measures required in order to minimise the potential negative ecological effects of the allocation.
- 2.51 In terms of access, approximately 5.6 hectares of the allocation (49%) is not publicly accessible due to the construction of the Port Access Road, as shown in Appendix 1.
- 2.52 A public footpath currently runs through the proposed allocation from north to south alongside the edge of the existing developed area, and then from west to east along the top of the shingle bank. Other policies within LPP2 will require any development to mitigate any impact on this right of way, and therefore the right of way should be retained. The route of the footpath is likely to require amendment to accommodate any future development.
- 2.53 Of the total of 12.4 hectares of land that is currently publicly accessible between the Port Access Road and Tide Mills, over 55% will continue to remain publicly accessible once the allocation is implemented. Therefore, the area will be able to continue as a visitor attraction in a similar way to how it currently does.
- 2.54 The South Downs National Park is in close proximity to the site, however any development on the allocated site will be viewed from the South Downs National Park against the backdrop of the existing Newhaven Port.
- 2.55 The potential impact on the setting of the National Park can be mitigated through design and this will be assessed at the application stage through a visual and landscape character assessment, which is clarified through the proposed minor modifications (CD012, ref. M24). Minor amendments to the supporting text confirm that such assessments should be informed by the South Downs Integrated Landscape Character Assessment (CD012, ref. M23).
- 2.56 It is considered that the importance of the Newhaven Port to the local and sub-regionally economy, the support for Newhaven in the Local Plan Part 1, the need for employment space to meet employment land requirements, and that the potential impacts of the development can be mitigated, would tip the sustainable balance in favour of the employment allocation.

*(v) Based on the outcome of the arguments in (iv) above, is there a sustainable case for reducing the extent of the proposed employment land, to secure an 'appropriate' balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation and employment use?*

2.57 It is considered that the Policy E1 and the minor modifications (CD012, ref. M24) that clarify the mitigation measures required in order to minimise the potential negative effects of the allocation, does result in an appropriate balance between conserving the biodiversity of the site, its landscape character, the setting of the National Park and the recreation and employment use.

Inspector's Question

**6.3 Regarding policy E2, for land adjacent to American Express Community Stadium, Village Way, Falmer:**

- (i) Is the policy justified and positively prepared?**
- (ii) Is the level of detail appropriate, or is it over - prescriptive?**
- (iii) How significant would its visual impact be on the setting of the National Park, and if it has the potential to harm its setting, has the Plan fully addressed this matter?**
- (iv) Should the policy also address traffic and access considerations?**

LDC Response

- (i) Is the policy justified and positively prepared?**
- 3.1 The policy has been prepared in consultation with Brighton & Hove City Council and reflects the policy wording in the Draft Brighton & Hove City Plan Part 2. The allocation was supported by representations from Brighton & Hove City Council.
  - 3.2 In addition, as the site is on the boundary between Lewes and Brighton & Hove, the allocation complements Policy DA3 (Lewes Road Development Area) of the adopted Brighton & Hove City Plan, which aims to promote and enhance the role of the area for higher Education.
  - 3.3 Employment Background Paper sets out the need for employment space in Lewes District and identifies that the site would help to meet the employment land requirement for office space. In addition, CD052 (para 8.55) identifies that there is a minor need for health & fitness facilities. The allocation allows the provision of offices or health/education facilities, which is justified in light of the need identified.
  - 3.4 Brighton & Hove City Council has confirmed that the site is not counting towards their employment land requirement in the Brighton & Hove City Plan Part 1, and therefore the floorspace is not being double-counted towards employment needs.
  - 3.5 CD051 (Section 8, pp27-30) identifies and assesses the reasonable alternative sites for the delivery of employment land. These reasonable

alternatives are ruled out for reasons of deliverability. As the allocation is for uses associated with the Stadium and or Universities, and there are no other sites identified within the vicinity of the stadium and university, the development cannot be located elsewhere.

3.6 Therefore it is considered that Policy E2 is justified and positive prepared.

(ii) *Is the level of detail appropriate, or is it over-prescriptive?*

3.7 A minor modification is proposed to Policy E2 (CD012, ref. M28) to remove reference to specific landscaping requirements that should be provided, including features such as green walls and roofs, as it is considered that this could be over-prescriptive as they are examples of landscaping solutions that could be used as mitigation for the loss of the existing bund. However these examples have been retained within the supporting text.

3.8 It is considered appropriate that the policy restricts the allocation of the site to B1a (offices) and/or D1 (health/education) uses associated with the Stadium and/or Sussex and Brighton Universities as the site is in an out of centre location and the stadium has sufficient ancillary retail and hospitality provision to support its stadium use.

3.9 The site is in a sustainable location and has good access to both rail and bus services. However, although Highways England did not comment on Policy E2 in the Lewes Local Plan Part 2, a representation made by them on the Brighton & Hove City Council's Draft City Plan Part 2 identified that the site could have an impact on the Strategic Road Network. In addition, Brighton & Hove City Council's Infrastructure Delivery Plan (extract provided in Appendix 4) confirms that the Highways Agency has identified a need for all developments in this area to provide mitigation to avoid further congestion and due to increasing impacts on A27.

3.10 Also, whilst an indication of the amount of floorspace that could be provided on the site has been included within the Employment Background Paper (CD015), the policy does not specify exactly how much floorspace should be provided on site. Therefore it would be difficult to predict the transport impacts that development would have in this location, and as such policy requires development to be supported by sustainable transport infrastructure to ensure there is no adverse air quality impact.

3.11 As the site allocation straddles the administrative boundary between Lewes District Council and Brighton & Hove City Council, and in order to ensure that



the policy is consistent and based on effective joint working across boundaries, it is considered that the requirement for sustainable transport infrastructure to mitigate any potential impact on the strategic road network or air quality is appropriate.

*(iii) How significant would its visual impact be on the setting of the National Park, and if it has the potential to harm its setting, has the Plan fully addressed this matter?*

- 3.12 LPP2 acknowledges that the allocated site is visible from a number of key views from the South Downs National Park. The stadium was designed to site within the natural curves of the downland, and the landscaped bund on the allocated site helps to lessen the bulk of the stadium and integrate it into its downland setting.
- 3.13 Policy E2 requires development to achieve a high quality of design which respects and enhances the adjoining stadium development and downland character, and preserve and where possible enhance the setting of the South Downs National Park and nearby heritage assets. These requirements are supported by the South Downs National Park Authority (REP/012/E2).
- 3.14 Policy E2 mitigates the impact of the loss of the landscaped bund on view from the National Park by requiring the provision of green infrastructure and wider landscaping enhancements.
- 3.15 In addition, Core Policy 10(2) protects the setting of the South Downs National Park and requires development to conserve and appropriately enhance its rural, urban and historic landscape qualities, and its natural and scenic beauty, as informed by the South Downs Integrated Landscape Character Assessment.
- 3.16 It is considered that the plan does fully address the visual impact of the allocation on the setting of the National Park. However, it is acknowledged that a minor modification could be made to the supporting text to reference the need for the design and materials used to reflect the setting of the South Downs National Park, including reference to the South Downs Integrated Landscape Character Assessment (SDILCA).

### Proposed Modification

- 3.17 A minor modification is proposed to the supporting text at para 3.21 (p61) to amend as follows:

The design and massing of any proposed development will also need to consider the visual impact on both the Grade II registered Stanmer Park and the Listed Buildings within the University of Sussex campus. Careful consideration should be given to the choice of materials which should be complementary to those of the stadium, yet distinct and subservient, and designed to fit comfortably within the site's downland context. *The design and materials used should reflect the setting of the South Downs National Park, specifically paying reference to the South Downs Integrated Landscape Character Assessment (SDILCA) prepared the South Downs National Park Authority.*

- (iv) *Should the policy also address traffic and access considerations?*

- 3.18 The site is in a sustainable location and has good access to both rail and bus services. CD051 (paras 7.30 to 7.31) describes the accessibility of the site, which is benefits from high levels of traffic and access infrastructure as a result of the construction and expansion of the Universities and Community Stadium.
- 3.19 The Lewes Infrastructure Delivery Plan (CD057) does not identify the need for traffic and access improvements at this location. However, Brighton & Hove City Council's Infrastructure Delivery Plan (Appendix 4) does confirm that the Highways Agency has identified a need for all developments in this area to provide mitigation to avoid further congestion and due to increasing impacts on A27. It also identifies a requirement to identify measures to improve the performance of Falmer Interchange trunk road junction at the A27 Lewes Road/B2123 Falmer junctions area.
- 3.20 The requirement in Policy E2 for sustainable transport infrastructure will mitigate the impact on the strategic road network. However, in light of the identification of the access issue in the Brighton & Hove City Council Infrastructure Delivery Plan, it is acknowledged that a minor modification could be made to the supporting text of the policy to reference the need for improvements to the performance of Falmer Interchange trunk road junction at the A27 Lewes Road/B2123 Falmer junction.

### Proposed Modification

- 3.21 A minor modification is proposed to the supporting text at para 3.23 (p61) to add:

Any development of land within the boundary of Brighton & Hove City Council will need to take account of the priorities set out in Policy DA3 (Lewes Road Development Area) of the adopted Brighton & Hove City Plan Part 1. The main thrust of the City Council's strategy for the Lewes Road Development Area is to promote and enhance the role of the area for higher education, whilst securing improvements to the townscape, the public realm, green infrastructure, biodiversity and air quality. *In addition, sustainable transport infrastructure are required to ensure that the development does not have an adverse impact on the performance of the Falmer Interchange trunk road junction at the A27 Lewes Road/B2123 Falmer junction.*

Inspector's Question

**6.4 How effective is the Plan in protecting existing and allocated employment sites from other uses, such as housing? Should the Plan set out the parameters of an 'independent assessment' in relation to the attractiveness of the market, and if so, over what period of time?**

LDC Response

- 4.1 Provisions for protecting existing and allocated employment sites from other uses are provided by Core Policy 4 of Local Plan Part 1 (CD0051).
- 4.2 Core Policy 4(2) safeguards existing employment sites from other competing uses unless there is demonstrable economic viability or environmental amenity reasons for not doing so. It then sets out the criteria for assessing an application for the loss of employment sites and the requirement for evidence of:
- A demonstrated lack of tenant/occupier interest.
  - A demonstrated lack of developer interest.
  - Serious adverse environmental impacts from existing operations.
  - Where the site is otherwise unlikely to perform an employment role in the future.
  - Where the loss of some space would facilitate further/improved employment floorspace provision.
- 4.3 The supporting text (para 7.45) confirms that evidence of at least 12 months of active and continuous marketing of the site for employment use at an appropriate market level and evidence of no unreasonable barriers to potential employment tenants/occupiers would be required to justify a lack of developer or occupier interest.

Inspector's Question

**6.5 Does the Plan address the need for a housing/employment balance? Is there a balance between housing provision and maintaining an adequate supply of employment land?**

LDC Response

- 5.1 The overall balance between housing and employment provision across the District was considered as part of Local Plan Part 1 and therefore it is outside of the scope of the Part 2 plan to amend this.
- 5.2 The balance between housing and employment land is set out in Core Policy 1. Local Plan Part 1 (Para 6.23) confirms that the provision for planned employment land was influenced by the housing delivery target as it is important to balance the number of new jobs planned for and the availability of people to take those jobs.
- 5.3 The background paper confirmed that the employment sites allocated in LPP2 are required in order to meet the employment land requirements set out in Local Plan Part 1, and therefore none of the allocated sites should be lost to housing.
- 5.4 Local Plan Part 1 Core Policy 4 safeguards existing employment sites in order to maintain an adequate supply of employment land in the face of pressure for additional housing development. It only allows the loss of employment space to other uses where there are demonstrable economic viability or environmental amenity reasons to justify the loss. In circumstance when a loss is justified, the policy also identifies a strong preference for a mixed use alternative development in order to facilitate the retention or delivery of an appropriate element of employment use on the site. It is considered that this would help to provide an appropriate balance between housing provision and maintaining an adequate supply of employment land.
- 5.5 In order to maintain an appropriate balance between housing and employment in Newhaven, which is a key economic location for the District, a non-immediate Article 4 direction to withdraw permitted development rights for changes of use from office to residential and light industrial to residential on eight selected sites in Newhaven came into force on 5th November 2018.

Inspector's Question

**6.6 Is there scope to consider mixed use areas where there is evidence of underuse/closure of industrial/commercial uses?**

LDC Response

6.1 The answer to Question 6.5 above confirms that, in circumstances where the loss of employment sites can be justified through economic viability or environmental amenity reasons, Core Policy 4(2) contains a strong preference for alternative development to be mixed use in order to retain an appropriate element of employment use.

Inspector's Question

**6.7 Is there a need for setting out a detailed planning framework for promoting the retail and commercial centres in the Plan Area, or is the approach in Part 1 of the development plan sufficient? Should the Plan aim for a town centres first approach for office development?**

LDC Response

- 7.1 The planning framework to promote and enhance the vitality and viability of retail and town centres is provided through Local Plan Part 1 Core Policy 6.
- 7.2 Local Plan Part 1 sets out a retail hierarchy, which identifies the retail and commercial centres in the Plan Area as being in Seaford, Newhaven, Peacehaven and Ringmer. All of these areas have prepared or are in the process of preparing a Neighbourhood Plan, which either do or are expected to include policies relating to their retail and commercial centre. Therefore, it is considered that the approach in Part 1 plus the neighbourhood plan policies provides the planning framework for promoting retail and commercial centres.
- 7.3 CD052 identifies that the District's office market strongly focused on Lewes town, with no significant demand or provision in the rest of the District (para 4.15). Therefore it is not expected that there will be significant levels of office provision coming forward within the plan area.
- 7.4 As such, it is considered that the provisions within the NPPF (2018) in terms of requiring that main town centre uses, including offices, should be located in town centres first, and that the sequential test should be applied for such uses (para 86), would be sufficient to ensure office development is provided in sustainable locations.
- 7.5 NPPF para 16 confirms that plans should avoid unnecessary duplication of policies, including policies in the NPPF, and therefore it is not considered necessary to repeat this in Local Plan Part 2.

Inspector's Question

**6.8 Is policy DM9 for farm diversification justified?**

LDC Response

- 8.1 Policy DM9 seeks to provide more detailed criteria for the consideration of farm diversification schemes in order support the effective delivery of Core Policies 4 (*Encouraging Economic Development and Regeneration*), 10 (*Natural Environment and Landscape Character*) and 11 (*Built and Historic Environment and High Quality Design*) of the Lewes District Local Plan (CD0031, pages 98 118 and 121).
- 8.2 Diversification provides opportunities to generate additional income for farming businesses, reduces reliance on a single income stream and is supported by national planning policy (NPPF, para.28). However, in order to achieve sustainable development through such proposals, the economic benefits of diversification must be balanced with the need to maintain the local character and distinctiveness of the district's rural areas.
- 8.3 Policy DM9 therefore aims to contribute towards achieving the spatial vision for the rural area set out in the Local Plan Part 1 (CD 0031, page 35) by ensuring that diversification schemes meet both the economic and environmental objectives of the plan. Further justification for the policy is set out in paras.4.31 – 4.33 of the Submission Local Plan Part 2. The Council is confident that Policy DM9 is justified and will assist in the delivery of an effective plan.



Inspector's Question

**6.9 Should there be a more proactive emphasis in the Plan to support the rural economy, for example the employment land allocations in Ringmer NP?**

LDC Response

- 9.1 Ringmer Neighbourhood Plan Policy 5.1 identifies specific employment sites and seeks to protect them for employment uses and encourage intensification and upgrading of these sites.
- 9.2 Core Policy 4 safeguards all existing employment sites in the plan area unless there are viability or environmental amenity reasons for not doing so. It also supports the appropriate intensification, upgrading and redevelopment of existing employment sites for employment uses.
- 9.3 In addition, Local Plan Part 2 Policy DM10 permits small-scale employment development involving the conversion or redevelopment of an existing agricultural use, and Policy DM11 encourages the redevelopment or intensification of existing employment sites within the countryside.
- 9.4 It is considered that the policy framework through Core Policy 4, DM10 and DM11 does take a proactive approach to support the rural economy in a similar way to the Ringmer Neighbourhood Plan.

## **APPENDICES**

Appendix 1 – Land at East Quay, Newhaven (E1) allocation in context

Appendix 2 – EA Flood Map for Planning

Appendix 3 – Tide Mills Local Wildlife Site

Appendix 4 – Extract from Brighton & Hove City Council Infrastructure Delivery Plan (2017)

# Appendix 1 - Land at East Quay, Newhaven (E1) allocation in context

### KEY

- Policy E1
- Port Access Road
- Publicly Inaccessible Area (Fenced)
- Local Wildlife Site
- Nature Reserve
- Planning Permission
- Footpath
- Plan Area
- South Downs National Park

Ref. LW/17/0940

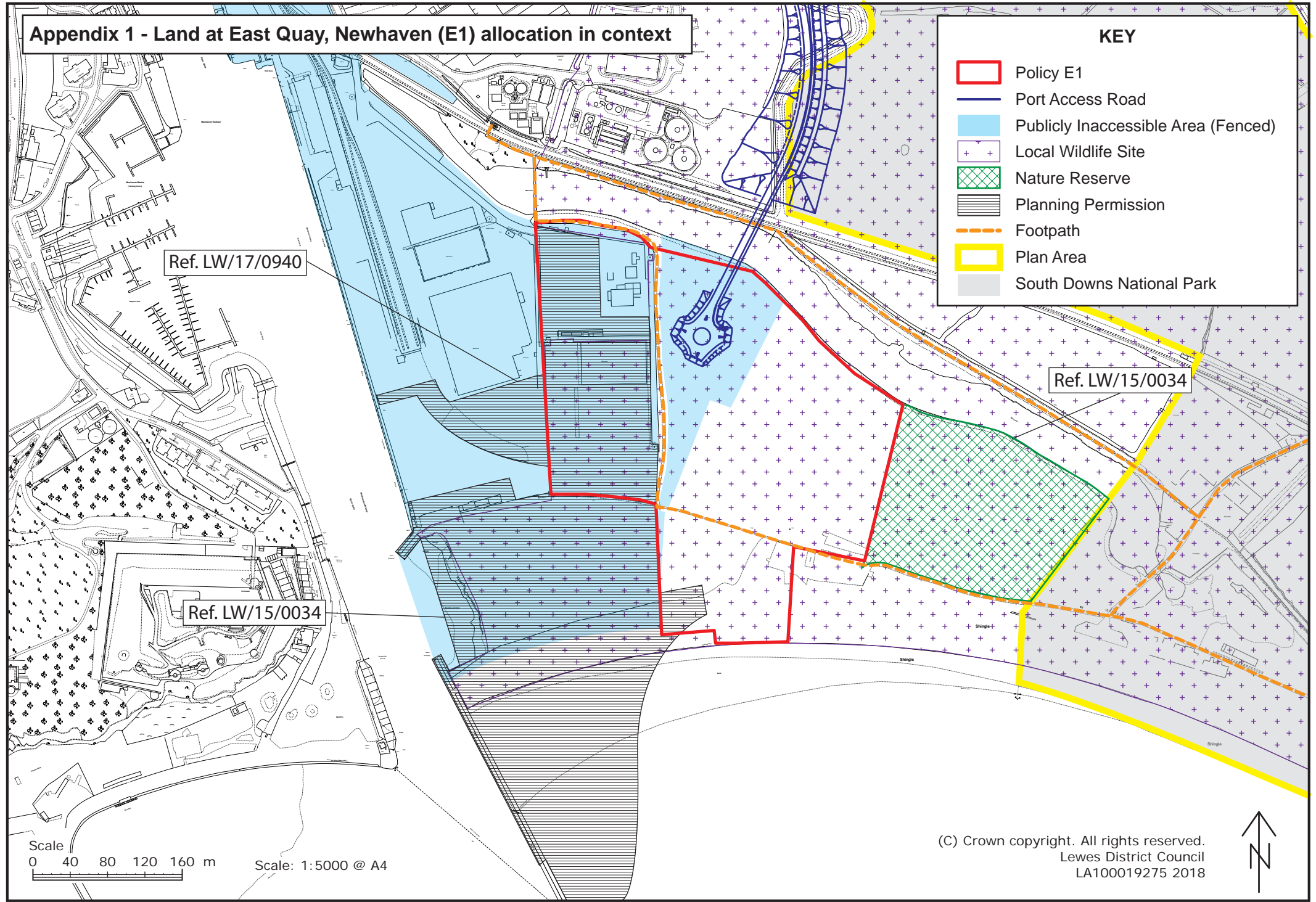
Ref. LW/15/0034

Ref. LW/15/0034

Scale  
0 40 80 120 160 m

Scale: 1:5000 @ A4

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LA100019275 2018



## Appendix 2 - EA Flood Map for Planning



Flood map for planning

Your reference

**E1**

Location (easting/northing)

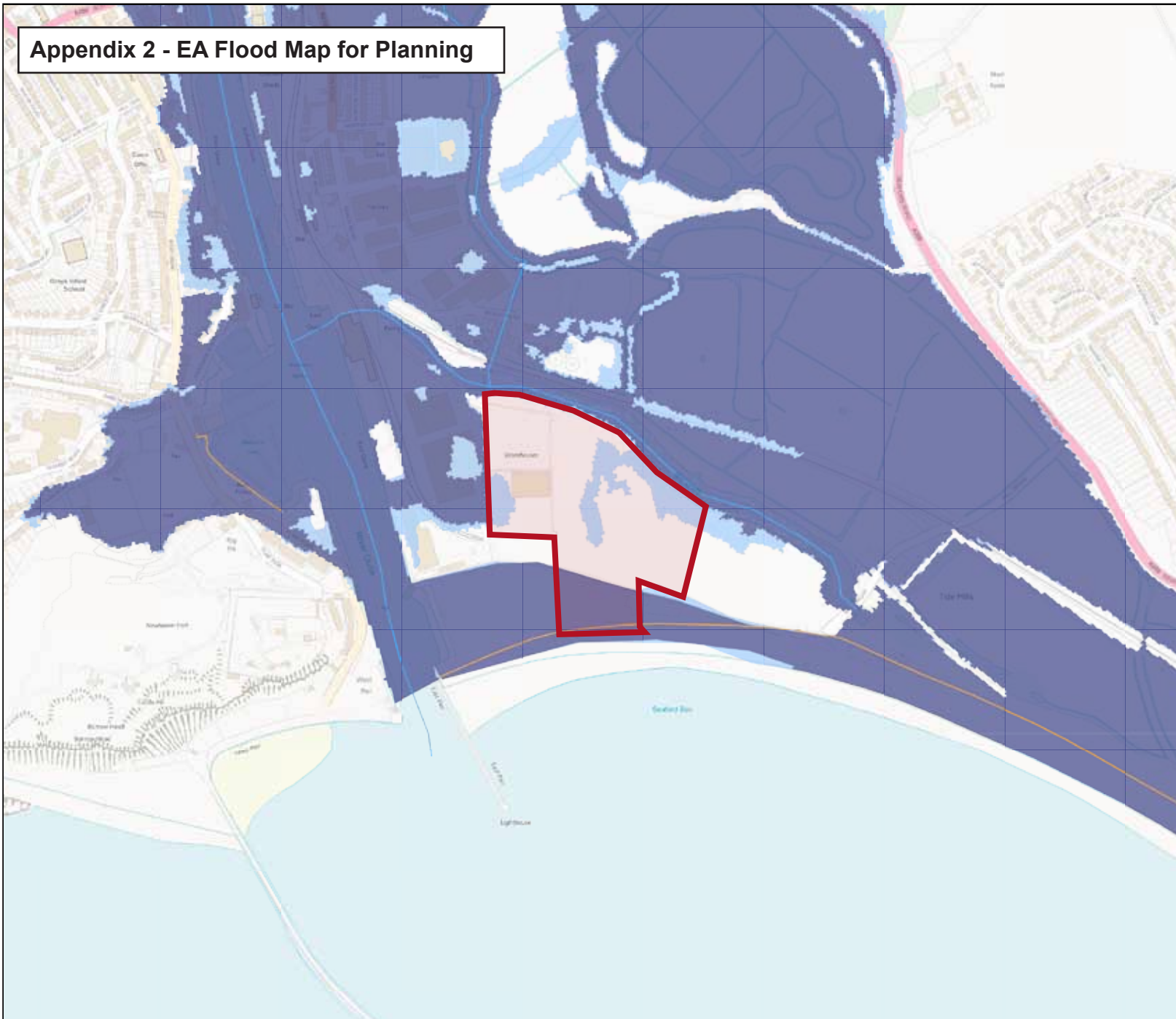
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Scale

**1:10000**

Created

**6 Mar 2019 1:50**







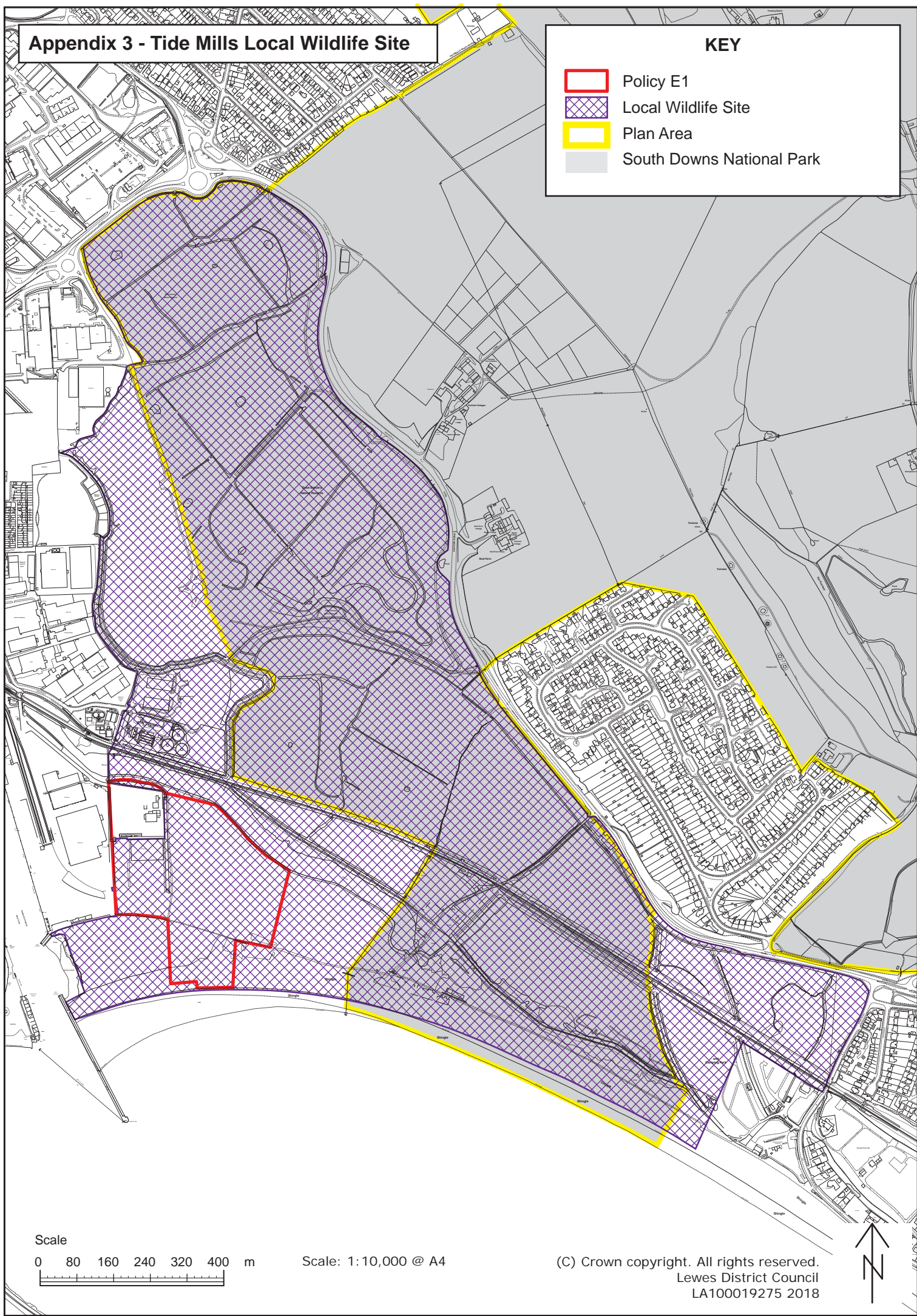
-  Selected area
-  Flood zone 3
-  Flood zone 3: areas benefitting from flood defences
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Flood storage area



# Appendix 3 - Tide Mills Local Wildlife Site

## KEY

-  Policy E1
-  Local Wildlife Site
-  Plan Area
-  South Downs National Park



Scale  
0 80 160 240 320 400 m

Scale: 1:10,000 @ A4

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APPENDIX 4: Extract from Brighton & Hove City Plan Part One Infrastructure Delivery Plan (June 2017)

<b>Infrastructure Delivery Plan (subject to regular revision) Requirements June 2017</b>					
Categories identifying new or revised infrastructure provision as: <b>Essential:</b> Identifies infrastructure provision that is vital to meet strategic objectives OR to enable delivery of new development; <b>Important:</b> Items are necessary but alternative infrastructure capacity <u>may</u> be able to accommodate incremental impacts from new development; <b>Desirable:</b> Items to meet other strategic or community aspirations that may add to the quality, functionally or attractiveness of an area					
<b>Infrastructure Type – and site address where known</b>	<b>Provision - Essential / Important / Desirable</b>	<b>Infrastructure Needs/Requirement</b>	<b>Area and/or scale</b>	<b>Responsibilities for Delivery / Partners &amp; Funding Sources</b>	<b>Short, Medium or Long Term Phasing &amp; Costs</b>
		Link Road A27/A293 junction,  Upgrade of the Hangleton Link / A27 junction to better regulate and manage flows	of the road network identified for improvements works		
<b>Lewes Road area</b>	Essential	A270 Lewes Road corridor - Highways and safe & sustainable transport measures at Knowledge/Academic Corridor (A270)	For supporting delivery of all key development sites; including: Amex stadium, Brighton University, Sussex University, Preston Barracks redevelopment and further development at Woollards Field, Amex Stadium or Falmer Academy sites	Rail and bus service providers, developers, Universities, Highways Agency	Ongoing and throughout Plan period. Costs to be determined and dependent on scale of development.  Initial phase with Local Sustainable Transport Fund (LSTF) funds = £4.8m
<b>A27 Lewes Road/B2123 Falmer junctions area</b>	Essential	Identify measures to improve the performance of Falmer Interchange trunk road junction	Highways Agency has identified need for all developments in this area to provide mitigation to avoid further congestion and due to increasing impacts on	Developers, Highways Agency, East Sussex County Council	Throughout Plan period  Costs dependant on transport impacts on area

**Infrastructure Delivery Plan (subject to regular revision)  
Requirements June 2017**

Categories identifying new or revised infrastructure provision as:

**Essential:** Identifies infrastructure provision that is vital to meet strategic objectives OR to enable delivery of new development;

**Important:** Items are necessary but alternative infrastructure capacity may be able to accommodate incremental impacts from new development;

**Desirable:** Items to meet other strategic or community aspirations that may add to the quality, functionally or attractiveness of an area

Infrastructure Type – and site address where known	Provision - Essential / Important / Desirable	Infrastructure Needs/Requirement	Area and/or scale	Responsibilities for Delivery / Partners & Funding Sources	Short, Medium or Long Term Phasing & Costs
			A27 – also taking into consideration potential impacts arising from Falmer Release Land		
<b>Toad's Hole Valley – Devil's Dyke Roundabout</b>	Essential	Improve the operational performance of the trunk road network, the junction at A27 Devil's Dyke Roundabout including A2038 and links to local roads.	To enable future development at site DA7 Toads Hole Valley – new road access and layout  Consideration of wider links to Devil's Dyke Roundabout	Developers and Highways Agency	By 2020 – prior to new development being brought forward.  Costs to be determined
<b>Shoreham Harbour</b>	Essential	Transport network and on-site highways works to enable development proposals to come forward	DA8 Shoreham Harbour –  South Portslade/Aldrington Basin areas	Environment Agency, Landowners Developers	Provision prior to development being brought forward  Costs dependent on the nature and scale of development
<b>Bus Service related to development in the Urban Fringe – link</b>	Important	Bus service provision to address capacity impacts	Possible investment to improve frequency and level of service if increased impacts in bus use.	Brighton & Hove Bus & Coach Company, City Council	Throughout Plan period  Costs to be determined