

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

### Schedule of Main Modifications

The modifications expressed below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modifications in words in *italics*.

The page numbers and paragraph numbering below refer to the submission Local Plan, and do not take account of the deletion or addition of text.

MM No	CD12/80 Ref	Submitted Local Plan Reference	Proposed Change
MM1	M03	Paragraph 1.19, page 11	<p><b>Habitats Regulation Assessment</b>  <i>Amend paragraph 1.19 after: "The Habitat Regulations Assessment" as follows:</i>  published alongside this document constitutes a number of individual reports and addendums that demonstrate that <del>there will be no Likely Significant Effect on any of the protected areas as a result of implementing the Local Plan Part 1 or Part 2 only</del> <u>recreational impacts on the Ashdown Forest SPA/SAC from residential development within 7km will require Appropriate Assessment. For all other impact pathways, a conclusion of No Likely Significant Effects on European Sites is reached.</u></p>
MM2	M04	Following paragraph 1.19	<p><b>Habitats Regulation Assessment</b>  <i>New paragraph in supporting text to read:</i>  <u>Mitigation measures contained within the Local Plan Part 1 Core Policy 10 (3i) can be applied at the Appropriate Assessment stage and, as such, in accordance with the Habitats Regulations Assessment it is therefore possible to conclude that there will be no adverse effect on the integrity of any European sites due to growth in Local Plan Part 1 or 2, either alone or in combination with other plans and projects.</u></p>
MM3	M05	Policy NH01, page 20	<p><b>Policy NH01: Land South of Valley Road</b>  <i>Amend policy NH01 by adding an additional criterion to read:</i>  <u>(c) Appropriate surface water drainage mitigation is agreed with relevant body and local planning authority and implemented accordingly;</u></p>
MM4	M07	Supporting text to policy NH01, page 21	<p><b>Policy NH01: Land South of Valley Road</b>  <i>Following paragraph 2.28, add new paragraph to read:</i>  <u>The site lies within Flood Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with a major overland flow route, along the site's northern boundary. Therefore, to ensure that flood risk is not created, or exacerbated, on</u></p>

			<u>or off-site by the development, consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required, and mitigation implemented accordingly.</u>
MM5	M10	Policy NH02, page 22	<b>Policy NH02: Land at The Marina</b> Amend criterion (e) of policy NH02 to read: e) Development is subject to investigation into potential contamination and appropriate <del>mitigation</del> <u>remediation</u> measures agreed with the relevant authority;
MM6	M37	Following paragraph 2.38, page 24	<b>Policy NH02: Land at The Marina</b> New paragraph in supporting text to read: <u>Development will be required to submit a desk study, conceptual model, site investigation, risk assessment and Remedial Method Statement for contaminated land in line with best practice approaches and carried out by or under the direction of a suitably qualified competent person and in accordance with most recent guidance.</u>
MM7	M38	Following paragraph 2.38, page 24 and MM5	<b>Policy NH02: Land at The Marina</b> New paragraph in supporting text to read: <u>Where additional moorings are provided, consideration must be given to the management of additional waste and sewage arising. Appropriate services, such as toilets and pump-out facilities, should be provided where appropriate to reduce the risk to water quality from recreational boating. The size of the pump-out facility should be appropriate to that of the development and agreed by the local planning authority prior to construction.</u>
MM8	M11 and M36	Policy NH02, page 22	<b>Policy NH02: Land at The Marina</b> Add new text in criterion (g), after "biodiversity": <u>There should be no net loss, and seek to provide a net gain to biodiversity, in particular to Habitats of Principal Importance (formerly known as BAP habitats). Where impacts on biodiversity cannot be avoided or mitigated, like-for-like compensatory habitat at or close to the development site will be required.</u> Development allows for the protection of biodiversity and enhancement where possible.
MM9	M34	Policy NH02, page 22	<b>Policy NH02: Land at the Marina</b> Add new text at the end of criterion (b) to read: <u>Where there is a net increase in the number of berths, appropriate toilet and pump-out facilities must be provided to manage waste and sewage arising.</u>
MM10	M13	Policy BH01, page 26	<b>Policy BH01: Land at The Nuggets, Valebridge Road</b> Amend policy BH01 by inserting additional criterion, to read: g) <u>Appropriate surface water drainage mitigation is agreed with relevant body and local planning authority</u>

			<u>and implemented accordingly:</u>
MM11	M16	Supporting text to policy BH01, page 28	<b><i>Policy BH01: Land at The Nuggets, Valebridge Road</i></b> <i>Following paragraph 2.51, insert new paragraph to read:</i> <u>The site lies within Flood Zone 1 (at least risk of flooding). However, a risk of surface water flooding has been identified associated with overland flow routes running north-south through the site. Therefore, to ensure that flood risk is not exacerbated, on or off-site, by the development, consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required, and mitigation implemented accordingly.</u>
MM12	M39	Policy BH01, page 26	<b><i>Policy BH01: Land at The Nuggets, Valebridge Road</i></b> <i>Amend criterion (d) to read:</i> <u>Tree surveys undertaken and appropriate measures, including proper buffers, are identified and implemented accordingly to mitigate potential adverse impacts on the Tree Protection Order group and Ancient Woodland (at least 15m buffer) on and/or adjacent to the site.</u>
MM13	-	Policy CH02, page 41	<b><i>Policy CH02: Layden Hall, East Grinstead Road</i></b> <i>Amend criterion (a) to read after East Grinstead Road:</i> Including safe and convenient pedestrian access to the nearest bus stop.
MM14	M19	Policy RG01, page 49	<b><i>Policy RG01: Caburn Field</i></b> <i>Amend policy RG01 by inserting an additional criterion to read:</i> <u>(f) Appropriate surface water drainage mitigation is agreed with relevant body and local planning authority and implemented accordingly:</u>
MM15	M21	Supporting text to policy RG01, page 51	<b><i>Policy RG01: Caburn Field</i></b> <i>Following paragraph 2.127, insert new paragraph to read:</i> <u>The site lies within Flood Risk Zone 1 (at least risk from flooding). However, a risk of surface water flooding has been identified associated with overland flow routes running both through the site and in close proximity to the site. Therefore, to ensure that flood risk is not exacerbated, on or off-site by the development, consideration should be given to the design and layout of the site. A specific flood risk assessment may also be required, and mitigation implemented accordingly.</u>
MM16	M41	Policy GT01, page 53	<b><i>Policy GT01: Land South of The Plough</i></b> <i>Amend criterion (b) to read:</i> (b) <u>Development The site</u> should be levelled and laid out to provide sufficient room to allow vehicles to turn around within the site.

MM17	M40	Policy GT01, page 53	<p><b>Policy GT01: Land South of The Plough</b>  Add new criterion (h) to read:  <u>The development will provide connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water; if non-mains drainage, an environmental permit will be required.</u></p>
MM18	M23	Following paragraph 3.17, page 59	<p><b>Policy E1: Land at East Quay, Newhaven Port</b>  Note: Further modification to Modification 23 in CD 012: Following paragraph 3.17, insert additional paragraphs to read:</p> <p><u>The majority of the site is located within the Tide Mills Local Wildlife Site, a non-statutory designation made in 1993 in recognition of the value of the coastal and floodplain grazing marsh and coastal vegetated shingle. These habitats are now included on the Government's list of habitats of principal importance for biodiversity conservation in England. Any development must therefore ensure that any loss or damage to the nature conservation interest of the site can be mitigated to achieve a net gain in biodiversity, in accordance with Policy DM24 (Protection of Biodiversity and Geodiversity). Appropriate mitigation should be identified by the applicant, along with the means for its delivery and maintenance.</u></p> <p><u>Appropriate mitigation should be identified by the applicant, along with the means for its delivery and maintenance. It is anticipated that such mitigation may include bringing the wider area of the Tide Mills Local Wildlife Site into positive management, including habitat creation (e.g. the creation of wet scrapes for birds) and controls on dog walking in order to avoid the more ecologically sensitive areas. This will involve working in partnership with all relevant organisations, including the Ouse Estuary Project.</u></p> <p><u>Due to the open nature of the coastline in this location, development is also likely to have an impact upon the setting of the South Downs National Park. Development proposals should therefore have due regard to Core Policy 10 (Natural Environment and Landscape Character) of the Local Plan Part 1, which seeks to conserve and enhance the landscape quality and scenic beauty of the Park, and be informed by the South Downs Integrated Landscape Character Assessment accordingly.</u></p> <p><u>Development of the site also has the potential to affect the setting of the Newhaven Fort Scheduled Monument and the Tidemills Archaeological Notification Area. The remains of the WW1 seaplane base also needs to be protected. Development proposals should therefore be accompanied by a heritage impact assessment and an appropriate archaeological assessment and evaluation</u></p>

			<p>of the site's archaeological and historic interest, in accordance with Policy DM33 (<i>Heritage Assets</i>) and Core Policy 11 (<i>Built and Historic Environment and High Quality Design</i>) of the Local Plan Part 1.</p> <p>A public footpath, which forms part of the proposed England Coast Path, runs through the site and any development proposals will be required to mitigate any harmful impact on the convenience, safety and amenity of this right of way, in accordance with Policy DM35 (<i>Footpath, Cycle and Bridleway Network</i>).</p>
MM19	-	Following paragraph 3.17, page 59	<p><b>Policy E1: Land at East Quay, Newhaven Port</b>  <i>New paragraph in supporting text to read:</i>  <u>The exclusion of the area of the port from the submitted proposed port expansion, i.e. covering the vegetated shingle habitat to the south of the bunded footpath, would ensure the protection of the Seaplane base, which is an important although undesignated, heritage asset.</u></p>
MM20	M24	Policy E1, page 59	<p><b>Policy E1: Land at East Quay, Newhaven Port</b>  <i>Amend policy E1 to read:</i></p> <p>Policy E1: Land at East Quay, Newhaven Port</p> <p>Land at East Quay, as defined on the Policies Map (i.e. excluding the area of vegetated shingle habitat, situated to the south of the bunded footpath, which was included in the submitted Policy E1), is allocated for employment uses associated with Newhaven Port. <del>Employment development which is not associated with port-related activity will be permitted only where it can be demonstrated that such development would not undermine the operational use of the Port. All development proposals should ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised. Development will be permitted subject to compliance with all appropriate development policies and the following criteria:</del></p> <p><u>(a) An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate potential adverse impacts on biodiversity;</u></p> <p><u>(b) A visual and landscape character assessment is undertaken to ensure that the visual impact on the landscape and scenic beauty of the South Downs National Park is minimised;</u></p> <p><u>(c) An appropriate assessment and evaluation of archaeological potential is undertaken, and any necessary mitigation measures implemented; and</u></p>

			(d) <u>The provision of a landscaped buffer to the east of the site to create a buffer zone to protect the Nature Reserve immediately to the east of the proposed port expansion.</u>
MM21	M42	Paragraph 3.21, page 61	<b><i>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer</i></b> <i>Amend paragraph 3.21 to read:</i> 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. <u>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 by the South Downs National Park Authority.</u>
MM22	M43	Paragraph 3.23, page 61	<b><i>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer</i></b> <i>Amend paragraph 3.23 to read:</i> Any development of land within the boundary of Brighton and 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. <u>In addition, sustainable transport infrastructure is 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/B2123 Falmer junction.</u>
MM23	-	Policy E2, page 61	<b><i>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer</i></b> Land adjacent to the American Express Community Stadium, as identified on the Policies Map, is allocated for B1a (offices) <del>and/or</del> D1 (health/education) <u>and/or other ancillary uses directly associated with the Stadium and/or Sussex and Brighton Universities.</u>
MM24	M28	Policy E2, page 62	<b><i>Policy E2: Land Adjacent to American Express Community Stadium, Village Way, Falmer</i></b> <i>Amend criterion (d) of policy E2 to read:</i> (d) The provision of green infrastructure and wider landscaping enhancements <del>through creative landscape solutions (including features such as green walls and</del>

			roofs);
MM25	M46	Policy DM24, page 95	<p><b><i>Policy DM24: Protection of Biodiversity and Geodiversity</i></b></p> <p><i>Amend the third paragraph of policy DM24 to read:</i>  Development that would be likely to adversely affect a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR), or a Marine Conservation Zone (MCZ), <u>either individually or in combination with other developments</u>, will only be permitted where the benefits of the development <del>at this site</del>, <u>in the location proposed</u> clearly outweigh the damage to the nationally recognised special interest of the designated site and any adverse impacts on the wider network of the SSSIs.</p>
MM26	M48	Policy DM24, page 95	<p><b><i>Policy DM24: Protection of Biodiversity and Geodiversity</i></b></p> <p><i>Insert a new penultimate paragraph into policy DM24 to read:</i>  <u>Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) will be refused, unless there are wholly exceptional circumstances and a suitable compensation strategy exists.</u></p>
MM27	-	New Appendix 5	<p><b><i>Appendix 5 – Local Plan Part 2 Housing Trajectory</i></b></p> <p><i>Insert new appendix, including graph shown on the following page, to read:</i>  <u>The Housing Trajectory indicates the anticipated delivery of market and affordable housing for the area of the district outside the South Downs National Park. The trajectory covers the plan period between 2010/11 and 2029/30. The Local Plan Part 2 reflects the disaggregated housing requirement figure of minimum 5,494 net additional units up to 2029/30.</u></p> <p><u>The trajectory reflects the housing trajectory position as at 1 April 2019. It is informed by the Local Plan Part 1, neighbourhood plans, the monitoring of housing commitments and completions, as well as the 2018 Strategic Housing and Economic Land Availability Assessment (SHELAA). The trajectory consists of several elements: completions (first nine years of the Plan); commitments; strategic and non-strategic allocations; and windfall allowance. The graph below indicates the anticipated delivery of these elements. The anticipated delivery of affordable units is also shown.</u></p>

Graph to accompany new text in MM27

