

Appendix A – Assessment of consistency of ‘saved’ Lewes District Local Plan policies (2007) with the National Planning Policy Framework (2012)

Policy Ref	Policy Subject Area	Consistency with NPPF
ST1 (G)	Infrastructure Provision	Fully consistent
ST2 (R)	General Infrastructure	Not consistent Although on the face of it the policy seems to be in accordance with NPPF (particularly para 204), the NPPF adds further criteria (para 205) and seeks to avoid the use of planning obligations, instead preferring the use of conditions (para 203).
ST3 (G)	Design, Form and Setting of Development	Fully consistent
ST4 (G)	Design, Form and Setting of Development	Fully consistent
ST5 (R)	Access for People with Limited Mobility	Not consistent Although not appearing to be in conflict with the NPPF, such an issue would be covered by other regulatory controls (i.e. building regulations). This negates the need for such a policy. Development Management should seek advice from Building Control when seeking advice on layouts affecting people with limited mobility.
ST6 (R)	Access for People with Limited Mobility	As Policy ST5
ST11 (G)	Landscaping of Development	Fully consistent
ST14 (G)	Water Supply	Fully consistent
ST20 -	Recycling and Re-use of Materials	Not considered appropriate to review at this stage. Await publication of the national waste planning policy Para 5 explains that the NPPF does not cover waste – national waste planning policy will cover it instead. The Waste Planning Policy Statement remains in place and this policy may accord with it.
ST21 -	Recycling and Re-use of Materials	As Policy ST20
ST25 (A)	Pylons and Overhead Lines	Consistent, in part, with the NPPF, but no change from its status pre-NPPF LDC has previously advised that the AONB designation no longer exists, thus the policy can only be applied for the Conservation Areas.
ST29 (A)	Advertisements	Consistent, in part, with the NPPF, but no change from its status pre-NPPF LDC has previously advised that the AONB designation no longer exists, thus the policy can only be applied for the Conservation Areas.
ST30 (G)	Protection of Air and Land Quality	Fully consistent

Green (G) – Fully consistent – Apply policy alongside NPPF.

Amber (A) – Partly consistent – Apply by judging weight which can be applied to the policy, alongside NPPF, in the specific circumstances of each individual application.

Red (R) – Not consistent – Do not apply these policies any more.

Policy Ref	Policy Subject Area	Consistency with NPPF
RES1 (R)	District Housing Land Strategy	Not consistent Does not conform with paragraph 47 of the NPPF (boosting supply of housing). The policy does not provide the basis for establishing a five year housing land supply. Even without the NPPF, the target has been superseded by the South East Plan and hence the policy has no weight.
RES2 (G)	First Phase of Residential Development	Fully consistent
RES3 (R)	Second Phase of Residential Development	Not consistent The policy is not in conformity with paragraph 159, point 2 of the NPPF. This paragraph requires a SHLAA to be produced. It is the SHLAA that will be used to assess sites for housing. As such this policy is redundant.
RES6 (R)	New development in the Countryside	Not consistent The policy is not in conformity with paragraph 55 (housing in the countryside) of the NPPF. This paragraph introduces other exceptions meaning that the policy RES6 is incorrect in stating that development would be refused if parts a) and b) were not met.
RES7 (R)	New development in the Countryside	Not consistent The policy is not in conformity with paragraph 55 point 3 (rural housing) of the NPPF. The NPPF takes a more positive view to the conversion of rural buildings for residential purposes than the saved Local Plan policy. It would be argued that our Local Plan policy was overly restrictive when compared against the NPPF.
RES8 (G)	Replacement Dwellings in the Countryside	Fully consistent
RES9 (G)	Affordable Housing	Fully consistent
RES10 (G)	Affordable Homes Exception Sites (i.e. Outside the Boundary)	Fully consistent
RES13 (G)	All extensions	Fully consistent
RES14 (G)	All extensions	Fully consistent
RES18 (G)	Garages and other Buildings ancillary to Existing Dwellings	Fully consistent
RES19 (G)	Provision of Outdoor Playing Space	Fully consistent
RES20 (G)	Provision of Educational Facilities	Fully consistent

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Amber (A) – Partly consistent – Apply by judging weight which can be applied to the policy, alongside NPPF, in the specific circumstances of each individual application.

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Policy Ref	Policy Subject Area	Consistency with NPPF
RES21 (A)	Provision for Gypsies	<p>Consistent, in part, with the NPPF National policy relating to Travellers is covered in the Planning Policy Statement for Traveller Sites.</p> <p>The policy statement states that decisions should be made in accordance with the development plan (para 20) and that a criteria based policy should apply to such site provision (para 10). As such, weight can be attached to this policy</p> <p>However, due consideration should also be given to part H (paras 20-26) of the Policy Statement when determining applications as the section states how decisions should be made.</p>
RES22 (A)	Travelling Show People	Consistent, in part, with the NPPF , see RES21
E1 (A)	Planning for Employment	<p>Consistent, in part, with the NPPF Policy E1 is a criteria based policy with 9 sub parts. Parts a),b),c) and e) can continue to be used as they conform with different parts of the NPPF.</p> <p>Part d) can no longer be used as it relates to Local Plan Policy E9 which does not conform with the NPPF.</p> <p>Parts f)-i) do not accord with the NPPF. Para 51 of the NPPF supports the principle of conversion of commercial buildings to residential in areas of housing need. Thus no weight can be given to these policies.</p>
E3 (G)	Town Centres	Fully consistent
E4 (G)	Town Centres	Fully consistent
E5 (G)	Town Centres	Fully consistent
E6 (G)	New Retail Development on the Edge of Town Centres	Fully consistent
E7 (G)	Out of Centre Retail Development	Fully consistent
E8 (G)	Neighbourhood Shops/Public Houses	Fully consistent
E9 (R)	Re-use of Rural Buildings	<p>Not consistent Policy E9 repeats much of NPPF paras 28 and 55 and goes against the aims of para 51 which allows residential conversions. As a result no weight can be attached to this policy.</p>

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Policy Ref	Policy Subject Area	Consistency with NPPF
E10 (G)	Tourism General Strategy	Fully consistent
E11 (G)	Hotels, Guest Houses and other Serviced Accommodation	Fully consistent
E12 (R)	Hotels, Guest Houses and other Serviced Accommodation	Not consistent As with policy E9, E12 does not accord with NPPF para 51, as it allows for vacant commercial buildings to become permanent residential accommodation.
E13 (R)	Hotels, Guest Houses and other Serviced Accommodation	Not consistent Paras 51 and 55 of the NPPF promote the reuse of buildings by allowing change of use. This policy does not conform with these paragraphs and thus cannot be used.
E14 (G)	Bunk House Accommodation	Fully consistent
E15 (G)	Existing Camping/ Touring Caravan Sites	Fully consistent
E17 (G)	New Camping/Touring Caravan Sites	Fully consistent
E19 (R)	Static Holiday Caravan Sites	Not consistent Not only is this policy negatively worded, against the NPPF's aspiration to have positive policies (para 182), but it also goes against the need to support a prosperous rural economy, including sustainable rural tourism developments, as advocated by para 28.
CT1 (A)	Planning Boundary and Key Countryside Policy	Consistent, in part, with the NPPF This is a criteria based policy with 11 sub-parts. It is very important in decision making as it establishes the planning boundary and underpins the protection of the countryside The NPPF seems to allow us to identify where development would be inappropriate (para 157) and advocates the protection of the countryside throughout (including in para 17). The drawing of the planning boundary is therefore acceptable as it defines the area considered 'the countryside', helping to provide a basis for its protection. Thus, most parts of the policy can remain in use. However, some of the sub parts of the policy no longer exist as its related policies have gone as they are no longer considered compliant. This includes parts b), f) and g).
CT5 (A)	Institutional Sites	Consistent, in part, with the NPPF All parts of this policy remain in use, except part d) which has been replaced by paragraph 32, particularly point 3.
H2 (G)	Listed Buildings	Fully consistent

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Policy Ref	Policy Subject Area	Consistency with NPPF
H3 (G)	Buildings of Local, Visual or Historic Interest	Fully consistent
H5 (G)	Development within or affecting Conservation Areas	Fully consistent
H7 (G)	Traffic in Conservation Areas	Fully consistent
H12 (G)	Areas of Established Character	Fully consistent
H13 (G)	Parks and Gardens of Special Historic Interest	Fully consistent
H14 (G)	Parks and Gardens of Local Historic Interest	Fully consistent
RE1 (G)	Provision of Sport, Recreation and Play	Fully consistent
RE2 (G)	Existing Recreational Open Space	Fully consistent
RE3 (R)	Indoor Recreational Facilities	Not consistent Para 34 seems to allow such facilities to be provided in the rural areas. The Local Plan policy seems overly restrictive, when compared against paragraphs 70 and 74 of the NPPF. This is both in terms of allowing new indoor recreational facilities and resisting the loss of them.
RE6 (G)	Lewes/Sheffield Park Railway Line	Fully consistent
RE7 (G)	Recreation and the Rivers	Fully consistent
RE8 (G)	Equestrian and Related Activities	Fully consistent
RE9 (G)	Allotments	Fully consistent The policy repeats but does not contradict the above para 70, point 2 of the NPPF. As such, weight can be attached to it. However, when making decisions, regard should also be given to the above paragraph.
RE10 (G)	Community Infrastructure	Fully consistent
T1 (G)	Travel Demand Management	Fully consistent The policy repeats a lot of part 4 of the NPPF, particularly paragraphs 32, 34 and 35, but does not contradict. As a result, the policy should be given weight but regard should be had to the above section of the NPPF
T2 (G)	Buses	Fully consistent
T3 (G)	Rail	Fully consistent
T4 (G)	The Lewes/ Uckfield Railway	Fully consistent This is a long standing aspiration of the Council and East Sussex County Council. The reinstatement of the line is supported in the Local Transport Plan for East Sussex, hence we

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		could argue that there is 'robust evidence' as quoted in para 41.
T7 (G)	Provision for Cyclist	Fully consistent
T8 (G)	Pedestrian Routes and Traffic Calming	Fully consistent
T9 (G)	Pedestrian Routes and Traffic Calming	Fully consistent The policy does not contradict the NPPF and thus can be used. However, the NPPF goes further than the existing policy (as seen in paras 32, 35 and 204) and thus regard should also be made to the NPPF.
T10 (G)	Pedestrian Routes and Traffic Calming	Fully consistent
T13 (G)	Vehicle Parking	Fully consistent
T14 (G)	Vehicle Parking	Fully consistent The policy does not contradict the NPPF, although it could be argued that the NPPF in the transport section (part 4) provides a clearer policy direction. It could also be argued that the policy does not accord with para 23 (planning policies should be positive). As such, whilst it can be used, regard must be had to the appropriate paragraphs of the NPPF
T16 (R)	Telecommunications	Not consistent Part 5 of the NPPF explains how applications for communication infrastructure should be handled. Para 46 makes clear that planning authorities should not question the need for the infrastructure when determining applications and hence we should not be having regard to "the technical and operational requirements of the proposal". Thus we can no longer apply this policy
LW1, LW3-6 (G)	Allocations for Lewes House, Malling Brooks, Pinwell Road	Fully consistent
LW7 (G)	The Eastgate Area	Fully consistent
LW8 (G)	The Townscape	Fully consistent
LW9 (G)	Lewes Battlefield	Fully consistent
LW10 (G)	Access to the River Ouse	Fully consistent
LW11 (G)	The Green Core	Fully consistent
LW12 (G)	Bus Station	Fully consistent
LW13 (G)	Cliffe High Street	Fully consistent

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LW14 (G)	Bear Yard	Fully consistent
NH2, NH4, NH6-8, NH10 (G)	Allocations for Downland Park, South of Valley Road, Land at the Marina, North East of Kings Avenue, West of Meaching Quarry, Newhaven Business Area	Fully consistent
NH12 (G)	Lorry Facilities/Park	Fully consistent
NH13 (G)	Pedestrian Precinct	Fully consistent
NH14 (G)	Castle Hill, The Promenade/West Beach	Fully consistent
NH15 (G)	Castle Hill, The Promenade/West Beach	Fully consistent
NH16 (G)	Castle Hill, The Promenade/West Beach	Fully consistent
NH17-21 (G)	Allocations for Avis Road, Lewes Road, Primary School Site, Newhaven Harbour, Railway Quay	Fully consistent
NH22 (G)	Rail Transport Links to the Port	Fully consistent
NH23 (G)	East Quay	Fully consistent
NH24 (G)	North Quay	Fully consistent
PT1 (R)	The A259 South Coast Road	Not consistent The provisions, set out in County Local Transport Plans, to deliver improvements on the A259 have been implemented. Thus, the policy is out of date and should not be applied when determining planning applications (para 14 of the NPPF relates to this).
PT2 (G)	Land east and west of Peacehaven Sports Park	Fully consistent
PT3 (G)	Intensification and Infilling	Fully consistent
PT5-6 (G)	Allocations for Land at Keymer Avenue, Hoyle Road	Fully consistent
PT7-PT9 (G)	Development along South Coast Road, Meridian Centre	Fully consistent
PT10 (G)	Access and Permeability at the Meridian Centre	Fully consistent

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PT11 (G)	The Joff Youth Club	Fully consistent
PT12-PT13 (G)	The Coast and Countryside	Fully consistent
PT15 (G)	Telscombe Tye and Telscombe Village	Fully consistent
PT16-PT18 (G)	Allocations at Lower Hoddern Farm, Land North of Bannings Vale, Cornwall Avenue	Fully consistent
PT19 (G)	The Valley Area	Fully consistent
PT20-PT21, PT23 (G)	Private Recreation Proposals, Valley Park, Arundel Road	Fully consistent
SF1,SF5,SF8 (G)	Allocations at Land North of Cradle Hill, Gas Works, Cradle Hill Industrial Estate	Fully consistent
SF9 (G)	Footpath to Church Lane	Fully consistent
SF10 (G)	Richmond Road Car Park	Fully consistent
SF11 (G)	Bishopstone Conservation Area	Fully consistent
SF12 (G)	Land north of Alfriston Road	Fully consistent
SF14 (G)	The Seafront	Fully consistent
SF15 (G)	The Seafront	Fully consistent
SF16 (G)	The Seafront	Fully consistent
BA1 (G)	Barcombe – Recreational Facilities	Fully consistent
BG1 (G)	Beddingham & Glynde – Industrial development at Balcombe Pit	Fully consistent
CH1 (G)	Chailey – Chailey Brickworks	Fully consistent
CH2 (G)	Chailey – New Heritage	Fully consistent

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FL1 (G)	Falmer – University of Sussex	Fully consistent
HY1 (G)	Hamsey & St John Without – Hamsey Brickworks	Fully consistent
NW1 (G)	Newick – Extension to the Playing Field	Fully consistent
NW2 (G)	Newick – Woodgate Dairy	Fully consistent
RG1 (G)	Ringmer – Caburn Field	Fully consistent
RG3 (G)	Ringmer – Land adjacent to Ringmer Community College	Fully consistent
RG4 (G)	Ringmer – Community/Recreation Area, The Broyle	Fully consistent
WV1 (G)	Wivelsfield – Land at Theobald Road	Fully consistent

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