

Agenda Item No: 9.3 **Report No:** 150/15

Report Title: Response to the South Downs Local Plan: Preferred Options Consultation

Report To: Cabinet **Date:** 23 November 2015

Cabinet Member: Cllr Tom Jones

Ward(s) Affected: All wards within the South Downs National Park

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Purpose of Report: To consider the South Downs Local Plan Preferred Options document published by the National Park Authority and endorse the Council's draft comments previously submitted in order to meet the consultation deadline of 28 October 2015

Officers Recommendation:

- 1 To endorse the comments at Section 4 of this report as the Council's response to the South Downs Local Plan: Preferred Options consultation.
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Reasons for Recommendation

- 1 To ensure that the next version of the South Downs Local Plan is informed by the Council's views prior to its submission to the Secretary of State for independent examination.

Information

2 Introduction

- 2.1 The South Downs Local Plan (SDLP) sets out the planning policies that will guide development in the National Park over the period to 2032. The SDLP covers the whole of the designated national park area, including more than half of Lewes district and the town of Lewes itself (see map in Appendix A). On adoption, its policies will replace the 'saved' policies of the adopted Lewes District Local Plan 2003 and all the policies of the

Lewes District Joint Core Strategy that are currently being applied in that part of the district located within the National Park.

2.2 The SDLP Preferred Options document builds upon the framework of the *South Downs National Park Partnership Management Plan* (PMP) adopted in 2013 and the SDLP *Issues and Options* document published for consultation last year. All the comments received will be taken into account by the National Park Authority (SDNPA) in formulating the next version of the Local Plan that will be submitted to the Secretary of State for examination. This 'publication' version of the plan will be subject to a further round of public consultation prior to the examination in public, anticipated in early 2017.

2.3 The SDLP Preferred Options document can be viewed at www.southdowns.gov.uk/localplanconsultation and a hard copy is available for inspection at Southover House, via the report contact officer. A public drop-in session was held in Lewes Town Hall on 8 September.

3 Structure and Content of the Preferred Options Document

3.1 The Preferred Options document sets out a vision for the National Park (taken from the adopted PMP), followed by a set of objectives and planning policies that will help to achieve that vision. The planning policies are grouped in the document as follows:

- *Core policies* that provide the overarching framework for assessing all development proposal in the National Park
- *Strategic policies* that are considered fundamental to achieving the overall vision
- *Strategic site allocations*, which include the North Street Quarter and adjacent Eastgate area in Lewes
- *Housing site allocations*, which include land at Old Malling Farm, Lewes, and land at Normansal Park Avenue, Seaford
- *Development management policies* that are intended to provide the detailed policy framework for assessing planning applications

The wording of the policies referred to in this report can be found in Appendix B.

3.2 Strategic Policies SD22 and SD23 identify towns and villages which are able to accommodate growth and which will have defined 'settlement boundaries'. In Lewes, these settlements are Ditchling (15 dwellings), Kingston (11 dwellings), Lewes town (835 dwellings), and Rodmell (11 dwellings). These proposed levels of housing growth are in addition to extant planning permissions and windfall development.

3.3 The SDNPA states that all these policies have been developed having regard to the requirement to consider landscape first, in accordance

with the purposes and duty of all the national parks. They are supported by a range of evidence documents, including a Strategic Housing Land Availability Assessment (SHLAA), Infrastructure Delivery Plan (IDP), Sustainability Appraisal and Duty to Cooperate Statement.

4 Response to the National Park Authority

4.1 The Council welcomes the publication of the SDLP Preferred Options document and supports the majority of the aspirations and policies contained within it. We consider that the key issues have been correctly identified within the document and that the draft policies generally reflect the twin purposes of the national parks and the social and economic duty of the Park Authority. We are also of the view that the general approach to planning for growth, in the part of the National Park within Lewes District, is reflective of the approach set out in our Joint Core Strategy.

4.2 The Council particularly supports:

- a) Policies SD17 and SD42 that seek to manage or reduce the risk of flooding and promote the use of sustainable drainage systems as part of new developments wherever appropriate. Flood risk is a significant concern for large areas of the district, both within and outside of the National Park, and reducing the district's vulnerability to the flooding is therefore a key priority of the Council and many of its local communities.
- b) The strategic policy support given to promoting sustainable tourism and the visitor economy (Policy SD20), sustaining the rural economy (Policy SD 27), safeguarding existing employment sites and allocations (Policy SD28), and promoting and protecting town and village centres (Policy SD29). The approach set out in these strategic policies will help in achieving the Council's own priorities and aspirations, as set out in its Regeneration Strategy: Building a Brighter Future (2012).
- c) The mixed use allocation in Policy SD34; North Street Quarter and adjacent Eastgate area, Lewes, and the housing allocations in Policies SD-SS03: Land at Old Malling Farm, Lewes, and SD-DS02: Land at Normansal Park Avenue, Seaford. These proposed allocations are considered to be crucial in terms of helping to meet some of the identified development needs of the district in the early part of the plan period (in particular housing). With regards to Policy SD34, we consider its content to reflect that of the evidenced Spatial Policy 3 (North Street and Eastgate area) contained within the Lewes District Joint Core Strategy.
- d) Policy SD58, which seeks to improve air quality throughout the National Park. This policy will help support the delivery of the Council's Air Quality Action Plan, which has been produced in order to fulfil its statutory obligations under section 84(2) of the Environment Act 1995.

- 4.3** However, the Council also has a number of concerns over the document. These concerns are principally about whether the Local Plan has due regard to paragraph 154 of the NPPF, which requires planning policies to provide decision makers with a clear indication of how to react to a development proposal, and whether its policies are capable of effective implementation. We are keen to set out these concerns as, through the current partnership working between our two authorities, we would wish to ensure the effective application of these policies on your behalf. Our concerns are set out below, following the numerical policy sequence set out in the Preferred Options document.
- 4.4** The Development Strategy. The document splits the National Park into five broad landscape policy areas and disperses development growth between them through Policies SD4/CP: Coastal Plain, SD4/DS: Dip Slope, SD4/WD: Western Downs, SD4/SS: Scarp Slope, SD4/WW: Western Weald, SD22: Development Strategy, and SD23: Housing.
- 4.5** We have no argument with the concept of applying different policy approaches to the different landscape character areas of the National Park. However, the terms 'limited growth', 'small-scale growth' and 'moderate-scale growth' employed in the Core Policies listed above are not considered to be particularly meaningful or helpful in terms of decision making. It is unclear whether these terms relate to the size of the settlements allocated for housing growth in Policy SD23 or to the broad landscape policy areas themselves.
- 4.6** For example, Policy SD23 makes provision for 87 additional dwellings in villages within the Dip Slope Policy Area, which is categorised as '*moderate-scale growth*', whilst Policy SD23 makes provision for housing growth of 99 additional dwellings in villages within the Scarp Slope Policy Area, which is categorised as '*small-scale growth*'. An explanation in the supporting text for the rationale behind this terminology would be helpful to users of the Local Plan when the next version is produced.
- 4.7** Policy SD6: Design. We consider that this policy does not adequately address the need to create safe and accessible environments where crime, or the fear of crime, does not undermine quality of life or community cohesion and therefore fails to have proper regard to paragraphs 58 and 60 of the NPPF.
- 4.8** Policy SD11: Historic Environment. We are concerned that the wording of Policy SD11 (4) does not provide sufficient clarity about how a decision maker would weigh the public benefits of proposed works to a non-designated heritage asset against any unacceptable adverse impact of those works. We therefore consider that the policy fails to have proper regard to paragraph 154 of the NPPF.
- 4.9** As stated in our response to the SDLP Options Consultation, it should be noted in paragraph 5.102 of the supporting text that, in addition to Adur and Eastbourne, Lewes District also has a list of buildings of local, visual or historic importance. These buildings are identified in Appendix 2 of the

adopted Lewes District Local Plan 2003 and are currently protected by 'saved' Policy H3.

- 4.10** Policy SD22: Development Strategy. We support the definition of settlement development boundaries to indicate where development will be supported in principle. However, we note that development boundaries have not been defined for Lewes or Ditchling on the grounds that these settlements are located within proposed neighbourhood plan areas. We are concerned that this approach could potentially leave a significant policy vacuum in the event that the Lewes or Ditchling Neighbourhood Plans do not progress according to their respective timetables or fail at examination/referendum.
- 4.11** We are also concerned that the policy requirement for development proposals within the settlement boundaries to be "of a scale and nature appropriate to the character and function of the settlement" may be open to wide interpretation and could consequently result in an increased number of S78 appeals. It is considered that the policy in this respect fails to have proper regard to paragraph 17 of the NPPF, which requires local plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 4.12** Policy SD23: Housing. We support the principle of clearly setting out the levels of housing growth planned for individual settlements within the National Park over the plan period. However, we are concerned that sufficient capacity has not yet been identified to accommodate all the new homes planned in the villages of Kingston and Rodmell. Local Plan policies should be justified by clear, robust and up-to-date evidence, including the SHLAA, and in the absence of such evidence, we would query whether the levels of growth identified for these settlements is achievable (particularly given that it is proposed to contract the development boundary at Kingston).
- 4.13** We also note that no sites are allocated for the 15 new homes proposed in Ditchling village, presumably in the expectation that the Ditchling Neighbourhood Plan will allocate sufficient land to accommodate this level of growth. However, we are concerned that the Local Plan fails to address appropriate contingencies/alternatives in the event that the Ditchling Neighbourhood Plan, or indeed Neighbourhood Plans elsewhere, do not proceed as anticipated. Without the flexibility to respond to changing circumstances, there is a real risk that the levels of housing growth proposed in Policy SD23 will not be deliverable.
- 4.14** Policy SD24: Affordable Housing. We note that this policy was drafted in accordance with an earlier Government policy that has since been quashed by the judge of the High Court case of *R on the Application of West Berkshire District Council v Department for Communities and Local Government*. We therefore welcome the statement in paragraph 7.61 of the supporting text that a change in Government policy will result in an immediate review of Policy SD24 to secure affordable housing provision on sites of 5 or less dwellings.

- 4.15** Policy SD26: Gypsies and Travellers and Travelling Showpeople. We are concerned that no sites have been allocated within the National Park to meet the accommodation needs of Gypsies and Travellers. We urge the SDNPA to make every effort to identify and allocate appropriate Gypsy and Traveller sites to meet the needs for permanent and transit accommodation arising within its area, prior to the publication of the next version of the Local Plan. Alternatively, the SDNPA should request other adjoining local planning authorities to meet all or a proportion of its unmet needs for such sites (provided you have evidence demonstrating that you have exhausted all reasonable options within the National Park area).
- 4.16** Policy SD31: Climate Change and Sustainable Construction. The Environment Agency's classification of water stressed areas indicates that the water supply areas in relation to the National Park are under serious water stress and the effective management of water resources has been identified as a key challenge for the Local Plan. We therefore consider that there is a locally justified need for the SDNPA to seek higher standards of water efficiency in new developments, e.g. requiring new homes to achieve the Building Regulations optional requirement of no more than 110 litres per person per day. Such an approach to the prudent use of water resources would help to support the aims and objectives of the River Basin Management Plan for the South East and accord with the current water efficiency policy (CP14) in the Lewes District Joint Core Strategy – Proposed Modifications Version.
- 4.17** Policy SD35: Provision and Protection of Open Space. The policy's objective that all new residential development should contribute to the wider green infrastructure network is supported but it is unclear what mechanisms will be employed by the SDNPA to secure delivery. In Lewes District, where new residential development would result in or exacerbate a shortage of outdoor play space in a town or parish, it has been a long-standing policy to require appropriate on-site provision or seek developer contributions towards enhanced provision in the locality.
- 4.18** This policy has delivered a significant improvement to outdoor play space provision across the district, most recently at the Peacehaven Big Park Project. However, this has only been achieved by the application of clear and robust open space standards for new residential developments (as currently set out in Policies RE1 and RES19 of the adopted Lewes District Local Plan 2003). We would therefore urge the SDNPA to adopt replacement open space standards in its Local Plan to ensure that open space provision effectively keeps pace with the needs arising from the residents of new housing developments across the National Park.
- 4.19** Policy SD49: Conversion of Redundant Agricultural Buildings. We are concerned that, whilst the importance of the setting of redundant agricultural buildings is recognised in the supporting text, the policy itself does not specifically address this issue except in the case of buildings identified as heritage assets. We consider that Policy SD29 therefore fails to have proper regard to paragraph 55 of the NPPF, which requires

the residential re-use of *all* redundant or disused buildings in the countryside to lead to an enhancement to the immediate setting.

4.20 Appendix 1: Current Development Policies. Paragraph 1.2 in the document introduction states that Appendix 1 lists all the planning policies that will be replaced on adoption of the SDLP. However, the Appendix does not include the following 'saved' policies of the adopted Lewes District Local Plan 2003: H2, H3, H4, H5, H7, H13, H14, RE1, RE6, RE7, RE8, LW1, LW3, LW4, LW5, LW6, LW8, LW9, LW10, LW11, LW13, LW14, SF12 and BG1. Does the exclusion of these policies, which currently apply to that part of the district within the National Park, mean that the SDNPA intends to retain them as written or review them prior to the publication of the next version of the Local Plan? This needs to be clear within the document, particularly in relation to the specific site allocations in Lewes, Seaford and Glynde.

4.21 Duty to Cooperate Interim Statement. We have reviewed this statement and agree with its content, particularly in terms of the strategic planning priorities that have been identified. Clearly, the need to satisfy the Duty to Cooperate is ongoing for all authorities and we will continue to work alongside the National Park Authority in seeking to address strategic planning priorities both in the short and long term.

Financial Appraisal

5 There are no direct financial implications of endorsing the Council's comments on the SDLP: Preferred Options document.

Legal Implications

6 The Legal Services Department has made the following comments:

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the South Downs National Park Authority must take into account any representation made by the District Council.

Risk Management Implications

7 The risk assessment checklist has been completed; no new risks will arise if the recommendation is implemented.

Equality Screening

8 An Equality Analysis Report (Appendix C) has been undertaken. No significant negative or positive outcomes have been identified.

Background Papers

9 South Downs Local Plan: Preferred Options (September 2015)

Appendices

Appendix A - Map of the South Downs National Park

Appendix B – Policies from the South Downs Local Plan Preferred Options referred to in this report.

Appendix C – Equality Analysis Report