

Agenda Item No: 9.2 **Report No:** 61/16

Report Title: Adoption of the Lewes District Local Plan Part 1: Joint Core Strategy

Report To: Cabinet **Date:** 28 April 2016

Cabinet Member: Councillor Tom Jones – Lead Councillor for Planning

Ward(s) Affected: All

Report By: Nazeya Hussain, Director of Business Strategy and Development

Contact Officer(s)-

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Purpose of Report:

To seek Cabinet and Council agreement to adopt and publish the final version of the Lewes District Local Plan Part 1: Joint Core Strategy, incorporating the Inspector's required modifications as set out in the appendix to his Final Report (and including any consequential and other appropriate minor amendments), as part of the statutory Development Plan for Lewes district.

Officers Recommendation(s):

- 1** To recommend to Council that the Lewes District Local Plan Part 1: Joint Core Strategy, incorporating the Inspector's main modifications, should be adopted as part of the Development Plan for Lewes district, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2** To recommend to Council that the Lewes District Local Plan Part 1: Joint Core Strategy should be published together with the relevant adoption statements, Policies Maps, and the Sustainability Appraisal (incorporating Strategic Environmental Assessment) Report in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3** To recommend to Council that the Director of Business Strategy and Development be authorised to agree any further minor editorial corrections and clarifications identified prior to publication of the adopted Lewes District Local Plan Part 1: Joint Core Strategy.

- 4 To recommend to Council that it is noted that in adopting the Lewes District Local Plan Part 1: Joint Core Strategy those 'saved' policies of the Lewes District Local Plan 2003, that are listed in Appendix 2 of The Lewes District Local Plan Part 1: Joint Core Strategy as being replaced, will be rescinded with immediate effect. Those 'saved' policies that are listed on Appendix 2 to retain shall be retained and reviewed as appropriate through the emerging Lewes District Local Plan Part 2: Site Allocations and Development Management Policies.
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Reasons for Recommendations

To adopt the Joint Core Strategy as part of the new Local Plan for the district (the South Downs National Park Authority will also adopt the Joint Core Strategy). This will result in up-to-date local planning policies being in place as part of the statutory development plan, against which planning applications will be determined.

1 Background

- 1.1 Lewes District Council has been working in partnership with the South Downs National Park Authority to produce the Joint Core Strategy since 2011 and LDC had been working on the early stages of the plan for several years prior to that. We have now reached the final stage in the very substantial project that will result in an up-to-date strategic development plan for Lewes District.
- 1.2 We have received the Final Report of the Planning Inspector appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Joint Core Strategy. The report confirms that, subject to all of the Inspector's recommended main modifications, the Joint Core Strategy is a legally compliant and sound plan for Lewes District.
- 1.3 The required main modifications are appended to the Inspector's Report and are necessary in their entirety for the plan to be considered sound and capable of adoption. These modifications were anticipated since they are very closely based on the Proposed Modifications that the Council agreed to publish in July 2015. This means that the proposed strategic allocations at Old Malling Farm, Lewes; Land at Harbour Heights, Newhaven; and Lower Hoddern Farm, Peacehaven have been confirmed. The other allocated strategic sites are North Street Quarter and Eastgate Area, Lewes; Greenhill Way, on the edge of Haywards Heath; and Land North of Bishops Lane, Ringmer.
- 1.4 The modified district-wide housing target of 6,900 net additional dwellings between 2010 and 2030 (345 per annum) has also been confirmed, although it is acknowledged that this figure still falls short of the identified level of housing need in the district.
- 1.5 Publication of the Proposed Modifications last July was followed by a period of public consultation and subsequently the submission of the Proposed Modifications to the examination of the Joint Core Strategy. Two additional examination hearing days were held in December 2015 to consider the Proposed Modifications in detail and it is as a result of this that the Inspector

has made some minor changes to the originally proposed modifications. These changes essentially relate to updated information or are for reasons of clarity.

- 1.6 Once adopted by the Council, the Joint Core Strategy will form a key part of the development plan for the district and will be used by the Council for determining planning applications in those parts of the district outside the national park boundary. At the point when the South Downs National Park Authority adopts the Joint Core Strategy it will form a key part of the development plan for the determination of planning applications in those areas of the district that lie within the national park, for which SDNPA is the local planning authority.

2 Outcomes

- 2.1 Adoption is the final stage of plan-making for the Joint Core Strategy and will result in an up-to-date strategic plan for the district. The plan will be used for the determination of planning applications and its adoption will provide the certainty needed to facilitate the delivery of the strategic site allocations. The adopted plan will also inform the strategic planning framework that emerging neighbourhood plans will need to be consistent with.
- 2.2 The Inspector's Report confirms that a five year supply of land for housing in the district has been demonstrated. Adoption of the Joint Core Strategy will therefore put the Council in the strongest possible position to resist inappropriate proposals for housing development and reinforce the local plan-led approach to planning.
- 2.3 Adoption of the Joint Core Strategy will also provide the sound basis from which to continue to progress Part 2 of the Local Plan, which will include the detailed development management policies and non-strategic site allocations for the parts of the district outside the national park. This will help to ensure an ongoing supply of housing land through the plan period to 2030.
- 2.4 Adoption will take effect immediately upon the resolution of the Council. Following this it will be necessary to publish the adopted plan including the policies maps, an adoption statement, the sustainability appraisal (incorporating strategic environmental assessment) and a post adoption sustainability appraisal statement as soon as reasonably practicable. All interested parties on our local plan examination database will also be notified that adoption has taken place.
- 2.5 Immediately on adoption the status of the Joint Core Strategy as part of the development plan will take effect. All planning applications and appeal decisions must be determined in accordance with the development plan, unless material considerations indicate otherwise, regardless of when the application or appeal was submitted.
- 2.6 With an up-to-date plan adopted the Council will be in a much stronger position to determine where development takes place, in a plan-led way. While there may be some parts of the local community that are disappointed with elements of the Inspector's recommendations, the adoption of the plan will be a substantial benefit to the district overall, including communities that have

previously been vulnerable to speculative development proposals, particularly those on greenfield sites outside settlement planning boundaries.

- 2.7 It should also be noted that the Government are introducing measures to ensure that local planning authorities have an up to date local plan in place as soon as possible. This will mean that the Government will intervene in Local Plan production if a local planning authority has not prepared a plan by early 2017. Adoption of the Joint Core Strategy will ensure that Lewes District Council is not at risk from this measure.

3 Financial Appraisal

- 3.1 There are no significant resource implications arising from the adoption of the plan.

4 Legal Implications

- 4.1 The Council must formally adopt the Joint Core Strategy to bring it into force. Adoption must be by resolution of a full meeting of the Council (section 23(5), Planning and Compulsory Purchase Act 2004 and regulation 4(1) and (3), Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853)).
- 4.2 Once adopted the Joint Core Strategy will form part of the statutory development plan for the area and be used as such for the purpose of determining planning applications in the District.
- 4.3 Adoption of the Joint Core Strategy by the council will trigger a six week period from its adoption, within which any person aggrieved by the Core Strategy may make an application to the High Court under section 113 of the said 2004 Act on limited grounds, namely that either: (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with.
- 4.4 The adoption of the Core Strategy can only be challenged therefore on the above legal grounds and not simply because certain persons disagree with the Inspector's recommendations.
- 4.5 Through the public examination process, the Inspector has assessed the legal compliance of the Core Strategy and he has concluded that the Council has met all the legal compliance and soundness requirements (details of the legal requirements can be found at paragraph 147 of the Inspector's Report).

5 Risk Management Implications

- 5.1 A risk assessment has been undertaken. The following risk will arise if the recommendations are not implemented, for which there is no mitigation other than the preparation and adoption of a sound plan for the district:

Non-adoption would leave the Council without an up-to-date development plan and therefore at significant risk of being unable to resist speculative planning applications for inappropriate development proposals. This will inevitably lead to more 'planning by appeal', which could leave the Council susceptible to reductions in anticipated New Homes Bonus payments if the Government

introduce the proposed measure of reducing payments made on residential schemes granted permission at appeal.

While there is no legal requirement for the Council to adopt the Joint Core Strategy, since 2008/9 a very substantial amount of resources have gone into its preparation in order to achieve a sound plan that is capable of recommendation for adoption.

5.2 No new risks will arise if the recommendations are implemented.

6 Equality Screening

6.1 An Equality Analysis summary report is attached at Appendix 1. The preparation of the Joint Core Strategy was accompanied by an Equality Impact Assessment in 2012

www.lewes.gov.uk/Files/plan_EqualityImpactAssessment_2012.pdf . This report assessed the impact of the proposed Spatial Strategy and Core Policies in the emerging Joint Core Strategy on the protected equality groups recognised by the Council.

6.2 An April 2016 update to the Equality Impact Assessment has also been prepared to assess the equalities impacts of the proposed adoption version of the Joint Core Strategy, including the additional policies and other modifications to the plan that have resulted from consultations, changes in national policy and the examination in public process.

6.3 Extensive consultation has been undertaken at each key stage of preparation of the plan, ensuring that due consideration has been given to the needs of the various community organisations and groups and ethnic groups in the district.

6.4 In addition a full Equality Analysis for the preparation of plans and strategies was undertaken and adopted in 2015, which relates, among others, to this plan.

Background Papers

Proposed Main Modifications (published for consultation August 2015)

http://www.lewes.gov.uk/Files/plan_Proposed_Main_Modifications_Schedule_3_-_July_2015.pdf

Addendum to Sustainability Appraisal August 2015

http://www.lewes.gov.uk/Files/plan_Addendum_to_the_Lewes_District_Core_Strategy_Sustainability_Appraisal_-_Proposed_Modifications.pdf

Inspector's Initial Findings Letter February 2015

http://www.lewes.gov.uk/Files/plan_ID-05_Letter_to_Councils_10_Feb_2015.pdf

Submission Joint Core Strategy September 2014

http://www.lewes.gov.uk/Files/plan_CS_Submission.pdf

Submission Sustainability Appraisal September 2014

http://www.lewes.gov.uk/Files/plan_SA_Submission.pdf

Proposed Submission Focussed Amendments Joint Core Strategy May 2014
http://www.lewes.gov.uk/Files/plan_CS_FA.pdf

Other relevant documents to the examination can be found on the Core Strategy Examination webpage/library www.lewes.gov.uk/corestrategyexamination , the general Core Strategy webpage <http://www.lewes.gov.uk/corestrategy/> and the Earlier Core Strategy Work webpage www.lewes.gov.uk/planning/20616.asp

Appendices

Appendix 1 - Equality Analysis Summary

Appendix 2 - Lewes District Local Plan Part 1: Joint Core Strategy

Appendix 3 - Lewes District Local Plan Part 1: Joint Core Strategy Policies Maps

Appendix 4 - Inspector's Final Report

Appendix 5 - Appendix to the Inspector's Final Report