

Agenda Item No:

Report No:

Report Title: Lewes District Local Plan – Core Strategy Proposed Submission Document: Focussed Amendments

Report To: Cabinet **Date:** 24th April 2014

Cabinet Member: Cllr Tom Jones – Lead Member for Planning

Ward(s) Affected: All

Report By: Director of Business Strategy & Development

Contact Officer -

Name: Catherine Jack

Post Title: Interim Head of Planning Policy

E-mail: catherine.jack@lewes.gov.uk

Tel No: 01273 484417

Purpose of Report: To seek Cabinet and Council approval to publish the focussed amendments to the Core Strategy, including a new housing delivery target, in partnership with the South Downs National Park Authority and to subsequently progress the Core Strategy through the Examination in Public process.

Officers Recommendation(s):

Subject to no adverse findings from a sustainability appraisal (see para 7):

- 1 To recommend to Council that focussed amendments to the Core Strategy Proposed Submission Document be published for an eight week period for public representations to be made**
 - 2 To authorise the Director of Business Strategy & Development to take account of any representations and the sustainability appraisal, incorporate the focussed amendments and formally submit the Core Strategy to the Secretary of State for Communities and Local Government for independent examination**
 - 3 To authorise the Director of Business Strategy & Development, in consultation with the Lead Member for Planning and the South Downs National Park Authority, to agree minor modifications to the Core Strategy during the Examination in Public, as deemed necessary to make the document sound (any major modifications will be referred to Cabinet/Council as necessary).**
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Reasons for Recommendations

- 1** To ensure that the Core Strategy has addressed the implications of recent changes to national planning policy prior to its submission to the Secretary of State
- 2** To ensure that the Core Strategy addresses any significant issues raised in representations received to the Proposed Submission Document, together with the areas of concern identified by the Planning Inspector who undertook a critical analysis of the document, before submission
- 3** To ensure that the Core Strategy is progressed towards adoption in a timely manner, to provide the Council and National Park Authority with up-to-date policies against which to determine planning applications.

1. Background

- 1.1** The Core Strategy will be the central planning document for the district. It will set out the long term vision and guide development and change up to 2030. The strategy is being prepared in partnership with the South Downs National Park Authority (SDNPA) and is subject to a long process of preparation, public consultation and inspection. It has been extensively consulted on and amended and is now almost ready for submission to the Secretary of State for independent examination before adoption.
- 1.2** Cabinet on 18 November 2013, discussed progress on the Core Strategy since the Proposed Submission Document (the draft strategy) was published. Cabinet agreed that further work should be done before it is submitted (Cabinet Minutes 73.1 and 73.2 refer). This work has now been completed and has led officers to conclude that the Core Strategy would benefit from some limited or ‘focussed’ amendments before submission. These are shown as ‘track changes’ to the Core Strategy – Proposed Submission Document at Appendix A.
- 1.3** The most significant proposed changes are:
 - An increase in the overall housing delivery target for the district (Spatial Policies 1 and 2 - Appendix A p47-49)
 - Amendments to the wording of Core Policy 3 to overcome difficulties in identifying suitable Gypsy & Traveller sites (Appendix A p83)
 - Amendments to the wording of Core Policy 10 to reflect new advice from Natural England on mitigating the impact of development on the Ashdown Forest (Appendix A p110)

- Amendments to Core Policy 14 to reflect changing Government aspirations in terms of building sustainability (Appendix A p124)

2. Housing Delivery Target

- 2.1 The housing delivery target in the Proposed Submission Document (PSD) was 4,500 additional homes between 2010 and 2030 (equivalent to 225 a year). This falls considerably short of meeting the full housing needs of the district. As agreed by Cabinet on 18 November 2013 (Minute 73.3), the objectively assessed housing need is 9,200 - 10,400 additional homes between 2010 and 2030, equivalent to 460 - 520 new homes a year.
- 2.2 This issue was raised in public representations received to the PSD and by the Planning Inspector who conducted the 'critical friend' exercise with the Council last year. The latter advised that it was likely to present a significant concern about the 'soundness' of the Core Strategy to any Inspector who eventually examines the document. Many plans produced by other local planning authorities during the last year have been deemed 'unsound' by a Planning Inspector, generally because the plans were not seen to meet their objectively assessed needs.
- 2.3 Officers have examined options to see if the district's housing needs can be more fully met. These included:
- The possibility of resolving the capacity constraints of the A259 Coast Road to unlock development opportunities in Peacehaven & Telscombe
 - The possibility of additional development on the edges of Haywards Heath and Burgess Hill
 - A review of the 2013 Strategic Housing Land Availability Assessment (SHLAA) to see if any development constraints can be overcome to increase the number of potential sites
 - The scope for making an allowance for development to take place on windfall sites beyond the first five years of the plan period.
- 2.4 The results of this work are set out in full in the Core Strategy Background Paper: Justification for the Housing Strategy. However, the findings, and their implications for the housing delivery target, are summarised below.

A259 Capacity Constraints

- 2.5 East Sussex County Council (ESCC), as highway authority has advised that the A259 has limited capacity to cope with increased traffic from future developments in Peacehaven, Telscombe and Newhaven. Based on their advice, the PSD identifies a delivery target of 517 additional homes in Peacehaven & Telscombe and 1,571 in Newhaven

- 2.6 ESCC has identified the transport mitigation measures necessary to deliver those targets and considers them achievable. The only option for unlocking housing growth potential in Peacehaven above the target, lies in achieving much higher levels of public transport usage along the A259 corridor. ESCC is not currently convinced that this is realistic but is prepared to reconsider if the promoters of potential housing sites in Peacehaven or Newhaven can provide compelling evidence to show it is achievable.
- 2.7 The 2013 SHLAA identifies suitable sites with potential for 660 homes in Peacehaven and Telscombe, a capacity of 440 more than the PSD target. To help meet housing needs, it is considered that the full SHLAA potential dwelling capacity should be incorporated into the housing delivery target for these settlements in Spatial Policy 2. However, ESCC advises that delivery of 520 of the 660 homes should be identified as being contingent upon overcoming the capacity constraints on the A259 to the satisfaction of the local highway authority.

Development on the edges of Burgess Hill and Haywards Heath

- 2.8 A suitable extension to the proposed strategic site allocation at Greenhill Way/Ridge Way on the edge of Haywards Heath (Spatial Policy 4) has been identified, increasing the site capacity from 140 to 175 dwellings. Suitable sites with a capacity of 100 additional dwellings on land to the east of Valebridge Road have been identified on the edge of Burgess Hill (within Wivelsfield Parish). It is proposed that the housing delivery target is amended to include these potential housing sites. Despite an extensive search, no further strategic development opportunities have been identified around these two towns.

Review of the 2013 SHLAA

- 2.9 In 2012 the Council prepared a SHLAA to demonstrate the deliverability of the housing spatial strategy set out in the PSD. This SHLAA was updated in 2013; assessed sites were tested further and newly submitted sites were evaluated. This has yielded small increases in the housing growth potential of the district's settlements relative to the scale of the housing delivery targets set out the PSD, which is reflected in the proposed amendments to Table 5 of the Core Strategy.
- 2.10 On the recommendation of the Planning Inspector 'critical friend', a separate exercise has identified which sites currently defined as unsuitable for development in the 2013 SHLAA, would need to be released, and which planning objectives and policies would need to be relaxed, to meet the full, objectively assessed housing needs. The outcome of this work will be used as evidence at the forthcoming public examination into the Core Strategy.

- 2.11 A review of the 2013 SHLAA sites was also done to see if any identified constraints could be overcome to increase the number of potential sites available for development over the Core Strategy period. The review found that a small number of sites can be re-classified as deliverable/developable, increasing potential capacity for further housing growth in Newhaven and Barcombe Cross.

Windfall Sites

- 2.12 The PSD included an allowance for 190 dwellings expected to take place on 'windfall' sites over the first five years of the plan period. This figure was included within the overall district-wide housing delivery target in Spatial Policies 1 and 2. However, it is now considered that an allowance can be made for windfall sites beyond the first five years, as there is evidence to demonstrate that sites will consistently come forward and continue to be a reliable source of housing supply in the future. It is therefore proposed that 518 homes on windfall sites be allowed for within the overall housing delivery target.

The Revised Housing Delivery Target

- 2.13 The implications of the above changes are shown in Table 1 below (N.B. figures have been updated to take into account new home completions between April 2012 and April 2013 and outstanding commitments at April 2013).
- 2.14 Table 1 shows an increase in capacity from 4,337 to 5,156 homes. Adding 518 homes on 'windfall sites' (para 2.12), the proposed housing delivery target for the district is rounded to 5,600 net additional homes between 2010 and 2030 (equivalent to 280 net additional homes a year).
- 2.15 Whilst higher than the original target, the revised target still falls significantly short of the district's objectively assessed housing needs (9,200 to 10,400 new homes). However, a target of 5,600 homes is considered to represent the maximum sustainable housing growth during the plan period.
- 2.16 The Council and SDNPA are committed to working in partnership with other neighbouring and nearby authorities to explore sub-regional options for meeting housing need. As yet no authority has stated that they have scope to meet some of the district's shortfall. Consequently, the justification for the council's proposed target will need to be robustly defended at the examination in public, using the findings of the SHLAA work (para 2.9).

Table 1

Settlement	Total levels of housing growth approved in 2012	Total revised levels of housing growth in 2014
Edge of Haywards Heath (within Wivelsfield Parish)	140	175
Seaford	450	499
Lewes	895	868
Newhaven	1571	1648
Peacehaven & Telscombe	517	1020*
Edge of Burgess Hill (within Wivelsfield Parish)	70	170
Ringmer & Broyleside	224	265
Newick	124	127
Barcombe Cross	11	31
Plumpton Green	53	54
Wivelsfield Green	47	48
Cooksbridge	35	37
North Chailey	32	34
South Chailey	13	14
Ditchling	71	25**
Other settlements/areas	84	141
Total	4337	5156

* 520 of which contingent upon delivery of mitigation measures for A259 capacity

** The lower figure for Ditchling is due to the correction of an error in the PSD that placed dwellings under construction at St George's Retreat in the 'Ditchling' village column rather than the 'other settlement/areas' column.

3. Amendments to Core Policies

- 3.1 Core Policy 3 sets out criteria to guide the allocation of Gypsy and Traveller sites, and the consideration of planning applications for such sites. However, no specific deliverable sites have been identified in the site assessment work to date.
- 3.2 Consequently, the Planning Inspector 'critical friend' suggested the policy criteria in Core Policy 3 be reconsidered if they are so onerous that it is unlikely any suitable sites can be allocated. The wording of Core Policy 3 and its supporting text has been amended to ensure that the application of the criteria takes into account the type of pitch/ site for which allocation/ planning permission is being sought.
- 3.3 Core Policy 10 requires Suitable Alternative Natural Greenspaces (SANGs) to be provided with new housing development within 7km of

the Ashdown Forest. This is to prevent protected species being adversely affected by additional recreational pressures. Subsequently, Natural England has advised that, in some circumstances, other bespoke mitigation measures linked to an individual development may be an acceptable alternative to SANGs provision. The wording of Core Policy 10 has been amended to reflect this advice.

3.4 Core Policy 14 requires that all new homes should meet Level 3 of the Code for Sustainable Homes standards. Once updates to Part L of the Building Regulations come into effect they will be required to meet Code level 4. This approach was supported by the Renewable Energy & Low Carbon Development Study.

3.5 Subsequently, the Government has consulted on winding down the Code for Sustainable Homes and dropping the national 'zero carbon' targets. This is part of a Government approach to stop local authorities setting their own building standards, as set out in the Housing Standards Review, published in August 2013 (see: <https://www.gov.uk/government/consultations/housing-standards-review-consultation>).

3.6 In the light of this potential change in national policy, and the anticipated challenge to planning officers in assessing every planning application to ensure full compliance with Code Level 3 and beyond, the wording of Core Policy 14 has been amended to require compliance only with the water efficiency standard of the Code in relation to new homes. This approach is considered to be fully justified because the Environment Agency has identified the South East region as an area of "serious water stress"; it is imperative that water resources in the district are managed as efficiently as possible.

4. Non-material Changes

4.1 In addition to the amendments summarised above, other minor changes have been made to the text and policies of the Core Strategy. These mainly relate to changes in the planning policy context or other circumstances, e.g. the abolition of the South East Plan. They are not regarded as changing the Core Strategy in any fundamental way, but they still need to be published for any public representations to be made.

5. Consultation Proposals and Next Steps

5.1 Subject to approval by both authorities, the focussed amendments to the Core Strategy can be published for consultation as soon as practically possible after the full District Council meeting. The SDNPA requires the consultation period to be a minimum of eight weeks. This gives the public the opportunity to make representations on the amendments without re-opening consultation on the Core Strategy as a whole.

5.2 Following this consultation, the amended Core Strategy – Proposed Submission Document can be formally submitted to the Secretary of State. The subsequent Examination in Public is anticipated to take place in Autumn 2014. Subject to the document being found ‘sound’, the Core Strategy can be formally adopted in early 2015, together with the Council’s Community Infrastructure Levy.

5 Financial Appraisal

The financial implications of publishing the Core Strategy Focussed Amendments will be minimal, mostly consisting of the costs associated with printing and postage. Such costs can be met from the ‘Planning Policy – Structure and Local Plans’ budget.

6 Legal Implications

There are no legal implications arising from this report.

7 Sustainability Implications

7.1 A Sustainability Appraisal of the Core Strategy has previously been done. The sustainability appraisal process will be used to identify any further implications from the proposed amendments and published as a background paper. It is considered unlikely that any adverse impacts will be identified.

8 Risk Management Implications

I have completed a risk assessment. The following risks will arise if the recommendations are not implemented, and I propose to mitigate these risks in the following ways:

Risk	Mitigation
That the Core Strategy is submitted to the Secretary of State without amendment and is consequently found to be ‘unsound’ by a Planning Inspector (or it is recommended that the document be withdrawn from the Examination in Public). This would increase the period of time without an up-to-date development plan in place, which in turn increases the time that planning applications are determined in accordance with national planning policy rather than the Council’s own locally	That the recommendations of this report are approved, enabling amendments to be made to the Core Strategy and consulted upon prior to the formal submission of the document to the Secretary of State.

derived policies.	
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No new risks will arise if the recommendation is implemented.

8 Equality Screening

- 8.1 I have completed an equalities initial screening. As no potential negative impacts were identified, a full equality impact assessment is not required.

Background Papers

- Core Strategy – Proposed Submission document [www.lewes.gov.uk/Files/plan_Core Strategy PSD Jan.pdf](http://www.lewes.gov.uk/Files/plan_Core%20Strategy_PSD_Jan.pdf)
- Sustainability Appraisal of the Core Strategy – Proposed Submission document www.lewes.gov.uk/Files/plan_DraftSA_2012.pdf
- Cabinet Report 18th November 2013: Lewes District Local Plan – Core Strategy – Identifying an objectively assessed level of housing need for the period up to 2030
<http://cmispublic.lewes.gov.uk/Public/Meeting.aspx?meetingID=645>
- Core Strategy Background Paper: Justification for the Housing Strategy www.lewes.gov.uk/planning/backgroundreps.asp
- Core Strategy Background Paper: ESCC Transport Advice Note, September 2012 www.lewes.gov.uk/planning/backgroundreps.asp

Appendices

Appendix A – Core Strategy Proposed Submission document – draft track changes for approval