

**Agenda Item No:** 9.3 **Report No:** 148/17

**Report Title:** Draft Lewes District Local Plan Part 2: Site Allocations and Development Management Policies

**Report To:** Cabinet **Date:** 13 November 2017

**Cabinet Member:** Cllr Tom Jones – Cabinet Member for Planning

**Ward(s) Affected:** All wards that lie wholly or partially outside of the South Downs National Park

**Report By:** Director of Strategy, Regeneration & Planning

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**Purpose of Report:** To seek Cabinet approval to progress the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies through to its formal submission to the Secretary of State and to seek approval for the arrangements for the Examination in Public process.

**Officers Recommendation(s):**

- 1 To approve the Draft Local Plan Part 2 for public consultation under Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations;
- 2 To authorise the Director of Strategy, Regeneration & Planning to update the Local Development Scheme (LDS) to reflect the new timetable for the production of the Local Plan Part 2 as set out in paragraph 2.6 of this report, and all other planning policy documents, and publish the updated LDS on the website when completed.

**Reasons for Recommendations**

- 1 To ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the Local Plan Part 1: Joint Core Strategy through the allocation of additional development sites and up-to-date development management policies to assist in the determination of planning applications.
- 2 To ensure that the Local Plan Part 2 is prepared in accordance with the published timetable.

**Information**

The recommendations above have been updated to ensure compliance with the regulatory consultation stages in local plan production. It should be noted that the Plan will come back to Cabinet for Council approval for the next round of public consultation (Regulation 19 for the Proposed Submission Plan).

### 3 Background

- 3.1** The Lewes District Local Plan Part 1: Joint Core Strategy (JCS) was adopted in 2016 and provides the planning policy framework to guide strategic growth across the district to 2030.
- 3.2** The Draft Lewes District Local Plan Part 2 follows the strategic objectives set out in the JCS, through the allocation of smaller scale sites for development and provides the detailed development management policies to inform the planning application process. As per the JCS it will cover the period to 2030 and replace the majority of the ‘saved’ policies from the 2003 Local Plan.
- 3.3** The Local Plan Part 2 will only apply to the area covered by the Lewes District Planning Authority (i.e. Lewes District *excluding* the area within South Downs National Park). The South Downs National Park Authority is preparing its own Local Plan, which once adopted, will supersede all existing planning policies for that area.
- 3.4** The Local Plan Part 2 will not include site allocations or locally specific development management policies within Newhaven, Peacehaven, Telscombe, Plumpton, Seaford or Ditchling, Streat, and Westmeston. These are designated neighbourhood plan areas and will therefore plan for their own levels of growth.
- 3.5** Local Plan Part 2 began in 2013, through a number of workshops involving Members and Town and Parish Councils. A ‘call for sites’ was also undertaken to ensure public participation in the sites to be considered for development.
- 3.6** Formal consultation took place in 2013/14 through the publication of ‘Topic Papers’ to obtain views on options for consideration in the development of Local Plan Part 2. The High Court Challenge on the JCS put a necessary pause on the progress of Local Plan Part 2, which now this has been addressed has begun in earnest. The table below sets out the revised timeframe to adoption and will be reflected in the updated LDS:

Stage of Local Plan preparation	Date
Draft Plan Consultation (Reg.18)	Nov 2017- Jan 2018
Pre-Submission Consultation (Reg.19)	Spring 2018
Formal Submission to Secretary of State	Summer 2018
Examination in Public	Autumn 2018
Adoption	Early 2019

### 4 Form and content of the Draft Local Plan Part 2

- 4.1** The full copy of the Draft Local Plan Part 2 is included at Appendix 1. The document provides the detail and follows the strategic vision of the JCS. It is fully compliant with the National Planning Policy Framework (NPPF) and the policies are formed on a strong, recent evidence base,

taking account of the responses to the previous consultations and those obtained from external stakeholders.

- 4.2** A Sustainability Appraisal (SA) has been prepared which incorporates the requirement for the plan to be subject to a Strategic Environmental Assessment (SEA). This considers the proposals set out in the plan against key sustainability issues and ensures compliance with national level planning policy.
- 4.3** A Habitat Regulations Assessment (HRA) has also been prepared to consider the likely significant effects of the plan on internationally designated nature conservation sites (Ashdown Forest, Lewes Downs and Castle Hill). This follows and responds to the HRA that accompanied the JCS, and also the updated HRA following the High Court Challenge, which confirmed the levels of growth set out were acceptable, without causing any undue impact.
- 4.4** The Plan has also been prepared in strict accordance with our “Duty to Co-operate” with our neighbouring authorities in preparing this plan which has informed the policy making process.

## **5 Proposed housing and employment allocations**

- 5.1** The JCS set the level of housing (min 6,900 units) and employment growth across the district (min 74,000 sqm) across the district.
- 5.2** Part of this has already been delivered, some form part of the strategic allocations set out in the JCS (including a windfall allowance). The remainder falls to be identified through neighbourhood plans, and through smaller scale residential allocations in the Local Plan Part 2 outside of neighbourhood plan areas, namely the edge of Burgess Hill; North Chailey; South Chailey; and Barcombe Cross. In addition to the above, Local Plan Part 2 will also carry forward residential allocations from the 2003 Lewes District Local Plan.
- 5.3** No employment allocations are proposed in the Local Plan Part 2. This is because the evidence base confirms there is no quantitative need for additional sites and the modest qualitative can be met through the redevelopment of existing sites.
- 4.4** Core Policy 3 of the JCS sets out a requirement of 13 permanent pitches for Gypsy and Travellers to be delivered within the district up to 2030. This is apportioned to eight pitches within the SDNP and five to be found through Local Plan Part 2. No sites have come forward through the previous consultation exercises, and as such an additional call for sites will take place alongside the consultation period to inform future allocations within Local Plan Part 2.

## **6 Proposed development management policies**

- 6.1** National planning policy has changed and been updated since the adoption of the 2003 Local Plan, through the publication of the NPPF. This sets out the Government’s national planning policies, how they

should be applied locally, and all planning policy documents must be in accordance with it.

- 6.2** The NPPF includes a 'presumption in favour of sustainable development', requiring local plans to take a positive approach to new development, directing and managing new development in order to support economic, environmental and social progress.
- 6.3** Local Plan Part 2 includes the new suite of development management policies, against which all new development proposals will be considered. The draft policies have been prepared to be consistent with the requirements of the NPPF, and the strategic policies of the JCS. The proposed policies are additional and more detailed; therefore they do not repeat those set out in the NPPF or the JCS.
- 6.4** The proposed policies have to be framed more positively and be less restrictive than those within the 2003 Local Plan, to ensure compliance with the NPPF, whilst allowing for the protection of the environment as necessary to ensure successful place making. The main change in direction within the development management policies from the 2003 Local Plan are set out below.
- 6.5** Proposed Policy DM28 considers residential extensions inside and outside of settlement boundaries and ensures that such proposals do not cause harm to the wider area. The size restriction of the previous policy has been removed as it was too restrictive and was not compliant with the NPPF.
- 6.6** A new policy (Policy DM8) has been prepared to control the conversion of single residential units to houses of multiple occupation; picking up from comments expressed through the previous consultations.
- 6.7** In order to support the rural economy, new policies (DM9, DM10 and DM11) are proposed relating to farm diversification, small-scale employment development, and the redevelopment or intensification of existing employment sites within the countryside to ensure NPPF compliance.

## **7 Consultation proposals and next steps**

- 7.1** The Draft Local Plan Part 2 will be published for consultation following agreement from Cabinet. The consultation period is legally required to be for a period of 6 weeks, however this will be extended by 2 weeks as it will run over Christmas/New Year. Any comments received will inform the next stages in preparation of the Draft Plan (set out at 2.8).
- 7.2** We will hold a briefing for all Members on the draft document prior to it being released for public consultation.
- 7.3** All statutory bodies and individuals or organisations that previously commented on the JCS, or have since commented on or asked to be informed of the progress of the Local Plan Part 2, will be directly notified. The consultation will also be publicised on the Council's web site and through District News, press releases, and working in partnership with

town and parish councils. Paper copies of the document will be made available in local libraries and at Southover House.

## **7 Financial Appraisal**

- 7.1** The financial implications of publishing the Draft Local Plan Part 2 will be minimal, primarily consisting of the costs associated with printing and postage. These costs will be met by the 'Planning Policy – Structure and Local Plans' budget and are anticipated to be approximately £1,000.
- 7.2** The costs associated with submitting the document to the Secretary of State and the subsequent Examination in Public will be much more substantial. The cost of the Planning Inspector alone will be around £1,000 per day and further costs will be incurred through the hire of a venue for the Examination, the appointment of a Programme Officer, specialist, administration expenses, etc. The JCS costs were around £100,000.
- 7.3** The exact costs cannot be predicted until it is clear which issues the Inspector will wish to examine in more detail and the consequent length of the Examination in Public. The Council has included £40,000 in its 2017/18 General Fund Budget to cover these costs.

## **8 Legal Implications**

- 8.1** To avoid the risk of the plan being found to be unsound, or a potential legal challenge, it is important to show that we have observed the procedural steps and requirements set out in the relevant regulations. These include the Town and Country Planning (Local Planning) (England) Regulations 2012, the Environmental Assessment of Plans and Programme Regulations 2004, the Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.2** The Reports and Assessments prepared in accordance with these Regulations will be published for consultation alongside the Draft Local Plan as background papers and with the Equalities Impact Assessment should be taken into consideration when making decisions with regard to the Draft Local Plan Part 2. The Council must also demonstrate how they have complied with the duty to co-operate created by the Localism Act 2011 and that the Draft Local Plan Part 2 Plan accords with the current National Planning Policy Framework and National Planning Policy Guidance.

## **9. Risk Management Implications**

I have completed a risk assessment. The following risk will arise if the recommendations are not implemented and I propose to mitigate the risk as detailed below:

<b>Risk</b>	<b>Mitigation</b>
That there will be a delay in progressing the Local Plan Part 2 towards adoption meaning that	That the recommendations of this report are approved, ensuring that the Local Plan Part 2 is progressed

planning applications will continue to be determined in relation to national policies and the strategic policies of the JCS, rather than more detailed, up-to-date and locally derived policies.	to adoption in the shortest possible time period. Once adopted, planning applications can be determined using more detailed, locally derived policies.
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No new risks will arise if the recommendation is implemented.

## 10. Equality Screening

An Equality Impact Assessment has been carried out to determine how the implementation of the JCS spatial strategy and strategic policies would impact on different groups. This is included as a background paper to this report.

## Background Papers

All Background Papers will be available from 7<sup>th</sup> November on the following webpage:

<http://www.lewes-eastbourne.gov.uk/planning-policy/local-plan-part-2-site-allocations-and-development-management-policies/>

- Local Plan Part 1: Joint Core Strategy
- Sustainability Appraisal of the Draft Local Plan Part 2
- Habitat Regulations Assessment – Draft Local Plan Part 2
- Summary of Consultation on the Local Plan Part 2 Topic Papers
- Local Plan Part 2 Topic Paper 1: Introduction
- Local Plan Part 2 Topic Paper 2: Housing
- Local Plan Part 2 Topic Paper 3: Employment
- Local Plan Part 2 Topic Paper 4: Infrastructure
- Local Plan Part 2 Topic Paper 5: Development Management Policies
- Equality Impact Assessment: Update Addendum 2016
- Equality and Fairness Establishing Relevance Report

## Appendices

**Appendix 1:** Local Plan Part 2: Site Allocations and Development Management Policies – draft for approval