

Lewes District Council – Full Council meeting, 5th December 2012

Report No. 184/12 - Lewes District Local Plan – Core Strategy Proposed Submission Document

On the 20th November, Cabinet considered a report on the Core Strategy Proposed Submission document (agenda item 9.1). Cabinet recommended to Council that the Core Strategy be published for public consultation and subsequent submission to the Secretary of State. Cabinet also recommended *“that the Director of Planning and Environmental Services, in consultation with the Lead Member for Planning and the South Downs National Park Authority, be authorised to:*

- *review the text of the Document with a view to putting it into plain English where possible;*
- *include additional text at the appropriate part(s) of the Document so as to provide a fuller definition of the term “infrastructure”; and*
- *give consideration to the emerging Ringmer Neighbourhood Plan to allocate the total of 220 new dwellings, rather than the Core Strategy allocating a specific site at Ringmer and the Neighbourhood Plan allocating the rest of the Parish requirement. Such findings to be reported to Council at its meeting on 5 December 2012”. (Cabinet minute 89.2)*

This note reports the findings and proposed changes to the Core Strategy Proposed Submission document, in respect of the above actions. The proposed changes have been agreed by the Lead Member for Planning and officers from the South Downs National Park Authority (they will still need to be agreed by the Chair of the SDNPA Planning Committee).

Review of the document and plain English

Since raising this issue at Cabinet, Cllr Eiloart has met with officers to discuss ways in which the readability of the document could be improved. Cllr Eiloart is seeking a re-write of the entire document. Should this occur, then officers at the South Downs National Park Authority have indicated that the Core Strategy would need to be re-considered by their Planning Committee as together these changes would be considerably more than “minor amendments”. This will create a further delay in production (probably in the order of 2 months), something that we are keen to avoid. Officers therefore recommend that this course of action is not pursued (particularly as there have also been comments praising the readability of the document).

Instead, it is suggested that a plain English summary of the Core Strategy (approximately 3 or 4 pages in length) is prepared, which will be published at the start of the consultation period. In addition, officers have identified a few lengthy and complex sentences in certain parts of the document and ways to improve their readability will be undertaken. Such a course of action will not involve a full re-write of the document, would improve its readability and will ensure that publication for consultation is still able to commence early in the

new year as such changes and the plain English summary will not need to be re-considered by the National Park Authority's Planning Committee.

Definition of the term infrastructure

The glossary in Appendix 1 provides a comprehensive definition of the term infrastructure. It is not felt necessary to repeat this within the supporting text to Core Policy 7. However, at the end of the first sentence in paragraph 7.73 it is proposed that a cross reference is made to the definition of infrastructure, which is provided in the glossary, so that the reader has some clarity on this issue.

The Ringmer Neighbourhood Plan issue

In seeking advice on this issue, officers approached the Planning Inspectorate with an explanation of the position and a request for their advice on a suitable way forward. In particular, we were keen to understand what approach is likely to be found as a sound approach by the Inspector who eventually conducts the Core Strategy Examination. The full wording of the 'request for advice' put to the Planning Inspectorate on the 22nd November was as follows;

"Lewes District Council are currently working in partnership with the South Downs National Park Authority in preparing a Joint Core Strategy (it will form Part One of our Local Plan). We are shortly to publish our Proposed Submission version of this document and we would be grateful for the Planning Inspectorates advice on one particular aspect of this plan, which is set out below. This request for advice was formally recommended at a recent Lewes District Council Cabinet meeting when the Joint Core Strategy was being discussed. Although this issue is specific to a particular part of the plan area, which is outside of the National Park, we believe it has implications for the plan as a whole.

The draft version of the Core Strategy - Proposed Submission document identifies an overall housing target for the plan area and then sets out a strategy for distributing this housing growth (this involves identifying planned levels of housing for individual settlements). In addition to the planned levels of housing growth assigned to settlements, the draft Core Strategy also proposes the identification of some strategic site allocations that will be delivered in the early part of the plan period. These allocated sites will ensure that a sufficient housing land supply is maintained from the point of adoption of the Core Strategy through to the point when Part two of our Local Plan, which will contain non-strategic allocations, is adopted.

As well as Part two of our Local Plan identifying housing allocations, we are expecting some of our parishes to prepare neighbourhood plans that could allocate the planned level of housing that is set out in the Core Strategy (albeit Part two of the Local Plan would act as a contingency should the Neighbourhood Plan not prove to be successful at Examination and subsequent referendum).

One of our parishes, which is preparing a neighbourhood plan as one of the first 17 vanguard schemes selected by the Government, is expected to have a

strategic housing site allocated through the Core Strategy for its area. As previously mentioned this site will help sustain a suitable housing land supply in the early part of the plan period. The Parish Council have identified their concern with this and wish for the site to not be allocated in the Core Strategy. Instead they would wish for the potential yield for this site (120 units) to be included within an overall planned level of growth for the village, with the sites allocated in a neighbourhood plan. The Parish Council have stated that they would seek to deliver the number of houses expected to be delivered through the strategic allocation in the early part of the plan period and therefore query the need for the District Council to allocate the site in the Core Strategy.

We (the District Council) are concerned with this approach. We feel it would be difficult to demonstrate the deliverability of our strategy for accommodating housing in the early part of the plan period as a neighbourhood plan is likely to run a greater risk of not delivering the required housing, partly due to the need for such a plan to be subject to a referendum and therefore adoption cannot be guaranteed.

As a compromise on this matter a potential way forward has emerged. This would be for the Core Strategy not to allocate the required strategic site and instead stipulate that the Neighbourhood Plan would be used to secure the delivery of housing in the early part of the plan period. In the event that the Neighbourhood Plan has not been adopted by a set date with a strategy that secures the delivery of a required number of houses, the aforementioned strategic site would be reintroduced (in a way it would act as a reserve site in the event that the prospective neighbourhood plan does not deliver what it is expected to do so). We are keen to know how the Inspectorate would view such an approach if it were contained within a Core Strategy you were examining. Is this something you would be able to provide? We appreciate that any advice on this matter would not prejudice the eventual consideration of our Core Strategy document at Examination.

We appreciate that this is quite a complex issue and should you wish to discuss this further then please do not hesitate to contact myself (contact details below). In addition, you can see the draft of the Core Strategy in question by going to the following link; <http://cmis.lewes.gov.uk/CmisWebPublic/Binary.ashx?Document=5754> . The sections of this document that relate to the issue I have outlined above are paragraphs 6.27 - 6.36. The Neighbourhood Plan in question has its own website, which can be viewed at: www.ringmerparishcouncil.org.uk

The Planning Inspectorates response to this enquiry was as follows;

“the Parish Council cannot themselves guarantee that the requisite number of dwellings can be delivered, as even if they are able to progress a sound plan, the fact of the uncertainties around the referendum make it impossible for them to provide an ultimate guarantee. By designating the site as a reserve in your plan, with a statement that should the neighbourhood plan not come to fruition, you will release the reserve site, you then provide the Inspector with the necessary degree of certainty.”

In light of the advice from the Inspectorate, it would not be appropriate to proceed with the approach that is sought by Ringmer Parish Council. However, clearly the advice from the Inspectorate is supportive of the compromise set out in the penultimate paragraph of the correspondence sent to them. It is therefore suggested that this approach is taken forward in the Core Strategy. To do this sufficient clarity will need to be provided to make it clear under what circumstances the site to the north of Bishops Lane would become a formal allocation. These circumstances would be failure of the Ringmer Neighbourhood Plan to be adopted by a given point in time (either because it has not been progressed in a timely manner, or that it failed at examination or it did not pass a referendum), or that the plan does not set out a deliverable strategy for the delivery of a set number of houses in the early part of the plan period. With regards to the second circumstance this would necessitate the allocation of enough deliverable sites to deliver 120 net additional dwellings by April 2019. The deadline for the adoption of the Ringmer Neighbourhood Plan would be June 2014. Based on the Parish Council's current timetable this provides sufficient time to get the plan in place.

In order to reflect this approach, the draft Core Strategy Proposed Submission document that was considered under agenda item 9.1 at Cabinet (see appendix A) will need to be amended slightly. Below are the amendments that are proposed.

Page 42, paragraph 6.29, to add the following to the end of this paragraph, *"A contingency strategic allocation is also identified for potential delivery. This is in the event of the non-delivery of housing for the early part of the plan period through the Ringmer Neighbourhood Plan. The following spatial policy, as well as paragraphs 6.75 – 6.78 of this document, set out and provide an explanation on this approach."*

Page 42, Spatial Policy 2, point (1), at the end of the line "Land to the north of Bishops Lane, Ringmer – 120 net additional units" add *"contingent on the Ringmer Neighbourhood Plan not being made by June 2014 and/or that it does not allocate sufficient sites to deliver 120 net additional units by 2019"*

Page 43, Spatial Policy 2, point (3), to amend the line that applies to Ringmer and Broyle Side so that it now reads, *"Ringmer & Broyle Side – 220 net additional dwellings (although if the contingency allocation for the land to the north of Bishops Lane is implemented through point (1) of this policy, the figure will be 100 net additional dwellings).*

Table 5 that follows on from Spatial Policy 2 will need to be amended slightly to reflect the above changes.

Page 56, to delete paragraph 6.75 and replace with the following paragraphs;

"Through the evidence collected for the Core Strategy, a case can be made for the delivery of a strategic housing allocation at Ringmer during the early

part of the plan period. The identification of such an allocation will help maintain a sufficient supply of deliverable housing sites during this period and up until the point further allocations are made in subsequent plans. However, Ringmer Parish Council are at an advanced stage of producing a Neighbourhood Plan (they were selected as one of the first 17 Neighbourhood Plans to be commenced in the country under the Governments Neighbourhood Planning Vanguard scheme). The Parish Council propose that this plan will include the identification of sites for the delivery of housing.

Given the above scenario, the preference is to let this Neighbourhood Plan decide on the location of all of the 220 net additional housing units assigned to Ringmer and Broyle Side through Spatial Policy 2. This would include the delivery of housing in the early part of the plan period to help maintain a sufficient supply of deliverable sites during this period.

Although the Core Strategy seeks the allocation of the 220 net additional dwellings at Ringmer and Broyle Side through the Neighbourhood Plan, a contingency is required should this plan not be successful in securing the delivery of part of this total in the early part of the plan period (if the neighbourhood plan does not secure housing for the latter part of the plan period then the contingency is the Site Allocations document – this applies to all towns and parishes preparing a neighbourhood plan). This is particularly important as no guarantee can be given that the required number of dwellings will be delivered through this Neighbourhood Plan (the risk of a plan not being approved through the referendum process particularly contributes towards such uncertainties). The contingency to the Ringmer Neighbourhood Plan led approach is to identify a strategic allocation at Ringmer that will be implemented should the need arise.

In the event that the Ringmer Neighbourhood Plan is not made by June 2014 or that it does not allocate sites that will secure the delivery of 120 net additional dwellings by April 2019, the following policy will apply.”

Other suggested alterations

In addition to the three issues for further consideration that were provided by Cabinet, two other areas of the Core Strategy have subsequently been flagged up for further consideration. These are below.

Definition of affordable housing

It has been requested by Cllr Davy that a more clearer and comprehensive definition of affordable housing is provided within the Core Strategy. Officers have liaised with the Council’s Housing Needs and Strategy team and they have provided such a definition. It is therefore proposed to replace the current definition of affordable housing contained in the glossary (Appendix 1 of the draft Core Strategy) with the following;

“Affordable housing – housing provided by a council or housing association which is available below the market cost level. This can include homes rented

at rent levels at approximately 50% of the local market level (social rented), homes rented at affordable rent levels at approximately 80% of the market rent (affordable rent), homes that are sold as a part buy/ part rent (shared ownership) or homes that are sold as a part equity purchase (shared equity).

Reference is often made to 'low cost housing' when the term affordable housing is used. It is important to note that such housing does not usually involve any form of public subsidy (unlike the products highlighted in the previous paragraph) and is often housing such as small starter units and homes with low cost specifications. Such housing would not be classed as affordable housing when implementing the policies of this plan."

Core Policy 13 (Sustainable Travel)

Cllr Osborne requested whether or not Core Policy 13 could take a stronger line with regards to seeking to ensure that new residential developments are designed to encourage low traffic speeds. Criterion 3 of Core Policy 13 relates to this point. Officers have considered this issue in consultation with the County Council as they are the Highways Authority for the area. Below is the outcome from this further consideration and a suggested amendment to the Core Policy.

The 'Manual for Streets' is a joint publication produced by the Department for Transport and Communities and Local Government in 2007. It replaced 'Design Bulletin 32' and is intended to be used for the design, construction, adoption and maintenance of new residential streets.

'Manual for Streets' recognises that streets with high traffic speeds cause pedestrians and cyclists to feel unsafe and hence discourages these modes of transport. The document therefore recommends a maximum design speed of 20mph in residential areas.

East Sussex County Council (ESCC), as the local highway authority, has confirmed that it promotes this national approach to the design of residential streets in East Sussex. It is therefore recommended that Criterion 3 of Core Policy 13 is amended to read;

"3. Ensuring that new residential developments are designed to achieve speeds of 20 mph or less."

It should be noted that the imposition of a statutory speed limit of 20 mph is *not* recommended by Manual for Streets and ESCC has advised that it would oppose the setting of an arbitrary 20 mph limit in all new residential developments, as this would require traffic regulation orders and the provision of a signed speed limit at all entrances to the development, accompanied by repeater signs at regular intervals.

Such provision would not only directly conflict with the Government's stated aim of reducing street signage and other 'clutter' and creating locally distinctive, high quality places, but could also affect the viability of new

residential development as a result of the costs involved, which would be borne by the developer.