

Report to: Cabinet

Date: 10 June 2020

Title: Local Plan Issues & Options Consultation

Report of: Ian Fitzpatrick, Director of Regeneration and Planning and Deputy Chief Executive

Cabinet member: Councillor Emily O'Brien, Cabinet Member for Planning and Infrastructure

Ward(s): All wards in Lewes District that lie wholly or partially outside of the South Downs National Park

Purpose of report: To seek Cabinet approval to undertake an 'Issues & Options' consultation as part of the preparation of the new Local Plan

Decision type: Non-Key

Officer recommendation(s):

- (1) That Cabinet authorise the principle of undertaking public consultation on 'Issues & Options' for the Local Plan for an eight week period between 9th July and 3rd September 2021.
- (2) That Cabinet delegate authority to the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning and Infrastructure, to approve and release the Issues and Options document for consultation.

Reasons for recommendations:

- (1) To meet the requirements of Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) in the preparation of a Local Plan.
- (2) To ensure that the Lewes Local Plan is progressed in accordance with the timetable set out in the Lewes Local Development Scheme.

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1 Introduction

- 1.1 The National Planning Policy Framework [NPPF] requires local planning authorities to prepare succinct and up-to-date plans that provide a positive vision for the future of their area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings (para 15).
- 1.2 The existing local plan is now more than five years old and can no longer be considered to be up to date when considered against national planning policy and guidance. The Lewes Local Development Scheme [LDS], which was adopted by Full Council in July 2020, identifies a timetable for the preparation of a new Local Plan for the area of the district that Lewes District Council is the local planning authority for (i.e. the district outside of the South Downs National Park).
- 1.3 As part of the preparation of a local plan, local planning authorities are required to invite statutory consultees and other stakeholders with an interest in the area to make representations on what the Local Plan should contain, and to take these representations into account when preparing the new Local Plan. This requirement will be met by undertaking public consultation on the 'Issues and Options' and inviting comment on the main issues that the Local Plan should address and on potential options for addressing those issues.
- 1.4 An 'Issues and Options' consultation is the very first stage of the plan making process and is a request for information to identify the key planning issues and opportunities that the Local Plan should address, rather than a draft policy document that seeks to address any particular policy direction at this stage.
- 1.5 The principle of undertaking an 'Issues and Options' consultation in July 2021 is being sought ahead of the finalisation of the document for consultation in order that the progress of the local plan preparation is not delayed by Cabinet cycles. Delegated authority is sought for the Director of Regeneration and Planning, in consultation with Cabinet Member for Planning and Infrastructure, to approve the 'Issues and Options' document, which itself is being prepared in consultation with the cross-party Local Plan Steering Group.

2 Background

- 2.1 Amendments to the Town and Country Planning (Local Planning) (England) Regulations introduced in December 2017 made it a legal requirement for all local plans to be reviewed at least every five years. The revisions to the NPPF in 2018 further clarified that policies in local plans should be *reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.*
- 2.2 The Lewes Local Plan Part 1 2010-2030 (Joint Core Strategy with the South Downs National Park) was adopted on 11th May 2016, and contains the strategic policies including the housing target, spatial distribution of new development and strategic site allocations. Therefore the strategic policies in the local plan were five years old on 11th May 2021.
- 2.3 A review of the Lewes Local Plan Part 1 has been undertaken, and this has determined that changing circumstances since the adoption of the Local Plan Part 1 demonstrates the need to undertake a full update of its strategic policies. These circumstances include:
- The adoption of the South Downs Local Plan in July 2019 (this means that more than 50% of Lewes District area falls within the National Park where their local plan will lead on planning related matters)
 - The publication of the new NPPF in 2019
 - A significant increase in the district's local housing need from May 2021 (this derives from Central Government mandating that the standard method should be used in assessing housing need)
 - The adoption of a new Council Corporate Plan and the declaration of a climate emergency, including the target of achieving net-zero carbon emissions and being climate-resilient by 2030
- 2.4 There is a statutory process for the preparation of local plans that needs to be followed, which is set out through the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 2.5 This process includes:
1. gathering evidence;
 2. consulting with the community; and
 3. submitting the plan to the Secretary of State to arrange an independent examination by a Planning Inspector.

- 2.6 The examination process will determine whether or not the local plan is legally compliant and 'sound'. Only after the Inspector has reported that the local plan is legally compliant and 'sound' can the local plan be adopted. Failure to follow the correct procedure could mean that local plan fails at examination or be subject to legal challenge.
- 2.7 A Written Ministerial Statement made on 19th January 2021 by the Minister for Housing Christopher Pincher re-emphasised the Government's expectation that all authorities should have an up-to-date local plan in place by December 2023.
- 2.8 A Local Development Scheme, which sets out a timetable for the preparation of a new local plan to update LPP1, was adopted in July 2020. This identifies a timetable for the preparation of a new local plan, including the undertaking of an 'Issues & Options' consultation, and eventual adoption of the local plan by the end of 2023.

3 Lewes Local Plan

- 3.1 The NPPF requires that local planning authorities (individually or in conjunction with other local planning authorities) prepare a plan that sets out the strategic policies for their area, with non-strategic policies being included in either the same plan or a separate plan.
- 3.2 Once adopted, the new Local Plan will supersede and replace the strategic policies in the current Local Plan Part 1 for the area of the district outside of the South Downs National Park. It will not replace the non-strategic policies in the Local Plan Part 2: Site Allocations and Development Management Policies DPD, which was adopted in February 2020, unless there is a need to do so as a result of new evidential material.
- 3.3 The strategic policies in the new Local Plan will set out an overall strategy for the pattern, scale and quality of development and make sufficient provision for housing, employment, retail, leisure, and other commercial development, infrastructure, community facilities, conservation of the natural, built and historic environment, and planning measures to address climate change mitigation and adaptation.

4 Issues and Options Consultation

- 4.1 As part of meeting Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended), the Local Development Scheme identifies that an 'Issues and Options' consultation will be undertaken.

- 4.2 An Issues and Options consultation is a structured way to gather information and views from local communities and other stakeholders that will assist in the development of the next stages of the local plan.
- 4.3 The Issues and Options document will provide a summary of the key issues that it is considered that the local plan should address, and invite representations on whether any additional issues should be included for consideration.
- 4.4 The Issues and Options will be presented at a high level and be based around principles that will help to determine the overall strategy for the local plan. It will not contain detail on specific sites, policies or proposals. These will come in later stages once the local community and other stakeholders have provided their input and the overall strategy has been determined.
- 4.5 Public consultation on the 'Issues and Options' is proposed to take place between Friday 9th July and Friday 3rd September 2021. Consultation will be undertaken in accordance with the Council's Statement of Community Involvement (SCI), which was revised and adopted in July 2020.
- 4.6 The Issues and Options document is currently being prepared in consultation with, and based on advice and guidance from the cross-party Local Plan Steering Group. Delegated authority is requested to enable the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning and Infrastructure, to approve the Issues and Options document for publication prior to the start of the consultation period.
- 4.7 A copy of the Issues and Options document will be provided for all Members prior to publication, and a Members Briefing session on this will also be arranged before the start of the consultation period.

5 Corporate plan and council policies

- 5.1 The Lewes District Council Corporate Plan 2020-24 identifies that a key area of focus is *to have the greenest Local Plan* and (put) *sustainability at the heart of our local planning process*. The Local Plan will also assist in delivering a number of priorities set out Council's Corporate Plan, including:
- delivering new homes;
 - promoting access to housing for all groups;
 - encouraging more walking and cycling, increasing biodiversity; and
 - ensuring an effective and transparent planning service.
- 5.2 The Issues and Options consultation is the first public consultation stage in the preparation of the local plan.

6 Financial appraisal

- 6.1 The financial implications of publishing the Issues and Options Report will be minimal, and will be primarily associated with producing consultation material. As such, it is considered that these costs will be covered within the existing budget.

7 Legal implications

- 7.1 The Issues and Options consultation is being undertaken in order to comply with Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework. The Council must also comply with Section 33A, of the Planning and Compulsory Purchase Act 2004 (as amended) which imposes a duty to co-operate with other local planning authorities on issues which are likely to have a significant effect on more than one planning area.

Legal Implications Checked 05.05.21 10113-LDC-JCS

8 Risk management implications

- 8.1 The risk of not undertaking an Issues and Options consultation at this time is that the preparation of the Local Plan will be delayed, which means that the Local Development Scheme that sets out the timetable for the preparation of the Local Plan will be not met. This could also mean that meeting the Government's requirement for Lewes District Council to have an up-to-date local plan by the end of 2023 may not be achieved.

9 Equality analysis

- 9.1 It is not considered that an Equality Analysis is needed at this stage as the Issues and Options consultation is a pre-policy consultation stage, and is therefore not proposing any new policy. Therefore work has not progressed enough to identify impacts. However, drafting of the Local Plan itself will require an Equality Analysis at a later stage.

10 Environmental sustainability implications

- 10.1 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development, and when the Local Plan undergoes examination by a Planning Inspector, it will be assessed in these terms. It will also undergo Strategic Environmental Assessment (SEA), to assess its environmental impact, throughout its preparation and compliance with the SEA Regulations will be assessed at the examination of the Local Plan.

11 Background papers

The background papers used in compiling this report were as follows:

- [Lewes Local Development Scheme \(July 2020\)](#)
- [National Planning Policy Framework \(2019\)](#)
- [Town and Country Planning \(Local Planning\) \(England\) Regulations 2021 \(as amended\)](#)
- [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)
- [Written Ministerial Statement – Planning Update \(January 2021\)](#)