

Report to: Cabinet

Date: 9 November 2023

Title: Lewes Local Plan, Preferred Options and Policies Directions

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

Cabinet member: Councillor Laurence O'Connor, Cabinet member for planning and infrastructure

Ward(s): Areas of the district for which the Council is the local planning authority

Purpose of report: To seek agreement for a period of public consultation on the Regulation 18 Local Plan 'Towards a Spatial Strategy and Policies Approaches', and publication of supporting documents.

The Local Plan covers the area of the district for which the Council is the local planning authority. The area of the district covered by the South Downs National Park is not included in this Local Plan.

The Local Development Scheme (December 2022) sets out the stages of public consultation in preparing the Local Plan and the Statement of Community Involvement sets out when and how we will consult on planning matters.

Decision type: Key decision

Officer recommendation(s): (1) To approve and recommend to Full Council, the Local Plan Regulation 18: Towards a spatial strategy and policies directions document, as set out in Appendix 1, together with the supporting documents for public consultation in accordance with the regulations and the Local Development Scheme.

(2) To agree delegated authority to the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning and Infrastructure to make any minor changes to the appearance, format and text of the Local Plan and supporting documents in the interests of clarity and accuracy prior to their publication for consultation.

Reasons for recommendations:

The preparation of the Local Plan must be undertaken in accordance with the relevant regulations. This includes consultation at Regulation 18 of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended). The proposed consultation is at Regulation 18.

The consultation document sets out policy directions for policies to be developed further at the subsequent draft Local Plan stage. It also sets out the identified development needs of the plan area, and the Council's proposed approach to meeting these needs within its plan area.

As part of this consultation, assessment material of land submitted in response to the 'Call for Sites' will be included. This assessment has drawn on the technical evidence produced to support this stage of the consultation as well as information that has been submitted by parties with an interest.

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ES1. Executive Summary

- ES2 Members will recognise that a key part of the local plan making process is to establish the development needs for the Plan Area and then through extensive consultation and engagement with the public, stakeholders, community groups, and elected councillors identify appropriate locations that will help meet this need. In carrying out this exercise we must take into account any conflict with national policy or if the harm caused would outweigh the benefits of the development.
- ES3 This need is informed by a suite of evidence documents and earlier consultation(s) from which officers have drawn key issues and themes, this sets the structure to the Regulation18 consultation document.
- ES4 Studies within the evidence base acknowledge that the Plan Area is highly constrained and that these constraints will have a direct impact upon the growth potential for the Plan Area (outside of the National Park).
- ES5 One of the key themes of the Regulation18 consultation relates to new housing to meet the identified need and specifically where within the Plan Area this growth could potentially be located. While there is much focus on housing need, the Local Plan also has to make provision of other development types, such as employment or Green Infrastructure needs.
- ES6 Members will be aware that land-owners/land-promoters submitted locations for all types of development through a 'call for sites' exercise in 2020. Officers have reviewed these sites and tested them against the evidence base received to date.

- This assessment of the sites is presented through the Land Availability Assessment documentation.
- ES7 Sites within the LAA are assessed as 'Deliverable or Developable' (Green), 'Potentially Deliverable or Developable' (Amber, and require further engagement) or 'Not deliverable or Developable' (Red).
- ES8 It is only the amber and green sites that the Reg 18 document considers could contribute towards meeting the housing needs.
The Green sites alone mark the lower end of the housing growth.
The Green and Amber sites in full mark the upper end of new housing growth.
See paragraphs ES15 & 16 below for numbers
- ES9 The Strategic site at North Barnes Farm is assessed as 'Not deliverable or Developable' and therefore is considered to NOT be a suitable location for development for this plan to take forward through this consultation.
- ES10 It is likely through this consultation, and as the local plan progresses that some of the assessed sites may become 'Not deliverable or developable' and others will come into evaluation. Against this backdrop and to recognise the flux in sites officers are recommending that the Regulation 18 consultation document should consult on several scenarios including a lower and upper range for housing growth.
- ES11 This range is informed by the development capacity of submitted sites and an evaluation of constraints.
- ES12 Scenario 1, Benchmarking against the Government 2014 Standard Methodology target is 602 dwellings per annum.
- ES13 Scenario 2 Benchmarking against the Standard Methodology using 2018 data would be 396 dwellings per annum
- ES14 Scenario 3 Benchmarking against the Standard Methodology using 2021 data would be 574 dwellings per annum
- ES15 Against this housing growth Members should note that the process allows for certain dwellings to be counted towards meeting the identified need. These would include, for example sites with valid planning permission, sites that have an existing allocation that have not been built out and a number/proportion that cannot be identified that will come forward as windfall sites.
Approximately 5000 units fall within this category.
- ES16 At the **lower end** of the range (Green sites only) and including those already accounted for' then the local plan would be seeking **new sites to accommodate approximately 21 residential unit per annum.** (approx. 413 over plan period)
- ES17 At the **upper end** of the range (Green & Amber in full) and including those already accounted for then the local plan would be seeking **new sites to accommodate approximately 210 residential unit per annum.** (approx. 4200 over plan period)
- ES18 Members should note that due to the highly constrained nature of the plan area and the development potential of the amber and green sites that the housing need as established in scenario 1 using the Government's 2014 Standard Methodology **cannot be met.**

ES19 Members should also note the lower end of the growth range is in the region of the level within the existing adopted plan and that the upper end settles midway between the 2018 projections and the 2021 Census data position.

ES20 Officers recommend to Cabinet that the range for housing growth reflects the sites received and assessed to date and that Cabinet should recommend to Full Council that the Regulation 18 consultation documentation should be consulted upon publicly.

1 Introduction

1.1 The purpose of this report is to provide Cabinet with the necessary information to endorse the Regulation 18 Local Plan 'Towards a Spatial Strategy and policies approaches' (Appendix 1) and refer the document to Council for statutory public consultation.

1.2 May 2021 marked the 5-year anniversary for the adopted [Joint Local Plan](#) (adopted in 2016). Government expects a Local Plan to be reviewed every five years and updated where necessary. This means, that although the Joint Local Plan (LPP1) was adopted in May 2016 and Local Plan Part 2 adopted in Feb 2020, we are having to review a fairly recent plan when compared to some other local planning authority local plans. Lewes District Council (LDC) commenced its review in 2020, and in summer 2021 the council published the [Issues and Options consultation](#) to seek views on a range of issues and options for the local plan to further develop. The response to this initial stage consultation was unprecedented and over 42,000 comments were received. The [full set of comments](#) is available to view on the council's website as well as a summary report. These comments, alongside national planning guidance and technical evidence studies have also been used to inform the preparation of this iteration of the Local Plan.

1.3 In preparing a new Local Plan, the National Planning Policy Framework (September 2023), must be taken into account, and the Local Plan must be in conformity with the Framework or risk being rejected by the Planning Inspector. Local planning authorities also need to make sure that their Local Plan prepares for sustainable development. We are concluding that our Local Plan will not be able to plan to meet housing 'need' in full, and will only be able to deliver between a range of approximately 271 dwellings per annum (which would be comparable to the 2016 adopted Local Plan, and 45% of the identified need) and approximately 468 dwellings per annum (which is between the 2018 and 2014 population projections). This upper level (468dpa) would be approximately 25% lower than the housing need (602dpa) identified using the government Standard Method algorithm for the plan area.

1.4 Of the dwellings contributing towards the supply, approximately 5,000 (or approximately 250dpa) are from existing sources of supply (including completions between 2020-23, windfall allowance and adopted Local Plan allocations). This means that for the Local Plan, in order for it, to meet the lower range new site allocations for approximately 21 new dwellings per annum would be needed (approx. 413dpa over plan period), or approximately 210 dwellings per annum at the higher range. Further work will be required following this consultation and prior to a housing requirement being determined for the draft Local Plan stage.

- 1.5 The Local Plan will cover the period up to 2040 and, the Regulation 18 Local Plan consultation document presents the direction to be taken on a number of potential policies under a series of themes. These policy directions, as well as any additional policies which are identified as a result of this consultation will be further developed for the draft Local Plan.
- 1.6 This consultation will enable the Local Plan to be shaped by early, proportionate, and effective engagement with communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. The consultation document will be accompanied by a Sustainability Appraisal, on which we will also be inviting comments. The evidence studies which have informed this Local Plan will also be made available for reference purposes.

2 Proposal

- 2.1 The Local Plan is the main development plan document, setting out a vision and strategy for future development in the area of the district for which the Council is the local planning authority. A new Local Plan is being prepared to ensure that appropriate and up to date planning policies are in place for the 'plan area' and is vital to the council gaining control over local planning decisions. Once in place, the Local Plan will address the needs and opportunities in relation to housing, the local economy, community facilities and infrastructure.
- 2.2 The Local Plan consultation document (Appendix 1) sets out the direction for the detailed Local Plan policies that will be prepared for managing growth and change, offering protection to our natural environment, meeting the climate change challenge, securing good design from development, and allocating specific land uses.
- 2.3 Of particular importance is the potential level of growth that will be brought forward through the Local Plan. At this stage, no definitive level of growth is required to be set. However, as mentioned in 1.3 above, a constrained level of growth is being planned for and Members' attention is being drawn to 'Section D: Developing a spatial strategy in response to climate change and other challenges' of the consultation document (Appendix 1) which details the range for growth to be assessed further following this consultation.

The table below provides a summary of the different levels of modelled growth and the range as a lower and upper percentages against each scenario.

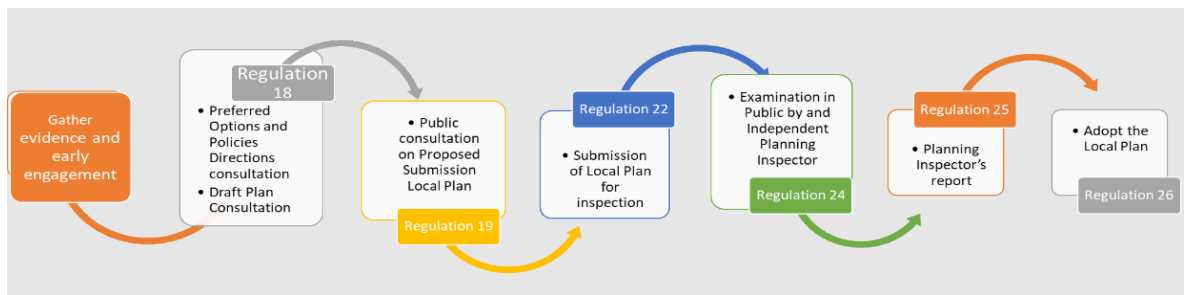
2.4

				local plan range as a % against scenarios	
Housing need scenarios	Housing Need calculation	Local Plan period (2020-2040)	Annualised over Local Plan Period	Lower range	Upper range
1	SM 2014	12040	602	45%	78%
2	SM 2018	7920	396	68%	118%
3	SM 2021	11480	574	47%	82%
	Adopted and Emerging Local Plan				
4a	Adopted Local Plan - plan area	5500	275	98%	170%
4b	Adopted Local Plan - district wide	6900	345	78%	136%
	Regulation 18 Local Plan Lower range	5412	271		
	Regulation 18 Local Plan Upper range	9365	468		

2.5 This report seeks endorsement from Cabinet and referral of the Local Plan document (appendix 1) to Council for approval for public consultation. A number of other documents will also be published alongside the consultation document, providing information to assist the consultation, including the technical evidence studies used to prepare the Local Plan.

2.6 **How the Local is being prepared?**

The [National Planning Policy Framework \(NPPF\)](#) and accompanying Guidance² sets the parameters under which local plans are to be prepared. There are a number of stages in the preparation of the Local Plan. In addition, there are procedural requirements that the council is required to comply with throughout. These stages and requirements are prescribed by national policy and legislation. This includes undertaking public consultation, at key stages of the Local Plan’s journey towards Submission and Examination. The diagram below gives effect to the Local Plan preparation process and our current position.



2.7 Policy Context

The National Planning Policy Framework (NPPF) clearly states, that where there are no development plan policies, or where policies which are most important for determining an application are considered out of date, the council must grant planning permission (unless very limited exceptional circumstances apply). Since the introduction of the Housing Delivery Test in 2019, not being able to demonstrate a five-year housing land supply (5YHLS) also results in the application of the ‘presumption in favour of development’, in line with NPPF paragraph 11. At present, the council is unable to demonstrate a 5YHLS of deliverable sites against its Standard Method housing target and is experiencing more ‘planning by appeal’.

2.8 The timetable for preparing the Local Plan is set out in the Council’s adopted Local Development Scheme (LDS), December 2022. This document recognises that the Preferred Options Consultation Regulation 18 is scheduled for Autumn 2023.

2.9 It is important to note that the Local Plan is still evolving, and no firm decisions have been or are being made at this stage. Evidence will continue to be gathered throughout the Local Plan making process and this consultation forms an important aspect of the process. Additionally, it is a legal requirement that the Local Plan is prepared in accordance with an up-to-date LDS, and this will be tested at the Plan’s examination.

2.10 What evidence has informed the preparation of the local plan?

The Local Plan has to be underpinned by a robust evidence base to justify policy requirements and will be tested through the examination process. We have compiled several studies and supporting documents to help inform the preparation of the new Local Plan. These have been prepared, both by the Council and other organisations, including government bodies. Collectively, this evidence base helps to ensure that the policy directions in the Local Plan (Appendix 1) are appropriate and justified, including considering the latest available information.

2.11 The evidence studies supporting the Local Plan consultation document include:

- Local Housing Needs Assessment
- Land Availability Assessment
- Economic Needs Assessment
- Retail and Leisure Needs
- Landscape Character Assessment
- Landscape Sensitivity Assessment
- Strategic Transport Evidence Base

- East Sussex Gypsy and Traveller Need Accommodation Assessment
 - Settlement Hierarchy Study
 - Development Capacity Study
 - Settlement Services Assessment
 - Water Cycle Study Scoping study
 - Sustainability Assessment
- 2.12 The evidence base documents will be made publicly available and form part the Local Plan library. While the majority of our evidence is gathered, we are still working to refine some of the evidence and will need to commission more evidence to inform the draft Local Plan and the Regulation 19 Submission versions of the Local Plan.
- 2.13 The Local Plan consultation document has also been informed by the responses to the Issues and Options consultation held in summer 2021. All comments received were made available publicly on the Council's website in May 2022 and a consultation summary document will be made available in time for the consultation.
- 2.14 The Local Plan Steering Group has been presented with the policies within the consultation document with the exception of 'Policy SDS1: Approach to the spatial development strategy'. This is to be tabled at the LPSG meeting scheduled for 12 October 2023. Following this engagement with Members, amendments have been incorporated into the draft consultation document including grammatical corrections and punctuation errors.
- 2.15 For legibility the Local Plan in Appendix 1 has taken a departure from the adopted Local Plan. It is a single document set in sections with the policy directions contained under a series of themes. However, it must be read as a whole, particularly for planning and investment purposes.
- 2.16 The Local Plan is organised into sections:
- Section A: About this Plan** – provides the background information on the Local Plan. The consultation also includes a new 'call for sites' for housing, employment, Biodiversity Net Gain, and climate change mitigation and adaptation.
- Section B: Lewes Local Area in 2040** – Sets out the Vision and aims for the Local Plan area.
- Section C: Key facts about our Plan area** – key statistics about the plan area and the wider areas of the district
- Section D: Developing a spatial strategy in response to climate change and other challenges** - seeks to provide the context for the Local Plan's preparation and the challenges of planning in a constrained area.

Section E: The Plan themes – set out, under a number of themes, the strategic and non-strategic policy directions.¹ These are based on evidence and have regard to national policy. Feedback, in response to the earlier Issues and Options public consultation has also shaped the policy directions. The policy direction parameters set out the purpose of each policy. These are not full policies but outline the scope or framework of the emerging policy. It is on these policy directions that we are seeking comments prior to developing them into detailed policies for the next stage (draft Local Plan).

Section F: Delivery and Monitoring - will set out at the draft Local Plan stage the framework for performance indicators for the Local Plans and which will be reported upon through the Authority Monitoring Report annually.

2.17 **Next Steps**

The next stage, after this consultation, is to prepare a draft Local Plan (still at Regulation 18). The draft Local Plan will set out the requirements under each policy and any further policies that are identified as being needed. It will also seek to identify sites which will help deliver the strategy for meeting the identified housing need. Representation received during this consultation will be taken into consideration in the preparation of the draft Local Plan. The draft Local Plan will then be returned to the Council for approval for consultation, currently programmed for spring 2024.

2.18 While a significant amount of evidence has been gathered, there remains work to be undertaken. This includes:

- Some of the evidence that has been prepared to support this stage of the consultation will require finer grain analysis / updates.
- Some new evidence, which has not been commissioned for this stage will be needed
- further interrogation of sites which are within the 'potentially deliverable / developable' category will be required before they can be included in the 'deliverable/developable' category for consideration for allocation in the draft Local Plan.
- further work required to seek [alternative/additional] land opportunities to ensure the plan is able to exhaust all opportunities through a further 'call for sites' exercise alongside consultation on the Local Plan document. This is because an insufficient amount of land has been identified to meet the level of identified housing need and at Examination, we will be required to demonstrate that a 'no stone unturned' approach was undertaken in seeking

¹ Non-strategic policies are locally specific policies that will be used in day-to-day planning decisions and against whose criteria development proposals will be required to comply. Strategic policies are for the starting point for the non-strategic policies and seek to address the council's strategic priorities.

to meet the housing need.

- testing of the [alternative/additional] land identified through the 'call for sites' to assess its suitability in helping meet the housing and other development needs in the plan area.

3 Outcome expected and performance management.

- 3.1 Following this consultation, the Local Plan will then be returned to Council for further consideration and approval sought for consultation on it at the draft Local Plan stage scheduled to take place in spring 2024.

4 Consultation

- 4.1 Preparing the Local Plan and its successful implementation requires a positive and proactive approach to working alongside a wide range of stakeholders. Meaningful dialogue recognises the importance of engaging with local residents, community groups, businesses, infrastructure providers, landowners, neighbouring local authorities, statutory bodies, and other stakeholders.
- 4.2 Consultation on the Local Plan will be undertaken in accordance with the Statement of Community Involvement, which is itself required by law. This sets out how and when we will consult and involve the community and other stakeholders in planning matters. The consultation asks questions to actively engage and invite comments from communities, businesses, the development industry, and others.
- 4.3 The council's retained consultation platform will be used to host the public consultation documents, and respondents will be encouraged to use this as the main channel for providing their representations.
- 4.4 The following methods of public consultation, amongst others, are to be arranged and undertaken by officers:
- 'Drop in' events across the plan area [and Lewes Town Centre]
 - Use of social media to highlight key themes.
 - Webinars for Parish Councils
 - Deposit of documents in key locations for 'inspection'
 - All district councillor webinar ahead of public consultation

Circulation of an Executive Summary of the Plan to encourage interest and stimulate involvement from local residents, businesses, and other stakeholders.

- 4.5 The public consultation is proposed to run from 29th November to 8th February 2024. This is in excess of the minimum period of consultation set out in our adopted Statement of Community Involvement and takes account of the Christmas/new year period.

5 Corporate Plan and Council Policies

- 5.1 The Local Plan sets out the long-term development strategy for the plan area and is one of the most important Council plans. It makes provision for new housing, employment, and other development needs, as well as for infrastructure. It has a central role in implementing the spatial aspects of the Council's corporate strategy and policy priorities.

6 Business case and alternative option(s) considered.

- 6.1 An alternative would be to not carry out consultation at this stage and to consult at the draft Local Plan Stage. However, this would not allow for views to be gained from consultees prior to policies being developed, nor allow the council to set out its development capacity issues, as well as other options, at this early stage of the plan making process.
- 6.2 Failure to proceed in a timely manner with the preparation of the new local plan through to adoption will leave the council with a dated Local Plan, and the application of the 'presumption in favour of sustainable development' in place for much longer.

7 Financial Appraisal

- 7.1 There are no direct financial implications arising from approving the consultation and noting the document relating to it. The costs associated with preparing, publishing, and consulting on the Local Plan are included in existing budgets.

8 Legal Implications

- 8.1 The Lewes Local Plan, Preferred Options and Policies Directions document is to be consulted upon pursuant to Regulation 18 Town and Country (Local Planning) (England) Regulations 2012. This sets out who must be consulted and requires that in preparing the Local Plan, the council must take into account any representation made.
- 8.2 The Local Plan is a statutory development plan and the legal requirements for the preparation of Local Plans are set out in the Planning and Compulsory Purchase Act 2004, The Localism Act 2011, The Housing and Planning Act 2016 and associated regulations and the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended). Failure to comply with the statutory requirements will potentially lead to an unsound plan at the examination in public stage.

Legal Implications provided 04.10.23 JCS.

9 Risk management

- 9.1 None as a result of this report. However, a failure or delay in delivering the Local Plan may lead to uncertainty in the planning process and a potential increase in planning appeals, with a risk of intervention by the Secretary of State in the Local Plan preparation process.
- 9.2 Additionally, national planning policy is in flux at present, with changes to the national planning policy framework anticipated for introduction in the autumn, and further changes with the enactment of the Levelling Up and Regeneration Bill, upon its passage through parliament. There is also a risk to the Local Plan from a general election being called in the next year and this may mean more alterations to national planning policy.

10 Equality analysis

- 10.1 The consultation and engagement programme recognises that all sections of the community need to be engaged if we are to prepare a forward-looking local plan.
- 10.2 We have prepared an initial screen which sets out our commitment to producing an Equality and Fairness assessment following consultation. Publishing at this stage enables views on the content of the document and any likely adverse impact of the policy directions on equalities groups to be identified prior to policies being developed for the next stage of the Local Plan process.

11 Environmental sustainability implications

- 11.1 The Local Plan will play an important role in helping us respond to the climate emergency. The Plan provides a strategic framework for climate mitigation and adaptation with regards to land use. The policy directions within the Plan are cross cutting and seek to ensure that new development will be designed, constructed, and operated in a way that is sustainable, but also reflects the complexity of the challenges in aiming to plan positively for climate change resilience.
- 11.2 The evidence suite prepared to inform the Local Plan includes a Sustainability Appraisal to minimise the environmental impact of the local plan policies. A Climate change study, Biodiversity Study and Water Cycle Study amongst others have also been prepared.

12 Contribution to Community Wealth Building

- 12.1 The production of the Local Plan documents may have health and wellbeing implications. These will be considered during the next stage of the plan-making process for the Local Plan documents through the preparation of Health Impact Assessments.
- 12.2 Policies within the Economy and Regeneration theme will likely contribute to wealth building through linking development with employment opportunities locally. Developments which are allocated through the local plan will also potentially bring

forward opportunities to create or support wealth building projects through locally implemented labour agreements.

13 Appendices

- 13.1 Appendix 1 - Regulation 18 Local Plan, 'Towards a Spatial Strategy and Policy Approaches' consultation document

14 Background Papers

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

- [Local Development Scheme \(December 2022\)](#)
- [Statement of Community Involvement](#)
- Local Plan evidence studies