

Report to: Cabinet

Date: 5 December 2024

Title: Lewes District Local Plan – Update and plans for public consultation

Report of: Robert Cottrill, Chief Executive

Cabinet member: Councillor Laurence O'Connor, Cabinet Member Planning and Infrastructure

Ward(s): All

Purpose of report: To provide an update on the Local Plan and seek Cabinet approval (if required for this meeting) to commence the first of a two phased approach to the statutory public consultation on the Local Plan 'defining our policies and early site allocation proposals' under Regulation 18.

Decision type: Key

Officer recommendation(s): (1) Agree that the Lewes District Council Local Plan 2040 Regulation 18 'defining our policies and early site allocation proposals', attached as Annex 1 (and its annexes) to the report, be published for public consultation for an eight-week period. This will be the first phase to a two-phase approach to consultation on the local plan draft policies and site allocations. The second phase of consultation will take place later in 2025 following publication of the new National Planning Policy Framework, and the availability of further evidence, including transport modelling.

(2) Delegate to the Chief Executive, in consultation with the Cabinet Member for Planning and Infrastructure, authority to make any necessary amendments (corrections or improving the presentation) to the consultation documents (including Annexes) prior to publication.

Reasons for recommendations:

To progress work on preparing the Local Plan 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).

Work on the local plan commenced in 2020 and notwithstanding the government's proposed changes to the National Planning Policy Framework published earlier in the autumn, and alongside the delay in the availability of key supporting evidence, progress on the local plan is at a stage where it would benefit from public consultation before its content is further developed.

A nuanced two-phase approach is being taken to how we want to take forward public consultation. This first phase presents the draft policies and an initial set of sites which are considerations for allocation. These sites will be revisited, alongside others not included in this phase, as part of the second phase consultation later in 2025. The second phase will include the full final draft policies and all site allocations.

Through this first phase consultation, we want to invite comments on the draft policies and the included sites.

Following the second phase of consultation under Regulation 18, the final Plan will be prepared and consulted upon under Regulation 19 prior to it being submitted for Examination in Public.

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1 Introduction

- 1.1 The Local Plan is being prepared against a background of legislative and policy changes. Elements of the previous government's Levelling-up and Regeneration Act have been introduced, the Government's [recent consultation on NPPF](#) changes will result in a new NPPF being in place from the end of the calendar year, and the government has stated that it will introduce further reforms that will effect change to the town and country planning system, including returning to strategic planning. These will, as of the present time have an unknown impact on Plan-making and the process. The Government has also extended the 30th June 2025 deadline for submitting local plans for Examination to the end of December 2026. It has said that it is giving local planning authorities more time

to re-work their local plans because of the changes that it is introducing through the NPPF, especially those in relation to housing need.

- 1.2 The Local Plan is the statutory document that provides the framework for the Local Plan Area to accommodate the required development needs. Section 19 of the Planning and Compulsory Purchase Act 2004 requires every relevant Local Planning Authority to prepare a Local Plan for its area.
- 1.3 The [Planning and Compulsory Purchase Act 2004](#) and the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) sets out the steps that must be taken to prepare and adopt a Local Plan.
- 1.4 In 2012, the government introduced the [National Planning Policy Framework](#) for England, and all local plans are required to be in conformity with it. In 2018, the NPPF was revised, including the introduction of the Standard Methodology (SM) for calculating housing need. All local planning authorities are required to use the SM, unless they can set out exceptional circumstances, and then address the need generated from this through its local plan. The [government's recent NPPF consultation](#) looks to make further changes to the formula, which will result in an increase to our housing need figure (up from 602/pa to 638/pa). The government has also proposed to make the use of the SM mandatory by inserting the word 'mandatory' into the NPPF.
- 1.5 The Local Plan must consider the sustainable development needs of its area for a minimum of 15 years from adoption but must be reviewed every five years. May 2021 marked the 5-year anniversary for the adopted [Joint Local Plan](#) (adopted in 2016).
- 1.6 Local Planning Authorities are also expected to maintain a five-year supply of deliverable sites. According to national policy, the council at present is unable to demonstrate that there is a five-year housing supply for the Local Plan Area. This is principally because the housing target increased from the adopted plan figure of 345 dpa (275dpa plan area) to 782dpa (602dpa plan area) with the introduction of the Standard Method in 2018. Consequently, the housing policies in the adopted 2016 joint local plan & the Part 2 plan adopted in 2020 are considered out of date resulting in the application of the 'tilted balance' and [a presumption in favour of sustainable development](#) in decision making. This means that unless there is a demonstrable and significant adverse impact resulting, [speculative] development proposals are reluctantly supported when they are submitted to the council for planning permission.
- 1.7 Work to prepare a new Local Plan commenced in 2020, and public consultation under Regulation 18 has already taken place twice. In summer 2021 the council published the [Issues and Options consultation](#) and in Winter 2023/4 consulted on its [Preferred Options and policies direction](#). The representations to these earlier public consultations, alongside technical evidence studies and national planning policy and guidance has informed the current local plan consultation document.
- 1.8 A key component of policy formulation is an up-to-date evidence base. This evidence will continue to develop, including an up-to-date transport modelling

which will give us the evidence that we need on the capacity of the transport infrastructure, the impact of development on that infrastructure, and what mitigations/measures would be needed. There are also other evidence studies that we will either need to develop or review as we make progress towards the final Submission Plan.

- 1.9 We had over 42,000 comments to the 'Issues and Options' consultation and over 1,700 individuals/groups responded to the last consultation (11,000+ comments received). The comments received through these previous consultations have influenced and helped shape the consultation document's content. We have also engaged with key external stakeholders and neighbouring authorities on strategic or cross-boundary matters, under the Duty to Cooperate. Other material factors which the Council needs to take account of include previous representations, the macro social, environmental and economic situation, national guidance and other case law.

2 Proposal

- 2.1 Authorisation is being sought to consult, still at the Regulation 18 stage, on the first phase of a two phased approach to setting out detailed policies and an early number of sites that are being considered for allocation. This phase will be the third time under the Regulation 18 stage that we are consulting publicly on the local plan. The most recent public consultation was the Preferred Options consultation that sought views specifically on the direction for the detailed Local Plan policies, but did not include site proposals.
- 2.2 The previous consultation at this stage of the plan making process introduced the complex and challenging issues particularly around the proposed overarching distribution, scale and location of housing and economic need that the plan area would need to accommodate. The document for consultation in this phase represents the culmination of various pieces of research, appraisal and assessment undertaken within the context of the planning framework and case law.
- 2.3 The consultation document (Appendix 1) identifies an approach to the spatial strategy (including early identification of sites that are being considered for allocation) as we work towards being able to set out the plan's housing requirement against the housing need generated through the Standard Methodology. In the previous consultation, we established that it was not possible to meet our identified housing need in full and this continues to be the case, even though we had carried out a further 'call for sites' exercise which extended beyond the previous consultation.
- 2.4 The Local Plan consultation document continues to take the approach set out in the previous consultation. We stated that we would be taking a brownfield first approach to the allocation of new sites. This supply from new sites, would be additional to the existing sources of supply, which includes completions (2020-23), commitments (existing planning permissions, and windfall). At this stage, sites which are the 'early site allocation proposals' could deliver a theoretical

new supply of approximately 800 (41/annum) dwellings against a residual housing need of 7,000 (350/annum) over the plan period.

2.5 In identifying locations for potential new housing, the principles of sustainable development, as set out in the NPPF, have been followed. Sites being put forward as early site allocation proposals have been assessed through a clear and stepped approach to site assessment which has been guided by the Council's [Land Availability Assessment \(LAA\)](#). At this time, the early site allocation proposals are sites which are in the most sustainable locations in the plan area as identified in the Local Plan under Policy SDS2 Settlement Hierarchy (Settlement Hierarchy Tiers 1-3). This policy is supported by the Settlement Hierarchy study.

2.6 **The local plan will remain an evolving document as we move through the various stages of the local plan preparation process.**

For this phase, while sites are included in the consultation document as 'early proposals for site allocations', they will be subject to further appraisal before being confirmed for allocation in the next phase consultation later in 2025. Through this phase, we are seeking public and stakeholder feedback on these early site allocation proposals and draft policies. It is critical that the work we are doing ensures that in meeting the local plan's development needs, development is directed to sustainable locations in the plan area and the policies that we develop are the right ones.

It should be noted that sites which have not been included in the consultation document in this phase remain as options and for further work on the part of site promoters to demonstrate to the Council that infrastructure, policy requirements, and site constraints can be overcome to enable their sustainable delivery.

Further, all the early site allocation proposals will be reviewed following this phase of consultation in order to gain a better understanding of them before a final decision is made on their inclusion as an allocated site in the second phase of consultation later in 2025.

Additionally, all the sites (including non-included sites) will be further tested through the countywide transport modelling, as well as needing to be assessed in detail for flood risk. Therefore, in this phase of the consultation the plan is not seeking to identify a housing requirement.

2.7 The structure of the Local Plan is as it was set out in the previous consultation. There is a new addition of a new thematic section addressing Health and Wellbeing, and a new section for the 'early site allocation proposals.

The Thematic policy sections are:

1. Climate Change,
2. Natural Environment
3. Homes for All
4. Economy and Regeneration

5. Infrastructure and Community Facilities
6. Design, Landscape and the Built Environment
7. Water
8. Health and Wellbeing

In addition, the Vision and Aims as well as the spatial strategy have also been amended to take into account the more than 50,000 representations from the previous two consultations exercises.

- 2.8 Under each theme, the Local Plan consultation document puts forward a suite of detailed policies that would provide the planning framework for determining future planning decisions (Strategic and Development Management policies) and offer guidance (detailed and at high-level) for addressing important matters such as climate emergency, economic development and jobs, provision of housing for our plan area and protection and enhancement of our natural environment over the plan period.
- 2.9 The draft policies have been developed in consultation with other teams in the council; county council; neighbouring planning authorities, and local communities. The local plan steering group (LSPG) – a cross-party working group of councillors, has reviewed, debated and commented on relevant content of the draft policies, thereby assisting the local plans' development at this stage.
- 2.10 The Local Plan consultation document has been informed by a considerable amount of evidence. This evidence supports policy development and was published alongside the previous consultation.

Further evidence which is being published alongside this consultation includes:

- Green and Blue Infrastructure Study
 - Land Availability Assessment 2024
 - SFRA Level 1
 - Sustainability Appraisal (interim) 2024
 - Landscape Visual Appraisal (large sites)
- 2.11 National Planning Policy Framework requires us to produce and keep updated a Strategic Housing Land Availability Assessment. Our LAA serves this function. It is the long list of sites which were submitted to the council for consideration. These sites do not have any planning status. Including them in the LAA **does not** mean that they will be developed in the future. The assessment of a site is an 'at a point in time' assessment based on the available evidence, and therefore has the potential to change in light of new or updated evidence becoming available.
- 2.12 As we move forward through the local plan making process the evidence base will continue to be developed until the plan is submitted to the Secretary of State. We will keep it up to date to ensure it remains relevant; that it is robust and in line with national guidance. This includes having the outstanding Transport modelling work completed. We will need to do this prior to confirming the final site allocations and the quantum of development from the proposed site

allocations that will make up the Plan's housing requirement. We will need to do this through the next local plan consultation document later in 2025.

- 2.13 The Local Plan consultation document will be supported by an interactive Policies map on which the proposed housing allocations, settlement boundaries, and key environmental designations will be marked.

3 Outcome expected and performance management

3.1 Next Steps

The next step will be to produce another Local Plan consultation document through which we will set out how we have worked towards meeting the housing need that is set through the Standard Methodology and the sustainable locations that we consider appropriate for allocating as a full set of sites. It will also include, where necessary, revised detailed policy wording. The next version of the local plan will be informed by further evidence on transport, viability, and detailed flood risk. We will consult on this as part of a fourth Reg 18 consultation. It is important that we do this next phase in order to prepare our final Submission version plan at Regulation 19, which will, itself be subject to a consultation process specifically inviting commentary on 'soundness' and legal compliance.

Following the Regulation 19 consultation, all comments submitted are forwarded to the Secretary of State for consideration by the Planning Inspectorate alongside the Submission Local Plan. A Local Plan examination will follow afterwards allowing an opportunity for invited participants to have a final opportunity to comment on the Plan. The Planning Inspectorate will be looking to determine if the Plan is sound. Having passed Examination, the Plan will then return to the council for adoption at a Full Council meeting.

- 3.2 National Planning Policy continues to be in a period of significant change, with the new Government having consulted on a revised NPPF over the summer, and through which it indicated publication by the end of the calendar year. Publication of the final NPPF could materially impact on the plan-making process and these will be considered as part of the next phase of the Local Plan.

There are also (as of yet unknown details of) longer term reforms to the wider planning system/framework that the government has indicated it will seek to introduce over the course of this parliament.

4 Consultation

- 4.1 Involving the public and organisations in the preparation of planning policy documents is an integral element of the process. Public consultation on the Local Plan has already taken place at Regulation 18 stage under 'Issues and Options' (2021) and 'Preferred Options' (2023). The council's [Statement of Community Involvement \(2020\)](#) (SCI) sets out how we will involve the community in this process.

- 4.2 The consultation will be launched on the council's website and consultation platform. Printed copies of the consultation materials will be made available at the locations included in the [Statement of Community Involvement](#).
- 4.3 Since the last consultation, we have been working with a new Town and Parish Councils group to develop our approach to communication and engagement. We will be working with this group to ensure that the consultation that we undertake at this phase is 'co-produced'. This should allow the consultation to have the widest reach possible, including to those who do not normally participate in local plan consultation.
- 4.4 The following methods of public consultation, amongst others, are to be arranged and undertaken:
- 'Drop in' events across the plan area [and Lewes Town Centre in conjunction with the SDNPA]
 - 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
 - Town and Parish council 'consultation days'
 - Engagement with young people via East Sussex College

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

- 4.5 The proposed consultation is in conformity with the SCI, and subject to Cabinet approval consultation will be for a period of eight weeks.

5 Corporate plan and council policies

- 5.1 The Local Plan contributes to a range of council priorities as set out in the Corporate Plan 2024-2028, including,
- Providing leadership to the district in tackling the climate and nature emergency
 - Creating sustainable community wealth
 - Building genuinely affordable homes

6 Business case and alternative option(s) considered

- 6.1 The requirement to review, prepare a Local Plan and the stages of consultation on it are set out in Regulations. The Local Plan is fundamental to meeting future development needs as it will ensure the sufficient amount and type of housing, employment and supporting community infrastructure is delivered in the most sustainable locations in the plan area.
- 6.2 Approving the Local Plan consultation for this phase of consultation will mean that the preparation of the Local Plan, while delayed, is moving forward and still relatively in line with the published timetable. It also confirms to our communities and partners that we are committed to keeping them involved in the local plan's

journey. This approach puts the council, as the local planning authority, in the strongest possible position in relation to the positive preparation of the local plan, as well as being in line with the corporate strategy.

- 6.3 An alternative would be to not carry out consultation on the draft wording of the detailed policies or early site allocation proposals at this time and only carry out a full Regulation 18 stage in the second half of 2025. However, this would mean that communities and partners are left out of the process for an extended period of time. The result of which would be that they could not have their say on our emerging policies and the locations being considered for development at this early point of the process.
- 6.4 A second alternative option would be to **only** consult on the soundness of the final Submission Plan at Regulation 19, without carrying out these two phased consultations under Regulation 18. Such an approach carries the risk that the Local Plan is challenged as not complying with the 'soundness' test at Examination because the previous Preferred Options consultation at Regulation 18, did not include site allocations or detailed proposed policy wording. By moving straight to Regulation 19, we would also not be allowing our communities and partners to be involved in the process, in the way that the council has committed to doing so ie. consulting with the public at key milestones in the local plan's journey.

7 Financial appraisal

- 7.1 There are no direct financial implications arising from approving the consultation and noting the documents relating to it. The principal resource in the preparation of the Local Plan is the significant officer time required, establishing the evidence base, and consultation exercises and taking the document through the process of independent Examination in Public. The costs associated with preparing, publishing, and consulting on the Local Plan are included in existing budgets. Opportunities to maximise the benefits of joint working or shared procurement to minimise costs are taken into account in the programming of the local plan-making process.

8 Legal implications

- 8.1 The Local Plan must be prepared in line with the process set out in national legislation/regulations. At this stage the draft Local Plan needs to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 along with the content of the Statement of Community Involvement (July 2020). Legal Implications Approved JCS 07.11.24

9 Risk management implications

- 9.1 The review of the council's adopted Local Plan 2016 concluded that a new plan was required to ensure that the council has an up-to-date Local Plan in place. While national planning policy remains in flux, with the publication of a revised NPPF anticipated for December, there are reputational as well as continued speculative housing development risks to the council of not progressing the local plan at this time.

9.2 There are no additional risks associated with progressing the Local Plan. The council is acting in accordance with the requirements of national planning policy.

10 Equality analysis

10.1 Undertaking an Equalities and Fairness Analysis is a key part of preparing a 'sound' local plan. An initial screening exercise was undertaken at the PO stage as currently there are no direct impacts for protected groups and refreshed as part of this report. At the next stage of preparation (Regulation 19), a new Local Plan will be prepared and subject to an Equality & Fairness Analysis before being presented for approval by a meeting of Full Council prior to submission to the Secretary of State. This will overlap with the legal requirement to undertake a comprehensive Sustainability Appraisal of the Plan.

11 Environmental sustainability implications

11.1 Sustainability is a crucial part of the planning system and is incorporated within any future planning decision. Both mitigation of the impact of development on climate change, and adaptations to the impact of climate changes are addressed through the relevant policies in the Local Plan.

12 Contribution to Community Wealth Building

12.1 The Local Plan includes proposed detailed policies to address the health and wellbeing of residents. These policies will contribute to the wellbeing of residents and communities in the plan area and thereby contribute towards wealth building.

12.2 Policies, specifically 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 agreement.

13 Appendices

- Appendix 1 – Regulation 18, Local Plan consultation document 'defining our policies and early site allocations proposals' – **to follow**
- Appendix 2 – Early site allocation proposals – **to follow**

14 Background papers

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

- [Local Development Scheme \(December 2022\)](#)
- [Statement of Community Involvement](#)
- [Local Plan consultation documents \(published\)](#)

