

Report to	Planning Committee
Date	15 June 2017
By	Director of Planning
Title of Report	SDNPA response to the Pre-Submission (Regulation 14) Consultation on the Lewes Neighbourhood Development Plan
Purpose of Report	To agree the content of the South Downs National Park Authority's (SDNPA) response to the Pre-Submission consultation on the Lewes Neighbourhood Development Plan

Recommendation: The Committee is recommended to agree the Table of Comments as set out in Appendix 3 of the report, which will form the SDNPA representation to the Lewes Neighbourhood Development Plan Pre-Submission consultation.

1. Introduction and Summary

- 1.1 This reports presents the response of the SDNPA to the Pre-Submission consultation on the Lewes Neighbourhood Development Plan (LNDP). Lewes is the largest settlement in the National Park and is the County town of East Sussex. This is an important stage in the neighbourhood plan process, as it is the first formal consultation stage with statutory consultees, where issues or conflicts with national and local planning policy can be clearly identified prior to formal Submission for Examination. On adoption, the LNDP will form part of the Development Plan for the neighbourhood area, alongside strategic planning policies which are prepared by the Local Planning Authority.
- 1.2 Lewes Town Council (LTC) is the 'qualifying body' with responsibility for preparing the LNDP. LTC applied to have the parish of Lewes designated as a Neighbourhood Area in September 2013 (See **Appendix 1** for designated area map). This was agreed by the SDNPA at Planning Committee on 8 May 2014. Lewes Town Council set up a steering group to prepare the LNDP, which includes working groups of members of the general public as well as Lewes Town Councillors. The steering group have been assisted by Feria Urbanism, an urban design and planning practice based in Bournemouth, throughout the process.
- 1.3 A minimum of 6 weeks formal consultation is required on all draft NDPs prior to Submission to the local planning authority. SDNPA officers have worked with the LNDP group in the preparation of this Pre-Submission plan to encourage them to identify sites for non-strategic allocation and to draft policies that conform with national and local policy. The Pre-Submission LNDP can be found at **Appendix 2** and the SDNPA response to this consultation at Appendix 3. Following the Pre-Submission consultation, the LTC will amend the LNDP appropriately and submit the amended LNDP to the SDNPA for Submission consultation and Examination.
- 1.4 The LNDP is being considered by Planning Committee at Pre-Submission stage as it is one of our key settlements and is a NDP with a significant housing provision, as set out in the South Downs Local Plan: Preferred Options.

2. Background

- 2.1 We commend the LNPG in preparing such a comprehensive and innovative plan that covers such a diverse town and a large area.

- 2.2 The progression of the Lewes Neighbourhood Development Plan (LNDP) to Pre-Submission stage is an important milestone, the result of a considerable amount of hard work by the steering group on behalf of the Town Council. The Lewes NDP group should also be congratulated on preparing a distinctly 'Lewesian' Neighbourhood Plan. The Pre-Submission draft addresses issues that have clearly been identified as a priority for Lewes, including the need for low cost housing, as well as preserving the working character of the town. The draft plan is also innovative in its approach to protecting the environment by including policies on natural capital and ecosystem design responses for allocated sites.
- 2.3 A substantial amount of early consultation was undertaken in preparing the draft NDP. A visioning event was held for the community in June 2015 examining the issues facing the town. This was followed by a three day design forum for members of the public between June and July 2015 that examined how change could be accommodated, designed and planned in Lewes. An interim report was then prepared and subject to public consultation over Summer 2015 through an on-line questionnaire. Exhibitions for local residents were then held over the Autumn, illustrating the emerging policies and proposals, and which were specifically targeted at young people.

3. Pre-Submission Consultation

- 3.1 The Neighbourhood Planning Regulations require all qualifying bodies (Lewes Town Council in this instance) to carry out Pre-Submission consultation on a draft of the NDP prior to submission to the local planning authority. The consultation must be for a minimum of 6 weeks and includes consulting statutory bodies. The LNDP consultation draft was published on 8 May 2017 and the consultation runs for 6 weeks until 21 June 2017. A drop-in event was held in Lewes Town Hall on 25 and 26 May 2017 with over 300 people attending this.
- 3.2 The Neighbourhood Planning Regulations state that a NDP must be in general conformity with the strategic policies contained in the Development Plan for the area. Therefore, it is a requirement that the LNDP is in general conformity with the Lewes District Local Plan Part 1: Joint Core Strategy. This plan covers that part of the National Park within Lewes District including Lewes Town. It was adopted by the National Park Authority (NPA) on 23 June 2016. A legal challenge made by Wealden District to this plan and a subsequent High Court ruling, resulted in the quashing of policies SP1 and SP2 of the JCS in regard to the National Park. Policy SP1 sets the overall development requirements for the district and SP2 sets the housing requirement of 220 net additional units in Lewes Town. The judicial review centred on the methodology for the Habitat Regulations Assessment (HRA) in regard to measuring traffic movements through Ashdown Forest, which is a Special Area of Conservation (SAC).
- 3.3 It has been decided by the Secretary of State for Communities and Local Government and the NPA not to appeal the decision. Advice subsequently received from the Planning Inspectorate and DCLG is that the issue should not slow down the preparation of the Local Plan or any Neighbourhood Development Plans (NDP) being prepared in Lewes District namely Lewes Town and Ditchling.
- 3.4 The NPA will work with our HRA consultants over the next few weeks on further traffic modelling for the HRA. This should identify what the level of impact on the Ashdown Forest is from this level of development and whether/what mitigation is required. The NPA will do all the necessary HRA work for the NDP groups affected by the judgement and will continue to work in supporting Lewes in the progression of their NDP and responding to the implications of this judgement.
- 3.5 The strategic planning context therefore for the Lewes NDP is the adopted Lewes District Local Plan Part 1 Joint Core Strategy minus policies SP1 and SP2. The emerging strategic policy context is provided by the emerging South Downs Local Plan, which is scheduled to be published for Pre-Submission consultation in September 2017. This carries forward the housing target for Lewes. Further work on the HRA and its appropriate assessment will provide further clarity in regard to in combination traffic movements through Ashdown Forest.
- 3.6 While the LNDP may come into force ahead of the South Downs Local Plan, all communities are being advised to make sure that their NDP policies are not in conflict with emerging Local Plan policies. This is because the degree with which the NDP reflects and accords with emerging

Local Plan policies could affect the NDP's power to shape development in the future. Once a NDP comes into legal force after a successful referendum it will form part of the statutory development plan. The law requires decision makers to favour more recently adopted policies of the development plan where there is a conflict between two policies. This means that the shelf life of an NDP could be quite short if it does not consider the emerging South Downs Local Plan. Lewes is included in the list of settlements to have a defined settlement boundary in SD22 of the Local Plan: Preferred Options and there is a proposed housing requirement of 850 for the settlement as set out in draft policy SD23, of which, all bar 220 homes have already been identified (including the site at North Street Quarter and Old Malling Farm).

3.7 The Pre-Submission plan is accompanied by a Sustainability Appraisal and Strategic Environmental Assessment. Comments on the SEA are being made separately by officers.

4. Lewes Neighbourhood Development Plan – SDNPA response

4.1 The SDNPA formal representation to the Lewes NDP Pre-Submission consultation is set out in **Appendix 3**. The following key points and overarching issues are raised in the representation:

- We consider the overall style and content of the LNDP to be characterful and innovative reflecting the diverse interests of the town.
- The introduction and section on general conformity with local planning policy in the LNDP will need to be amended to reflect the implications described above of the High Court ruling and the quashing of policies SPI and 2 of the Lewes Joint Core Strategy. The SDNPA will provide suitable wording to assist Lewes NDP group with this.
- We welcome the pioneering policy on Natural Capital in the NDP, which is very well explained. It is a thread that runs through the plan, woven into the policy criteria for the site allocations.
- There is no mention in the NDP of the Community Infrastructure Levy (CIL), or a list of how CIL money collected from development in the area might be prioritised, or indeed what projects within the area might be considered for funding. Given that Lewes could potentially be receiving a relatively substantial amount of CIL money once the Plan is made, it is strongly advised that consideration to this is set out in the NDP. We suggest that there are potentially a number of suitable projects that would be eligible for CIL set out in the topic chapters under key projects and actions, including the Public Realm Strategy.
- The General Housing Strategy of the NDP and the housing allocation policies refer to the target of providing 50% affordable housing contained in the Pre-Submission SDLP. As this (as well as the thresholds for seeking affordable housing), are still undergoing viability testing and the target has yet to be tested at Examination, we think it would be far preferable for the LNDP to not refer to the numerical target in the SDLP or for that matter Lewes JCS. Instead, we suggest that the LNDP contains some text that cross-references the emerging SDLP and says the SDLP seeks to provide a significant proportion of affordable homes on all but the smallest of housing sites. The Lewes NDP will reflect this whilst having specific regard to local evidence of housing need.
- The Plan introduces the concept of 'Lewes Low Cost Housing' defined as the maximum cost affordable on the average Lewes salary whether for rent or sale. It is proposed in the NDP Policy PL1 – General Housing Strategy that all strategic sites and infill sites should meet the SDLP requirement for affordable housing and as Lewes Low Cost Housing. The NDP also proposes that for allocated housing sites in public ownership that these should provide 100% affordable housing in the form of Lewes Low Cost Housing. While the SDNPA is supportive of the principle of low cost housing which genuinely meets the needs of local communities, this policy needs to conform with national and local planning policy if the NDP is to meet the basic conditions at Examination regarding viability and deliverability of schemes. It is also important that NDPs similarly are realistic, as well as ambitious, in their policy expectations to ensure that local housing supply is realised. SDNPA strongly encourages further elaboration on this definition of Low Cost Housing and encourages the NDP Steering Group to ensure that appropriate evidence of deliverability is in place to support Policy PL1, and relevant site allocations, as well as considering how these levels of affordability might be retained in the future when properties change hands.

- The Neighbourhood Planning Group should be commended on the work they have undertaken to identify sites. The plan allocates a total of 20 sites around the town that are identified as able to accommodate 284 dwellings. This is well in excess of the NDP's housing requirement to provide at least 220 homes. In addition, one identified large site has recently been granted planning permission for 79 houses, which is a significant contribution to the NDP housing target. The plan proposes that the housing requirement is met on brownfield sites that are spread fairly evenly around the town and concentrates on identifying small sites many of which are in public ownership. The Neighbourhood Planning Group considers that sites owned by public bodies are more likely to deliver affordable housing and the development of small sites will reflect the piecemeal growth of the town, repair the townscape and will be more attractive to small local builders or self-build schemes.
- While very supportive of this approach to utilise brownfield sites, and that these are spread fairly evenly around the town, we question the deliverability of some of the smaller sites and in contrast whether the large site of St Anne's School to the south of County Hall could be realistically developed for higher numbers than identified in the NDP. Following this consultation, including comments received from statutory consultees, the Neighbourhood Planning Group may need to revise its list of sites and numbers of dwellings to that which will be realistically delivered.
- We also note that quite a few of the allocated sites are car parks and that the loss of these is justified in the NDP in that it will encourage more sustainable travel through greater use of public transport, as well as improving air quality. The Neighbourhood Planning Group will need to ensure that these sites and the loss of some car parking in the town are supported by the County and District Councils and is compatible with the strategic policies for sustainable transport and car parking provision in Lewes. We also understand that the Neighbourhood Planning Group believe some car parking can be retained through development which is decked over car parking at these sites. However, this may not be an appropriate solution for some sites where there are sensitive townscape and urban design considerations.
- The NDP proposes 58 designated Local Green Spaces. It is recognised that Lewes has many important pockets of green space within in the town as well as corridors of green space linking to the surrounding countryside. However, the NPPF makes clear that the Local Green Space designation will not be appropriate for all green areas or open space and that the designation should only be used where the green space is demonstrably special. The NDP group are encouraged to ensure they have sufficient evidence and justification to support the designation of all nominated Local Green Spaces.

5. Planning Committee

- 5.1 This is the first occasion that the Lewes NDP has been presented to Planning Committee. It is being considered at this stage, as Lewes is one of the National Park's largest settlements and one of our County towns, and where a significant amount of new development is being proposed.

6. Next Steps

- 6.1 If agreed the response will be sent to Lewes Town Council for them to consider alongside the other representations they receive. They will then amend the plan and submit it to the SDNPA for examination.

7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – It is anticipated that Planning Committee will be asked to agree the SDNPA response to the NDP at all significant stages. The next occasion will be the SDNPA representation on the submitted plan.
Does the proposal raise any Resource implications?	Yes - The SDNPA has invested staff resources in supporting the development of the LNDP by regularly attending steering group meetings. Significant financial resource has been provided

Implication	Yes/No
	<p>through the reallocation of the Governments New Burdens funding and the allocation of SDNPA funding amounting to £12,632. This funding has contributed to the cost of undertaking SEA and early preparatory work. The SDNPA has claimed £5,000 in new burdens funding from CLG to date and should be able to claim £20,000 to cover the cost of the Examination and Referendum.</p> <p>The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from CLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from around £8,100 (including the Examination and referendum) to £50,000</p> <p>Once a NDP is made, a Parish/ Town Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Town Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p>
<p>Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?</p>	<p>Due regard will be taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Lewes Town Council who has the responsibility for preparing the neighbourhood plan will be required to prepare a Consultation Statement to support the submission version of the LNDP setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area) including hard to reach groups, have been engaged in the plan's production</p>
<p>Are there any Human Rights implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Crime & Disorder implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Health & Safety implications arising from the proposal?</p>	<p>None.</p>
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly 	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Lewes Neighbourhood Plan will be required due to the level development proposed in the plan. A Sustainability Appraisal of the plan has been published and officer level of comments are provided.</p>

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Lewes Town Council does not take account of the recommendations proposed in the SDNPA representation, and the LNDP may not meet all the basic conditions for NDPs or the aspirations of the SDNPA.	Medium	Medium	Member and Officer representations on the LNDP will allow the SDNPA to encourage the full consideration of points raised by the SDNPA. However, there is no requirement for the Town Council to agree to all proposed amendments so the risk cannot be fully mitigated.
There is a reputational risk for the SDNPA associated with raising areas of concern about the LNDP. Communities are sometimes frustrated by the perception that their hard work and effort in producing such plans is not fully appreciated and taken into account. However, to not highlight the possible concerns of the Authority at this stage in the plan preparation would be failing in our duty to support such groups and potentially result in a plan that does not deliver outcomes that meet the needs of both the community and the SDNPA.	Low	Medium	SDNPA planning officers have been contributing to the preparation of the emerging LNDP and will continue to do so as it progresses.

TIM SLANEY

DIRECTOR OF PLANNING

South Downs National Park Authority

Contact officers: Amy Tyler-Jones and Alma Howell (Neighbourhood Planning Officers)

Tel: 01730 819272 and 01730 819309

email: Amy.Tyler-Jones@southdowns.gov.uk
and Alma.Howell@southdowns.gov.uk

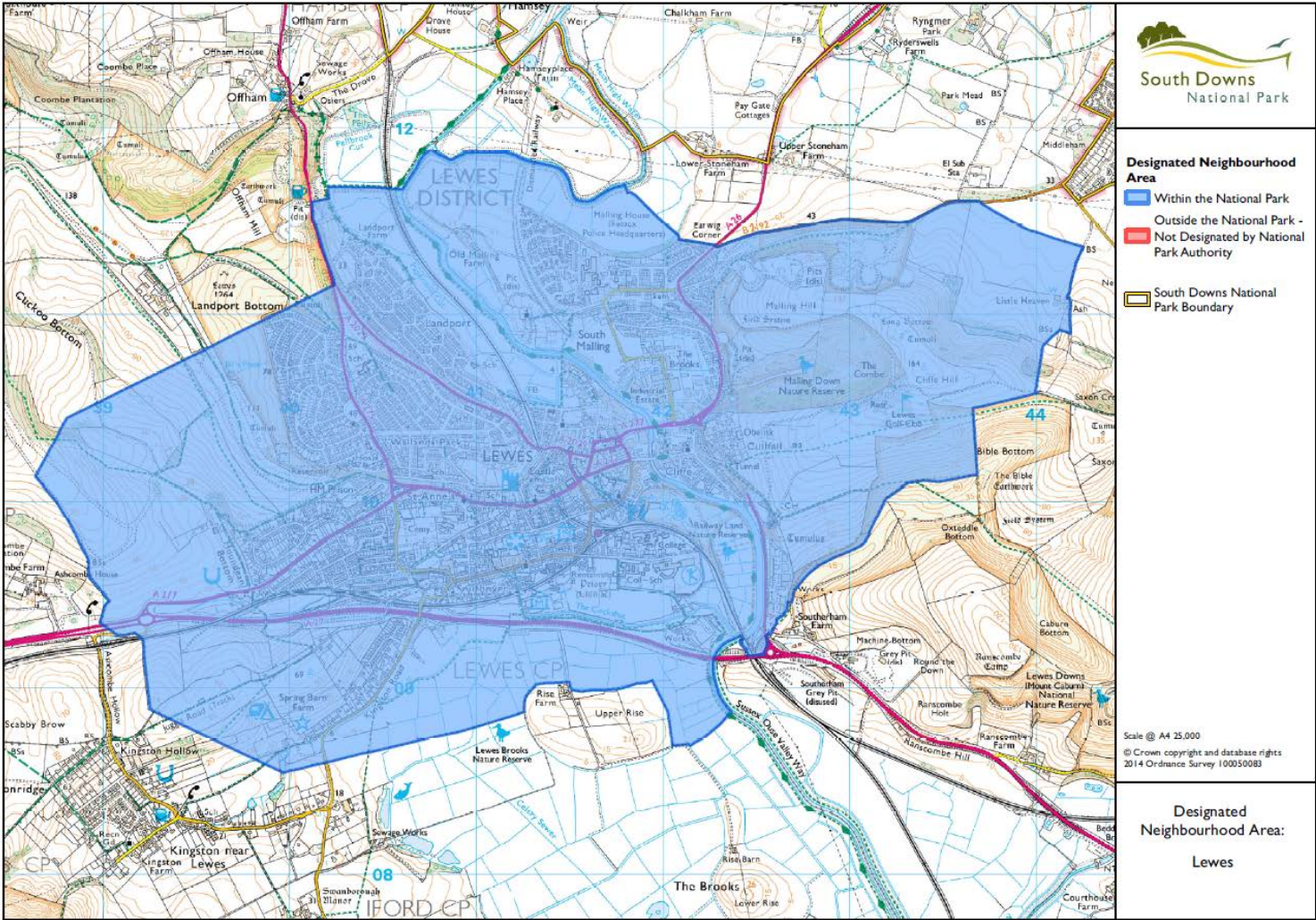
Appendices

1. Lewes Designated Neighbourhood Area Map
2. Lewes Pre-Submission Neighbourhood Plan 2015-2033
3. SDNPA Response to the Pre-Submission Draft Lewes Neighbourhood Plan

SDNPA Consultees Director of Planning, Planning Policy Manager, Legal Services, Monitoring Officer & Chief Finance Officer. Consultation with statutory bodies has been undertaken by PTC.

Background Documents <http://www.lewes4all.uk/>

**Agenda Item 8 Report PC33/17 Appendix I
Lewes Designated Neighbourhood Plan**



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