

Report to	<b>Planning Committee</b>
Date	<b>12 July 2018</b>
By	<b>Director of Planning</b>
Title of Report	<b>SDNPA response to Submission (Reg 16) consultation on the Lewes Neighbourhood Development Plan (LNDP)</b>
Purpose of Report	<b>To agree the content of the South Downs National Park Authority's (SDNPA) representation to the Independent Examiner</b>

**Recommendation: The Committee is recommended to:**

- 1) Agree the table of comments as set out in Appendix 2 of the report which will form SDNPA's representation to the Independent Examiner of the Lewes NDP.**

**1. Introduction and Summary**

- 1.1 The progression of the Lewes NDP to Submission stage is an important milestone for the community of Lewes and for the National Park as a whole. Lewes is the largest market town in the National Park and is the county town of East Sussex. This NDP therefore forms a fundamental part of the development plan for the South Downs National Park.
- 1.2 Lewes Town Council (LTC) is the 'qualifying body' with responsibility for preparing the Lewes Neighbourhood Development Plan (LNDP). LTC submitted the Lewes Neighbourhood Plan (**Appendix 1**) to the SDNPA for Examination on 30<sup>th</sup> June 2018. A six week publicity period commenced on 11<sup>th</sup> June 2018 and runs until the 23<sup>rd</sup> July 2018, during which time local residents and other stakeholders are invited to submit representations to the Plan's Examiner.
- 1.3 The SDNPA's comments (**Appendix 2**), which were prepared using input from SDNPA officers, sets out the proposed representation to be submitted to the Examination of the LNDP.

**2. Background**

- 2.1 The LNDP covers the plan period 2015 to 2033 and has been prepared for the designated neighbourhood area, which follows the Lewes parish boundary. The area was designated by SDNPA in May 2014; the designation map is attached as **Appendix 3**.
- 2.2 Early on in the process, a wide range of community groups, including those from the Lewes Partnership were contacted to be part of the LNDP Steering Group. A visioning event for the public was held on 4th June 2015. This was followed by a three day Design Forum for the public in summer 2015. Poster exhibitions were held in October and November 2015 to share the evolving ideas with the public. Young people were specifically targeted through the engagement events and two dedicated weekend sessions for young people were designed and delivered by staff at the University of Brighton on 12<sup>th</sup> and 19<sup>th</sup> March 2017.
- 2.3 A six week Pre-submission consultation was undertaken on the draft NDP from 8<sup>th</sup> May

until 21<sup>st</sup> June 2017. The consultation was also publicised to the local community through drop in events held at the Town Hall, Lewes on 25th and 26th May 2017.

2.4 More details of the consultation process can be found in the [Consultation Statement](#).

2.5 The [SDNPA response to the Pre-submission consultation](#) was agreed by Planning Committee following a site visit, on 11<sup>th</sup> May 2017. The SDNPA response focused on:

- Support for the pioneering policy on Natural Capital in the NDP, which is a thread that runs through the plan, woven into the policy criteria for the site allocations;
- Advising that the LNDP cross-references to the emerging Affordable Housing policy SD28 in the South Downs Local Plan (SDLP) rather than providing its own numerical affordable housing target and further elaboration of the definition of the concept of Lewes Low Cost Housing to support Policy PL1 – General Housing Strategy and the relevant site allocations.
- Recommending the inclusion of a section on Community Infrastructure Levy (CIL) and a list of projects within the area that might be considered for funding.
- Commending the Neighbourhood Planning Group on the work they had undertaken to identify a healthy supply of sites. However, it was questioned whether some of the smaller sites were deliverable and whether some of the larger sites could be realistically developed for higher numbers than identified in the NDP.
- The need to ensure there is sufficient evidence and justification to support the designation of the large number of nominated Local Green Spaces.

2.6 The Submission version of the LNDP addresses many of the issues raised by the SDNPA at the Pre-Submission consultation. The SDNPA formal representation to the LNDP submission consultation is set out in Appendix 2. The following key points and overarching issues are raised in the representation:

- The Submission NDP is clearly written and attractively laid out, illustrated with photographs, diagrams and paintings by local artists. It contains a dedication to the late Dr Colin Tingle who put his knowledge and experience into the biodiversity and ecosystems sections.
- Most of the comments raised by the SDNPA at this stage (Submission consultation) relate to changes to wording of policies to make them more precise and usable for development management purposes and to comply with National Planning Policy requirements. Although the comments at this stage should relate only to the basic conditions, officers have taken the opportunity to raise more detailed areas in order to add value to the plan or reduce any areas of conflict.
- It is to be welcomed that there is a healthy supply of sites identified within the settlement boundary to exceed the SDLP housing requirement of 220 new dwellings.
- Policy PL1 of the NDP covering Lewes Low Cost Housing has been re-drafted to be in line with SDLP Policy SD28, while still seeking to deliver as much Lewes Low Cost Housing as possible, where this is viable. Examples of ways of delivering low cost housing in Lewes for those on a Lewes average salary are provided in the supporting text.
- The Access and Movement Section and Public Real Strategies are important parts of the NDP and respond to the community consultation regarding creating as far as possible a car free town centre and improving links to the countryside. A lot of work has been carried out by the Steering Group in preparing these sections and associated strategies and if implemented will help create an attractive and sustainable town centre.
- A considerable amount of work has been carried out to provide the evidence to support the designation of Local Green Spaces and Community Spaces.
- The last chapter of the plan is dedicated to identifying projects that could be supported by CIL funding, including those included as part of the public realm improvements.

- 2.7 The SDNPA representation, together with any further changes agreed by the Planning Committee, will be submitted to the independent Examiner following approval at Planning Committee.

### 3. Submission and Examination

- 3.1 The SDNPA is required under the Town and Country Planning Act 1990 (as amended) to support communities in the preparation of Neighbourhood Development Plans, this includes taking the plan through the process of independent examination.
- 3.2 All representations made on the LNDP, including those of the SDNPA, are collated by the SDNPA and passed to an independent examiner to consider as part of the Examination of the LNDP. The independent Examiner for the Neighbourhood Plan is required to consider whether the LNDP meets the “Basic Conditions” set out in law under the Localism Act 2011. In order to meet the Basic Conditions, a Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State
  - Contribute to the achievement of sustainable development
  - Be in general conformity with the strategic policies of the development plan for the area; and
  - Be compatible with EU obligations and human rights requirements.

### 4. Next steps

Stage	Timescale & further details
Examiner appointment	The Examiner is in the process of being appointed to examine the Lewes NDP
Examination	Examination is expected to take 8-10 weeks including preparation and issuing of the final report.
Examiner issues final report	The Examiner will make one of the following recommendations: <ul style="list-style-type: none"> <li>• The Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements</li> <li>• The Neighbourhood Plan, as modified, should proceed to Referendum</li> <li>• The Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.</li> </ul>
Decision on a Plan Proposal	Planning Committee will be asked to consider the Decision Statement which sets out the modifications to be made to the plan in response to the Examiners report.
Referendum	Subject to a successful examination and the approval of the Decision Statement, there will be a referendum when the community are asked: <p><i>“Do you want the South Downs National Park Authority to use the neighbourhood development plan for Lewes to help it decide planning applications in the neighbourhood area?”</i></p> <p>If over 50% of those who vote say yes, the LNDP will automatically become part of the Development Plan and the SDNPA is then under a duty to ‘make’ the neighbourhood plan within 8 weeks of the referendum.</p>

## 5. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement of the Decision Statement and making of the LNDP at a subsequent Planning Committee, depending on the outcome of the referendum.
Does the proposal raise any Resource implications?	<p>Yes - The SDNPA has invested staff resources in supporting the development of the LNDP by regularly attending steering group and other meetings. Significant financial resource has been provided through the reallocation of the Governments New Burdens funding and the allocation of SDNPA funding amounting to £13,000. 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>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>
Has due regard been taken of the SDNPA's equality duty as contained within the Equality Act 2010?	Due regard has been taken of the SDNPA's equality duty as contained within the Equalities Act 2010. Lewes Town Council who has the responsibility for preparing the neighbourhood plan have prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees and the SDNPA has prepared an Equalities Impact Assessment. One of the Basic Conditions which the LNDP is required to meet is to 'Be compatible with EU obligations and human rights requirements' therefore the Examiner will be required to check that the plan does not breach this condition.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None

Implication	Yes/No
<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"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<p>Lewes Town Council as the qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. 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><b>Strategic Environmental Assessment (SEA)</b></p> <p>Lewes Town Council has undertaken a SEA in support of their NDP.</p>

## 6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The NDP does not meet the basic conditions	Low	Medium	SDNPA planning officers have been contributing to the preparation of the emerging LNDP and are comfortable that it meets basic conditions. This will be tested by the examination of the plan and should issues be identified there are a number of mechanisms available through which they can be addressed.
Not raising all areas of concern at this stage.	Low	Medium	Although the comments at this stage should relate only to the basic conditions, officers also take the opportunity to raise more detailed areas in order to add value to the plan or reduce any areas of conflict. It is up to the Examiner as to whether they consider them or not. However, it is hoped that this will produce a better quality plan.
Habitats Regulations Assessment (HRA)	Low	Medium	Recent case law has implications for HRA. However, it is considered that the risks raised by these are not sufficient to alter the decision to progress the Lewes NDP to Examination.

### TIM SLANEY

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Appendices

1. Lewes Neighbourhood Development Plan – Submission version. (Stand Alone Document)
2. SDNPA comments on the Submission version of the LNDP
3. Lewes Designated Neighbourhood Area Map

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer;

External Consultees	The Submission version of the LNDP is open to anyone to comment on. The SDNPA has publicised it and circulated to all known interested parties. Officers will coordinate all the responses and forward them to the Examiner.
Background Documents	<a href="#">SDNPA Response to the Lewes NDP Pre-submission consultation</a> <a href="#">Lewes NDP Basic Conditions Statement</a> <a href="#">Lewes NDP Consultation Statement</a> <a href="#">Lewes NDP Sustainability Appraisal Non-Technical Summary</a>