



The Planning Inspectorate

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# **Report to Lewes District Council and the South Downs National Park Authority**

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**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 22<sup>nd</sup> March 2016**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE LEWES DISTRICT LOCAL PLAN - PART 1 – JOINT CORE STRATEGY**

Document submitted for examination on 19 September 2014

Examination hearings held between 20 January and 17 December 2015

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## Abbreviations Used in this Report

AA	Appropriate Assessment
AHVA	Affordable Housing Viability Assessment
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
CA	Conservation Area
CIL	Community Infrastructure Levy
CS	Core Strategy
DtC	Duty to Co-operate
EA	Environment Agency
EELA	Employment and Economic Land Assessment
ESCC	East Sussex County Council
HE	Highways England
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LDC	Lewes District Council
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NE	Natural England
NP	National Park
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
OAN	Objectively Assessed Need
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SDNPA	South Downs National Park Authority
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
WWTW	Waste Water Treatment Works

## **Non-Technical Summary**

This report concludes that the Lewes District Local Plan Part 1 – Joint Core Strategy provides an appropriate basis for the planning of the area, providing a number of modifications are made to the plan. Both Lewes District Council and the South Downs National Park Authority (the Councils) have specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address soundness were proposed by the Councils but where necessary I have amended detailed wording. I have recommended their inclusion after considering all the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Increase the minimum net number of new houses to 6,900, 2010 to 2030 (345 per year), from 5,600 (280 per year) in the submitted plan, to help meet the identified needs of the district, including for affordable housing;
- Formally allocate, rather than just identifying the potential for, strategic housing sites at Ringmer (policy SP6) and Newhaven (policy SP7), as well as additional strategic site allocations at Old Malling Farm, Lewes (policy SP4) and Lower Hoddern Farm, Peacehaven (policy SP8), using the sustainable opportunities available to improve the delivery of new homes in accord with an amended Housing Trajectory (Appendix 4).
- Clarify the wording of various Core Policies for consistency with the NPPF and PPG and to facilitate implementation in practice.

## Introduction

1. This report contains my assessment of the Lewes District Local Plan Part 1 – Joint Core Strategy (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s **preparation** jointly by Lewes District Council (LDC) and the South Downs National Park Authority (SDNPA), hereafter called the Councils, has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (para 182) makes it clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authorities have submitted what they consider to be a sound plan. The basis for my examination is the submitted draft plan of September 2014, which is essentially the same as the document published for consultation in May – July 2014.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with S20(7C) of the 2004 Act, the Councils requested that I should make any main modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These are set out in the Appendix.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Councils prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to appropriate public consultation.
5. I have taken account of all the consultation responses in coming to my conclusions in this report and in this light have made some amendments to the wording of the main modifications where these are necessary for soundness, consistency and/or clarity. None of these amendments significantly alters the content of the modifications as published for consultation, or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have referred to these amendments in the report.
6. The Councils also prepared a series of additional minor modifications, largely addressing matters of clarification, updating and corrections of text, on which they also sought public comments alongside the main modifications. The **Councils will take all responses into account before finalising the plan’s text for adoption**, but these are not directly relevant to my examination of the plan for soundness and thus most are not referred to further in this report.

## **Assessment of Duty to Co-operate**

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the **Plan’s** preparation. It is a requirement that the Councils engage constructively, actively and on an on-going basis with the County Council, neighbouring local authorities and a range of other organisations, including Highways England (former Highways Agency) (HE), the Environment Agency (EA) and Natural England (NE). All relevant bodies listed in Regulation 4 have been engaged, albeit some more than others depending on the extent of their **involvement in the plan’s proposals**.
8. In the Duty to Co-Operate Compliance Statement (September 2014) and elsewhere, including in para 1.33 of the plan itself, the Councils have satisfactorily documented where and when co-operation has taken place, with whom and on what basis, as well as confirming that these discussions have influenced the plan preparation process. The Councils have established effective and on-going working relationships with neighbouring and nearby local planning authorities, particularly through the East Sussex Strategic Planning Members Group and the Coastal West Sussex and Greater Brighton Strategic Planning Board.
9. This includes regular contacts with East Sussex County Council (ESCC) and Brighton and Hove Council, amongst others, the outcomes of which demonstrate constructive engagement by the Councils on a continuing basis, including in relation to the proposed modifications and on future development prospects in the county and wider sub-region. They have also provided later evidence that positive engagement has continued since submission.
10. The fact that no adjoining or nearby authorities are able to help the Councils to meet their full objectively assessed needs (OAN) for new housing at present and that Lewes is not currently in a position to assist anyone else is clearly acknowledged. Nevertheless, the duty to co-operate is not a duty to agree and thus this does not alter the above conclusion. Therefore, I am satisfied that the duty to co-operate has been met.

## **Assessment of Soundness**

### **Main Issues**

11. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 12 main issues upon which the soundness of the Plan depends.

### **Issues 1 and 2 - Vision, Objectives, Strategy**

*1) Does the Plan, as modified, provide an appropriate vision, objectives and spatial strategy consistent with national policies and guidance and 2) will it provide the development needed to meet the objectives over the plan period ?*

12. Part 2 of the submitted Plan paints a portrait of the district and sets out its general, environmental and economic characteristics, before describing those of the four main towns, as well as the rural area of the Low Weald. Apart from the visual portrait in map form needing to be retitled as a Key Diagram and

annotated accordingly (**MM 33**), this part of the Plan is clear and requires no further main modifications.

13. Similarly, part 3 lists a series of key strategic issues and challenges to be met over the plan period that are appropriately defined and lead to a challenging but realistic spatial vision described in part 4 of the Plan. This is underpinned by a list of eleven strategic objectives in part 5, all of which are essentially consistent with the requirements of the NPPF and the PPG. The strategy also defines a logical settlement hierarchy in Table 2 that reflects the influences on the district of both Brighton and Eastbourne, as primary regional centres nearby, as well as that of Haywards Heath as a secondary regional centre.
14. In addition to stating the presumption in favour of sustainable development, **the Plan’s strategy** in part 6 also **recognises the district’s location with the sea** to the south and around 56% of its area within the South Downs National Park (NP) as important constraints. It therefore sustainably focuses new development largely on the main towns of Lewes, Seaford, Newhaven and Peacehaven (and Telscombe). Some additional growth is also directed to Ringmer and Newick as Rural Service Centres to help meet local needs, including for the rural areas outside the main towns and the NP.
15. I am entirely satisfied that this is the most suitable and appropriate strategy for the district up to 2030 and that no reasonable alternatives exist that would be more so. For example, the suggestion that with the NP covering 56% of the district and the sea to the south the majority of new development needed to meet the full OAN of the district should instead be concentrated in the villages of the Low Weald is neither reasonable nor realistic. It would lead to an unsustainable pattern of development as well as unnecessary and unacceptable impacts on local services, facilities and infrastructure, including the largely small scale road network of that area.
16. The selected strategy properly takes into account not only the Sustainable Community Strategy (SCS) for the district, and the relevant plans of other organisations, such as East Sussex County Council’s (ESCC) Local Transport Plan, but also the spatial vision set out in part 4 of the Plan. This includes a set of locally specific strategic objectives, such as the regeneration of Newhaven, widening the economic base of Seaford and improving accessibility, services and employment opportunities in Peacehaven. Importantly, it also incorporates strengthening the role of Lewes as the county town and as the economic, service and transport hub of the area, given that it is effectively agreed by all to be the **district’s** most sustainable settlement.
17. I am also satisfied **that, overall, the Plan’s vision**, objectives and strategy should protect and enhance the highly valued character of the NP, as well as meeting the two statutory purposes of designation, set out in para 1.28, and the duty to foster the economic and social wellbeing of the local communities within the NP (para 1.29). **In summary, it is clear that the Plan’s vision**, objectives and strategy are sound, with good prospects of delivery by 2030.

### **Issue 3 - Employment Scale/Distribution (Policy SP1)**

*3) Are the employment policies consistent with the NPPF/PPG and/or justified by clear and robust evidence ?*

### ***Policy SP1 – Provision of Employment Land***

18. The first key objective of the Plan appropriately seeks to stimulate and maintain a buoyant and balanced local economy. This includes through regeneration of the coastal towns, notably at Newhaven where the port is an important strategic asset for the district and the wider area. In pursuance of those aims the planned provision of employment land in policy SP1 is based on the Employment and Economic Land Assessment (EELA) that was last updated in 2012 and remains a robust basis on which to plan. It identifies a need for around 74k sq. m of new employment floorspace in the district over the plan period, of which about 60k would be for industry (B1c, B2 and B8 use classes) and roughly 14k for offices (B1a).
19. Essentially, this requirement is already accounted for by existing commitments, albeit the EELA also says that, for qualitative reasons, some small additional site provision is needed for both industry and offices in or around Lewes. Given the very limited scale of this identified need up to 2030, I am satisfied that this is not a strategic scale matter that this Plan needs to directly address. Instead, it should be dealt with in the Part 2 LP and South Downs LP to follow, and/or by alternative means as and when demand arises. Accordingly, the employment element of policy SP1 is sound, consistent with national policies/guidance and does not require modification.

### **Issue 4 - Housing Scale/Distribution (Policies SP1 and SP2)**

***4a) Is the number of new dwellings proposed based on clear and robust evidence of the full, objectively assessed, local need for new (including affordable) housing ?***

#### ***Policy SP1 – Provision of Housing Land***

20. Unsurprisingly, the main focus of debate over this Plan concerns the provision of new housing in the plan period to 2030. This should comply with the National Planning Policy Framework (NPPF) (March 2012), including by first setting out the full objectively assessed needs (OANs) for both market and affordable housing (para 47 NPPF). Only then can it move to assess whether or not this can be delivered in practice, taking into account relevant national and important local constraints, such as the National Park (NP) and flood risks.
21. Based on the Coastal West Sussex Strategic Housing Market Assessment update of November 2012 that defined the Sussex Coast Housing Market Area, the Councils worked with other relevant local authorities to produce a Duty to Co-operate Housing Study (2013) (CD 058) that identified the full OANs for this district to be between 9,200 and 10,400 net new homes from 2010 to 2030. This was based largely on the 2011 Census figures, as well as the 2011-based DCLG household projections, and equivalent to 460 – 520 new dwellings per annum (dpa).
22. There has been a noticeable degree of unanimity from representors that, as noted in my preliminary findings letter of 10 February 2015, at the top of the range identified, the figures agreed by the Councils represent the full OANs for the plan period. This includes taking account of the local need for affordable housing and “**market signals**”, in respect of the **present** relatively strong state of the local housing market, as required by the NPPF.

23. Both the Strategic Housing Market Assessment (SHMA) (2008) (CD 098) and the more up to date Assessment of Local Need for Housing (2011) (CD 082) have identified a considerable need for affordable housing in the district, reflecting that it has one of the highest house price to income ratios in the **country and leading to a significant "affordability gap" for people on lower incomes**. More recently, an Affordable Housing Needs Assessment (2014) (CD 053) shows that to meet the present level of need in the district (including both the current backlog and newly arising needs) over the next 5 years, a further 389 homes per year would be required, in addition to those already expected to be provided.
24. This scale of delivery over the first 5 years of the plan period is clearly unrealistic and simply impractical in a district of this size and nature at present. Nevertheless, particularly in circumstances where the full OAN for housing over the plan period will not be met, it is even more important that the best possible provision of affordable housing is made in an attempt to mitigate the potential negative effects on the local community and economy that might otherwise arise. Both Councils share this priority.
25. However, it is effectively common ground between the Councils, the HBF, the CPRE and others, including numerous Parish Councils and major house builders active in the locality, that the agreed OAN figures cannot be met in full in this district at present. This is so, even at the lowest end of the range identified, without unacceptable environmental consequences that would be contrary to the policies and guidance in the NPPF and PPG. This takes into account the constraints of the NP, the flood risks locally and other significant factors, including the capacity of the road network, notably on the A27 and A259, and coastal erosion, amongst other things, such as the two Special Areas of Conservation (SAC) and the Heritage Coast designation. As noted in respect of the DtC, there is no realistic prospect of any material help in achieving new housing delivery from nearby Councils in the near future, pending further work on a sub-regional basis and a potential plan review.
26. Notwithstanding all of the above, many respondents expressed serious doubts that the Councils had in fact sought and identified in the submitted plan as many suitable and appropriate sites for new housing as possible that are realistically deliverable in sustainable locations across the plan area. This includes by reference to sites identified in the various iterations of the Strategic Housing Land Availability Assessment (SHLAA). I have shared some of these concerns during the examination process, as reflected in my **preliminary findings, including that the Councils had not left "no stone unturned" in this regard** and were not planning to deliver as many new homes as would be reasonably and realistically possible without materially conflicting with the relevant constraints referred to above.
27. The Councils responded positively by reconsidering their figures and the strategic site allocations in the proposed main modifications of August 2015 to more closely accord with the NPPF and to provide a higher number of new homes, including affordable homes. The Plan as modified would thereby get materially closer to meeting the full identified OANs over the plan period in the wider interests of sustainable development, particularly its social and economic aspects.



28. Consequently, the Plan as modified now includes a significant increase in the level of new housing provision, from 5,600 as originally submitted, to a minimum of 6,900 in total, or at least 345 new dwellings per year on average. This is approximately equivalent to zero employment growth across the **district, but at least not “planning for failure” in economic terms. It would** represent essentially Option F in the submission Sustainability Appraisal (SA) (para 10.11c, p.60, CD 002) and not a great increase (around 19%) on the total in the submitted plan, but an important and critical one in this instance for the reasons given. The Habitat Regulations Assessment Addendum (2015) (LDC 070) confirms that although the extra 1,300 homes will lead to some increased traffic flows and air quality impacts on the Lewes Downs SAC this would not amount to a likely significant effect; a conclusion endorsed by Natural England (NE).
29. The need for more new housing and for greater certainty over its delivery has also meant the formal allocation, as distinct from general identification, of some of the strategic scale housing sites to help meet the OANs of the district to 2030, plus the allocation of two new ones at Old Malling Farm, Lewes (policy SP4) and Lower Hoddern Farm, Peacehaven (policy SP8). The Councils also expect to make other new non-strategic housing land allocations in the Part 2 LP and South Downs LP. In addition, there will also be a continuing **contribution from “windfalls” (para 48 NPPF)**, as well as from sites brought forward through Neighbourhood Plans, a number of which are at various stages towards completion across the district, and a small number of new homes on rural exception sites.
30. Overall, I am satisfied that the proposed modifications are not so extensive or so significant as to constitute a rewrite of the originally submitted version or, effectively, a new plan, particularly as the strategy, vision and objectives remain essentially unchanged. Nevertheless, they are sufficient to address the previous concerns that the delivery of new housing over the plan period would not even ensure the retention of the current numbers of jobs in the district, as referenced in para 7.41 of the Plan.
31. This modified level of growth would also be consistent with the findings of the latest SHLAA (CD 097) regarding the capacity of the district to absorb new housing development without material harm to the nationally important landscape character of the NP, and that of the Low Weald. It would also be within the capabilities of the local road network to cope, albeit with some planned and realisable improvements, as well as taking into account other relevant local constraints including flood risk and the impacts on designated sites of nature conservation interest, amongst other things. In the light of all of the above, Policy SP1 would be sound as modified to refer to a minimum of 6,900 (not 5,600) net additional dwellings and 345 (not 280) per annum, with consequential amendments to Table 4 and paras 6.14, 6.18, 6.19 and 6.22 of the text accordingly (**MM 01**).

***4b) Is the scale and distribution of housing and are the strategic allocations consistent with the Plan’s objectives and realistically deliverable ?***

***Policy SP2 – Distribution of Housing***

32. The distribution of new housing over the plan period logically follows the

settlement hierarchy of the district, set out in Part 6 of the Plan and in Table 2, in general terms, which should act to reinforce a sustainable pattern of development in the area. It largely directs growth to and allocates strategic sites in Lewes, Newhaven and Peacehaven, as well as one on the edge of Haywards Heath; a secondary regional centre.

33. Although also a District Centre/main town, Seaford is tightly constrained by the NP and by the sea and consequently no opportunity for a strategic site has been identified there. At the next level of the hierarchy some limited additional housing is sustainably directed to Ringmer and Newick, including a strategic site at the former, as Rural Service Centres, both to help meet their own needs and those of the rural areas outside the main towns and the NP.
34. Various representors, including the relevant Parish Councils in some instances, have questioned the individual levels of new housing specified for particular settlements in Policy SP2 and Table 5 of the Plan. However, in the main, these largely reflect dwellings built since 2010, existing commitments, allowances for windfalls and rural exception sites and, where relevant, strategic sites. As a result, the limited numbers of additional dwellings needed to meet the overall requirements of the Plan are not large in relation to the existing size of the settlements concerned in any instance. They should all be readily capable of identification in the Part 2 LP and South Downs LP and/or **Neighbourhood Plans, without compromising the Plan’s other strategic objectives**, including in relation to the NP and the relevant environmental aspects of sustainable development, as evidenced in the latest iteration of the SHLAA.
35. Suggestions that higher levels of growth should take place in Seaford and lower level settlements such as Cooksbridge, Wivelsfield Green and North Chailey, amongst others, largely relate to sites that are not of a strategic scale. They are matters for consideration in the Part 2 LP and South Downs LP, whereas re-development opportunities on urban brownfield sites can come forward anyway, if suitable, under other national and local planning policies, to potentially provide a boost **to the district’s housing supply**.
36. Bearing in mind all of the above, policy SP2 is essentially sound and consistent with national policies and guidance. It provides a suitable basis on which to plan the distribution of new housing across the district to 2030 and has good prospects of delivery on a variety of size and type of site. However, it is important for clarity and to assist implementation that its wording and Table 5, as well as the text in para 6.38, are modified to reflect the up to date position as at April 2015, including regarding completions, commitments, windfalls and the formal allocation of all of the strategic sites in the Plan. Paras 6.41 and 6.42 of the text are no longer relevant as a result and need to be deleted (**MMs 02/03**).

***4c) Does the Plan demonstrate that there will be a deliverable supply of housing land over the plan period in accord with the NPPF and PPG ?***

***(5 Year) Housing Land Supply***

37. Based on the former South East Plan figures for new housing there has been no material failure to deliver the necessary numbers over recent years in the

district, with the average (235 dwellings per annum) being slightly above the target (220 dpa) since 2006/7, as referenced in the Housing Implementation Strategy (2014) (CD 046). The increased requirements arising from the NPPF and the recent work on this Plan have only been fully clarified in the last year or so and there is inevitably a time delay involved in planning a significant uplift in new housing delivery in any area.

38. Therefore, based on **the Councils’ uncontested figures for the numbers of new dwellings** built in the district over the last 10 years or so, taken in the round, I am satisfied that there has not been a persistent record of under delivery that would invoke the expectation of the NPPF for a 20% buffer provision in relation to the 5 year housing land supply from October 2015. A 5% buffer is therefore sufficient for consistency with national policies/guidance in this particular instance.
39. In a district where the main town and most sustainable location for new housing is within the NP and many of the other larger settlements are also constrained by their proximity to the sea and the capacity of the coastal road network, as well as by flood risks, it is not practical or realistic to seek to increase new housing delivery over and above recent and planned rates to the extent necessary to meet the full shortfall that has developed during the recent recession entirely within the first 5 years of the plan period.
40. This also takes into account **that the Plan’s housing trajectory** from 2015 onwards is already front loaded, to a degree. Accordingly, I am satisfied that, in all the relevant local circumstances in this district at this time, there is a specific local justification for the Councils to seek to meet the shortfall in this area over the full plan period (the Liverpool method), rather than having to try (and probably fail) to do so over the first 5 years (the Sedgefield method).
41. I acknowledge that, even on the basis of the Liverpool method and a 5% buffer, the Councils are only just able to demonstrate a 5 year housing land supply of available and deliverable sites as at October 2015 (LDC 088a). However, since that date there has been specific progress in relation to two of the new strategic housing sites (at North Street, Lewes - policy SP3 and at Ringmer – policy SP6), both of which are agreed to be capable of commencing delivery soon and delivering relatively swiftly once underway.
42. The Councils are making sustained progress with the Part 2 LP and South Downs LP and a number of Neighbourhood Plans are also underway, with good local examples at Ringmer and Newick completed. For these reasons and also taking into account that the national and local economy continues to gradually recover from the recession of the late noughties, I consider that the overall picture of housing land supply in Lewes district is noticeably better even since October 2015 to the time of writing.
43. Moreover, finding the Plan unsound on the basis that the 5 year housing land supply position is presently tight would do nothing to ease that situation in practice. In contrast, its adoption and further progress with the Part 2 LP and South Downs LP, as well as Neighbourhood Plans, with their additional non-strategic scale housing land allocations, can only help delivery on the ground, and potentially help a great deal, including in the relatively short term and within the first 5 year supply period from 2015. Accordingly, I conclude that

**the Councils’ evidence** satisfactorily demonstrates an up to date 5 year housing land supply, on the basis referred to above, albeit that there is very little flexibility at present so that they need to move on swiftly with the Part 2 LP and South Downs LP to ensure that the situation continues to improve, rather than deteriorates at any stage.

*4d) Are the policies and proposals for growth and change in each of the specific policy areas appropriate and reasonable, including in relation to the NPPF and PPG, and in terms of environmental, economic and social impacts ?*

***Policy SP3 - Land at North Street, Lewes***

44. Around 9ha of land between the town centre to the south and the River Ouse to the north provides by far the largest opportunity for brownfield redevelopment in Lewes. Comprising largely 1950s/1960s industrial buildings, **the “North Street Quarter” has the potential to provide around 420 new homes** and also leisure, retail, cultural and health facilities to serve the town and district in a highly sustainable location. It should also deliver the early provision of much needed new flood defences that will have wider benefits for the town, taking into account the local impacts of the severe October 2000 flood event.
45. Importantly, the proposals for this site that have recently received permission, subject to a legal agreement, also retain some employment provision, particularly for local small businesses that might otherwise find it difficult to relocate to and/or operate economically in premises elsewhere in the town. The scheme is being actively pursued by the two main landowners involved and all the available evidence indicates that it is not only viable, with a policy compliant level of affordable housing (CP1), but also capable of an early start to implementation to help meet local housing needs.
46. Accordingly, subject to a number of amendments to the originally submitted policy wording, criteria and supporting text to better reflect the up to date position regarding this site and to clarify detailed requirements (**MM 04**), policy SP3 is sound.

***Policy SP4 - Land at Old Malling Farm, Lewes***

47. The need to deliver additional housing over the plan period, particularly to help meet local needs in Lewes, notably for affordable housing, has led the Councils to allocate an additional strategic site. A 10ha greenfield site at Old Malling Farm on the northern edge of the town, between the Malling estate to the east, the Malling Deanery CA to the south and the River Ouse, railway and Landport estate to the west, has accordingly been selected. Although it is mainly of grade 2 agricultural land quality, with some ecological and potential archaeological interest, the location is a sustainable one with reasonably good access and proximity to the town centre. Moreover, its development would not materially extend the built up area of the settlement further into open countryside than the existing housing to the east and west.
48. All reasonable options for a strategic scale peripheral expansion of the town would be within the NP. Therefore, based on all other relevant factors, including its availability, deliverability and proximity to the town centre, this site stands out clearly as the most sustainable of those that could realistically

provide the necessary new housing within the plan period, particularly as the few realistic alternative options would be of greater landscape sensitivity in the NP. It is also effectively common ground that it is capable of providing a policy compliant level of affordable housing (see below), which is the focus of new housing provision in the NP.

49. **Local residents have raised concerns over the impact on the town's road network** of the additional traffic likely to be generated. There are existing difficulties in the vicinity, including peak time congestion at the Earwig Corner and Church Lane/Malling Hill junctions, plus some arising from the nearby Sussex Police HQ. Nevertheless, ESCC as the local highway authority, is satisfied that with necessary improvements funded from the development by a legal agreement/the CIL, in addition to those already in the pipeline in association with other schemes, the local roads are capable of safely and satisfactorily accommodating the traffic likely to arise from the new housing.
50. However, the sustainability credentials of the site partly depend on the ability to provide good transport alternatives for new residents to minimise car use where possible. In this respect, the site is well located on the edge of the town to facilitate new and improved walking and cycling links to the town centre, including along the old railway line. Given that it is already well used by the public on foot and by cycle, as well as the significant difference in levels between it and the main part of the site, this can be achieved without material harm to the Site of Nature Conservation Interest along the disused former railway. The criteria in policy SP4 rightly require specific measures to improve access to the centre by non car modes as part of the overall scheme.
51. Importantly, this should also include improved bus services (e.g. no.129) that should also benefit existing residents, including through making their provision and expansion more viable for the operator over time. Consequently, it may be concluded that the overall accessibility of this site is essentially good and also capable of significant improvements to the benefit of both new and existing residents through the delivery of a comprehensive package of transport measures, including particularly by non car modes. This can and should be secured through a policy requirement for a travel plan to be agreed as part of any permission (**MM 05**).
52. The EA has confirmed, most recently in a letter of 29 September 2015, that **the site is "largely not at risk of flooding from fluvial or tidal sources"**. This was documented by aerial photography of the October 2000 serious flood event in Lewes. Nevertheless, parts of the western and northern boundaries are directly adjacent to flood zone 3 areas. Therefore, a detailed site specific flood risk assessment needs to be undertaken as part of the preparation of design proposals and to help establish the realistic extent of the developable area. This is one reason why the policy wording in this Plan should not be strictly definitive regarding the final extent of built development on the site, but rather that it should remain to be established once this and other more detailed technical work, including in respect of layout, design and landscaping, has been undertaken.
53. Old Malling Farm provides some of the small percentage of best and most versatile (grade 2) farmland in East Sussex, where there is very little grade 1 land. The direct loss of 10ha or so of such land is a disadvantage of the

scheme (para 112 NPPF). However, on balance, the many advantages and clear public benefits that would arise from it significantly outweigh this factor in this particular location. The loss of any greenfield site is to be regretted in the sense that it reduces areas of potential habitats for native flora and fauna. However, this land is not subject to any statutory definitions in respect of ecological or wildlife interests.

54. Moreover, there is an overriding need for new housing in Lewes at present that can only reasonably and realistically be viably delivered on this site in the short term, without significant adverse impacts on other important interests including the NP. Taken in the round, this is clearly the most suitable site available to help meet that need when all relevant factors are considered. Nevertheless, prior survey work should be undertaken to inform and assist the design process and seek to retain and enhance the ecological interest of the site, where possible.
55. The available evidence also indicates that all necessary services can be provided at reasonable cost to facilitate housing development on this site. Furthermore, the scale of new housing is not so large as to place an unacceptable burden on existing community facilities, including local schools and hospitals, bearing in mind the likely number of new residents in comparison with the present population of the town and the necessary contributions to be required under the relevant criteria of policy SP4. Similarly, those criteria should ensure that the detailed scheme includes **appropriate on site provision of open space, including children's play areas**.
56. The location on the edge of the town and the presence of the River Ouse and the Offham Marshes SSSI to the west emphasise the importance of minimising any light or noise impacts on the wider countryside arising from the scheme through detailed design and mitigation measures, where necessary. However, there is nothing to indicate that this cannot be achieved in practice, in line with the requirements of the policy criteria, and I am satisfied that they are sufficient in this respect. Taking into account the location adjacent to the historic Malling Deanery Conservation Area (CA), it is also entirely appropriate that the policy should require a prior archaeological investigation to be carried out to inform and influence detailed proposals, irrespective of the absence of any formal designation at present.
57. As reflected in the policy, the proximity of the site to the CA and the presence of listed buildings, **such as St Michael's** Church, must also be properly taken into account in detailed proposals. This is so that there is no harmful effect on their setting, and that the character and appearance of the CA is preserved or enhanced. With these provisos in place, there is no reason in principle why development may not proceed on this part of Old Malling Farm.
58. This site was considered for development during the 2003 LP process and not allocated at that time. Since then it has been included within the NP boundary after due consideration of the contribution that it makes to the landscape character and qualities of the town and its surroundings, including its setting within the Ouse valley. However, in a new plan for the next 20 years or so such matters have to be considered afresh in the context of all the relevant current circumstances and a new balance drawn. In this case this has to include the policies in the relatively recent NPPF, which have led to the

identification of a pressing need for new housing in the town and district.

59. In a town with few major brownfield redevelopment opportunities the significant growth required to meet local needs can only be achieved by peripheral expansion of the built up area into the NP because it effectively surrounds the town. In these circumstances it is essential that only the most sustainable and least harmful sites are sought to meet those needs. In this case, new housing along the eastern side of the Ouse valley will complement and largely mirror that on the western in both physical and visual terms.
60. It would also retain an undeveloped corridor alongside the river as a green **wedge connecting the town’s built up area with the more open countryside** to the north, albeit somewhat narrower than at present in places. New development here would not project any further north than existing housing areas and, whilst clearly visible from a number of important viewpoints within the NP, would only be seen in the same visual context as that of adjoining and nearby built form, including from the high ground to the east and west.
61. In particular, from key viewpoints along the Ouse Valley Way, from Hamsey Church and from South Malling Churchyard, the site is also largely screened by dense foliage in summer, as well as being elevated between 10 and 15m above the path for most of its length nearby. In my judgement these factors also help to obviate the need for any specific restriction on the extent of development within the site in the policy itself and at this stage, in advance of a design brief following more detailed technical analysis.
62. Accordingly, the impact of the scheme on the landscape character and visual appearance of the town and its setting within the NP will be limited. It can also be further mitigated by careful detailed design, layout and landscaping, as well as the use of locally appropriate building materials. The criteria of the policy rightly require such treatment and should ensure that the scheme is suitably designed for the locality in these important respects.
63. The site sits within a sensitive landscape on the edge of the town but its specific context, with existing development on three sides, peripheral trees and no further projection of built development northwards involved, means that new housing here need not be seriously intrusive or materially harmful to the overall character and appearance of the locality if carefully designed. Thus, there would be no significant harm arising to the generally quiet character and semi-rural appearance of the valley at this point or the recreational experience for walkers as a whole.
64. In respect of the impact of the scheme on the Ouse valley, with careful design and specific mitigation measures walkers on the long distance route would perceive no real change to the point at which they effectively encounter the built up area of the town on both sides of the valley. Similarly, public views from Lewes Castle will not be materially altered given the long distance involved and the close relationship to existing housing in which the new homes would inevitably be seen amongst the trees in the vicinity.
65. It was generally agreed in the evidence at the hearings that the most important public views of the site are from the elevated open downland to the west. I observed it from various viewpoints in this vicinity during my

extensive accompanied site visit. From all the site is seen against the backdrop of existing development adjoining and would not be perceived by the casual observer as materially extending the existing built up area of the town beyond its existing confines or framework.

66. Accordingly, I fully agree with the conclusions of the Alison Farmer Landscape and Visual Assessment report (2012) (LDC 059) to the effect that new housing development could reasonably be accommodated on this land, without material harm to the landscape and scenic beauty of the NP (para 115 NPPF), if its nature, extent and character are carefully considered so that the special qualities of the area are retained, with specific mitigation measures and sensitive design.
67. Harm to the environmental dimension of sustainable development has to be balanced against the benefits that would derive from the provision of these new homes. In all the relevant current local circumstances, I consider that the benefits of the proposals for this site in meeting the local need for new housing outweigh the likely very limited harm to the local landscape setting of this part of the NP. Therefore, faced with the overriding need to allocate additional land for new housing in Lewes, I have no doubt that the choice of Old Malling Farm is the best option at present given that development here need not be materially harmful to the landscape character of the NP or the setting of the town within it providing suitable policy criteria are imposed, including in comparison to all the other realistic local alternatives.
68. This is effectively a different conclusion than that reached by the former LP Inspector, albeit many years ago now, and in relation to the NP boundary when designated. However, the context for those decisions, particularly national policy in the NPPF and particularly local needs relating to the supply of land for new housing, has changed considerably since that time. I therefore conclude that now the Old Malling Farm site is clearly the most suitable and sustainable alternative of the potential additional allocations for new housing in Lewes over the plan period and that it should be identified as a further strategic site in this Plan (**MM 05**).
69. In my judgement, this would help provide a sound and more sustainable balance in respect of meeting the social and economic needs of the town and the district, as well as the NP, given that it is agreed to be viable, in general terms, and deliverable in accord with all other relevant Plan policies. On the evidence before me, the overall public benefits that would arise from new housing on this site, including in respect of affordable housing provision, weigh heavily in favour of its allocation for development now. Taking all of the above into account, I conclude that the proposals pass the strict tests of exceptional circumstances for major development in the NP set out in para 116 of the NPPF and referred to in para 31 of the 2010 Circular (LDC 008). Overall, the scheme would be demonstrably in the public interest (also para 31), as well as in accord with paras 76 and 78 of the Circular, including through the inclusion of a LP policy that pro-actively responds to local housing needs.
70. As a strategic site that is needed to provide a significant percentage of the local housing needs of both the town and the district it would represent an abrogation of responsibility for the SDNPA to seek to defer the formal allocation of this land for development to the South Downs LP or any other



plan. It would also involve unnecessary delay when the need is urgent.

71. **The modified policy indicates the site’s capacity to be approximately 200 new units**, assuming that around 6.6ha of the total 10ha site is developable. However, this assessment is not based on any detailed design, layout or site specific technical work, but rather an assumption that certain parts of the site cannot or should not be built on for flood risk and/or landscape impact considerations. In the absence of the detailed, site specific, flood risk assessment required by the EA (see above), it is at least possible that this may amount to a unnecessary pre-judgement of the full potential of the site to deliver much needed new housing in Lewes.
72. Similarly, in advance of the preparation and consideration of a design brief and masterplan for the comprehensive treatment of the site and its immediate surroundings, it is premature to seek to restrict the total number of dwellings to an arbitrary figure that does not directly relate to any infrastructure or service capacity constraint affecting the site. With no major house builder yet involved, the realistic potential and overall viability, and therefore the most likely number of new homes to be delivered on this site, is presently at an early stage towards clarification.
73. Some rewording of the policy is therefore necessary to ensure flexibility and that, subject to viability, the most effective use can be made of the land if it is developed. Subject also to full compliance with all the other policy requirements, this may also help to reduce pressures for the early release of other peripheral greenfield sites around the town for new housing in future.
74. Accordingly, no **reference to “6.6ha net developable area” should** be included in policy SP4, nor a criterion limiting the extent of development to the 10m contour line in the northern field and also 20m from the southern and western boundaries in the southern field. These are unnecessary and overly restrictive as put forward and may inhibit the best possible scheme in all respects being achieved in practice.
75. As referred to above, the proximity of the site to the Malling Deanery CA can be satisfactorily addressed through the detailed design process, including in respect of suitable boundary treatment and landscaping that would not compromise the overall viability of the scheme. These matters should be considered in detail in the context of an overall design brief and/or masterplan for the whole site, taking into account all relevant factors, including flood risk, landscape impact and the relationship of the site to the CA to the south, amongst others.
76. **As a result, the references to “200 dwellings” should also not be included as a higher, or indeed lower, number may prove to be viable and deliverable on site**, once all the necessary detailed design, layout and infrastructure/ services analysis has been carried out. Whilst this remains the case, it would be advisable to consider the site as capable of providing new housing at a locally appropriate average density and that therefore a figure of around 240 homes **used for overall “accounting” purposes only in terms of dwelling numbers in the Plan, at this early stage in the site’s evolution as a new housing scheme.**
77. Based on the Dec 2011 independent report (CD 052) prepared for the Councils

to support policy CP1, the Plan contains a districtwide target of 40% affordable housing. This report concluded that whilst 50% could be viable in the rural **part of the district, it would be "unwise" to seek it elsewhere, including in the area defined as Lewes town.** This was on the basis that to do so would not **leave an adequate viability "margin" or "buffer" and risk threatening the overall viability of residential developments in that area.** A later viability report in Jan 2014 (DC 133) confirmed that, based on sensitivity testing of all sizes of site, the maximum percentage that could reasonably be sought for sites of 10 dwellings or more would be 40%.

78. The agreed ability of this site to deliver that percentage is one of the key factors supporting its allocation as a new strategic scale housing site, given the acknowledged level of local need in Lewes. However, the SDNPA has subsequently commissioned a **further "High Level Viability Assessment" (LDC 067/068)**, which suggests that 50% ought to be achievable without compromising overall viability. In contrast, evidence prepared for the landowners questions both the assumptions made and methods used in that study, as well as taking into account other site specific factors relevant to the eventual return received by the landowners providing the incentive for the scheme to proceed. The **SDNPA's** recent viability work for this site is not based on any specific scheme or detailed plans and must therefore be taken as a high level generic assessment only that does not take into account relevant site specific factors, such as the potential valuation complications regarding vehicular access to the site.
79. From discussions at the hearings it is also clear that in addition to the necessary CIL contributions the acceptability of the scheme will depend on sizeable contributions being made for offsite road and other transport improvements locally, to ensure the sustainability and accessibility of the site for this level of new housing. Similarly, landscaping and other detailed design elements, including materials, are accepted as likely to require higher standards for this scheme than the local average, due to the sensitivity of the location in the NP and partly adjacent to a CA.
80. In particular, the high quality design to be properly expected of any scheme here will inevitably involve increased build costs above the normal local average level, as reflected in the BCIS figures and **used in the Councils'** viability work. Whilst this is a sensitive site it is also one that needs to be used as effectively as possible if it is to be developed. Therefore, the exact extent of new built development within the overall site of 10ha should be tested and resolved at the masterplan and/or detailed design stage, including in respect of viability. This should be undertaken with full consultation involving all concerned, including local residents, rather than artificially and prematurely defined by contour lines and minimum separation distances at this strategic plan stage.
81. The **SDNPA's** assessment of 50% of 200 units would result in 100 new affordable units from this site. In practice it may well still be possible to achieve that figure with the 40% requirement, that is agreed to be viable, if the total number of units reaches 240, as it may do to comply with that part of policy CP2 which properly seeks a mix of size and type of new units and a preponderance of smaller ones to help meet local needs. In the light of all of the above I am not satisfied that the available evidence properly justifies the

seeking of a 50% level of affordable housing from this scheme, given the remaining material doubts about the overall viability of the scheme if that requirement applies. Accordingly, criterion i) of the policy should refer to 40% (not 50%) (**MM 05**).

82. There is nothing in the evidence to suggest that active farming of good quality land could not continue on the remaining parts of the holding with the development in place. The landowners assert that it could and would. Therefore, it is premature at best for the policy to require that the remainder of the landholding at Old Malling Farm should be devoted to nature conservation and public access, when there is no direct necessity for this provision arising from the development of the site itself. Such a policy requirement would conflict with national guidance in respect of its lack of a direct relationship with the proposed development.
83. Accordingly, whatever may or may not have been discussed between the **various interested parties during earlier stages of the Plan’s process** and however desirable the provision of land primarily for nature conservation might be in principle, a criterion of the policy restricting the future use(s) of the adjoining land would not be properly justified as a requirement of the scheme and should not be included (**MM 05**).
84. As referred to above, it is necessary to alter the detailed wording of some of the policy criteria from that put forward by the Councils in the interests of soundness, clarity and so as to facilitate delivery. It is also necessary to omit some elements that are neither reasonable nor realistic, including in comparison with other plan policies. Subject to these amendments, none of which alters the basic premise or objectives of the proposals, policy SP4 is therefore sound (**MM 05**).

***Policy SP5 - Land at Greenhill Way/Ridge Way, Wivelsfield***

85. Although in Wivelsfield parish (and thus Lewes district), this greenfield site lies on the edge of Haywards Heath, a large town with multiple facilities and services, including a rail station and a major hospital nearby. It therefore has close links with the northern part of Lewes district, including in terms of retail and employment opportunities for residents and, in principle, constitutes a sustainable location for new housing development as a result.
86. Whilst this site comprises grade 3 agricultural land quality (good to moderate), this is a lower level than many other potential areas hereabouts and it is in Flood Zone 1 (least risk of flooding). It is also essentially well contained between existing housing and well established wooded areas in visual terms, thereby significantly reducing any potential harm from development on the local landscape in the vicinity.
87. The overall area of about 8.5 ha is capable of providing around 175 dwellings, at a density consistent with its surroundings, including an appropriate element of affordable housing in accord with policy CP1 of the Plan and on a viable basis, with no known constraints to early delivery. This judgement is reinforced by the fact that permission has been granted for 62 dwellings on the northern part of the site, with vehicular access from Ridge Way.
88. The fairly recent opening of the Haywards Heath relief road has materially

improved the accessibility of the location and reduced pressures on the rest of the local road network. The remaining understandable concerns of local residents regarding traffic generation and highway safety, including for pedestrians and cyclists, should be addressed by the policy requirement for a comprehensive travel plan, including measures to improve access from the site by non car modes in particular. The policy, supported by para 6.38 of the text, also says that any access from Greenhill Way, in addition to Ridge Way, should not result in the loss of protected trees close to the road.

89. With these provisos in place, the main modifications (**MMs 07/08/09**) also recognise that the larger site area of 8.5 ha (compared to the 6ha originally identified erroneously) albeit with no increase in the total number of homes, is appropriate and suitable for the allocation of a new housing site. The policy, as modified, is therefore sound. Any realistic potential and the suitability and acceptability of adjoining areas of land, of a non-strategic scale, for further development in the future is matter for the Part 2 LP to consider.

***Policy SP6 - Land north of Bishops Lane, Ringmer***

90. As the largest village in the plan area, with a good range of local services and community facilities, Ringmer is appropriately classed as a rural service centre **in the Plan’s settlement hierarchy. It is therefore an essentially sustainable** location and well placed for a strategic scale allocation of new housing to help meet the needs of the whole district, as well as its own self-generated ones.
91. A greenfield site of around 4.4 ha on the northern edge of the settlement, to the north of Bishops Lane, has previously been identified as potentially suitable for new housing development and is capable of delivering around 110 new homes, with a policy compliant percentage of affordable housing and at an average density that would not be out of character with the locality. The available evidence, including from the landowners, suggests that, whilst there are some on site features, such as hedges, that are worthy of retention, and that off-site highway improvements, including at Earwig Corner on the outskirts of Lewes, are also required, the scheme is economically viable and able to commence in relatively short order.
92. The site is in Flood Zone 1 and notwithstanding some current drainage problems in the locality, expert technical evidence, including advice from the EA, is that these are capable of resolution at reasonable cost as part of an overall **scheme for the site’s development**, as required by the policy. Similarly, whilst not subject to any formal designations, any material ecological and/or archaeological interests on the site can be taken into account, including through prior survey work and potential mitigation measures, and do not preclude development for new housing, in principle.
93. The above has recently been confirmed by the grant of permission by the Secretary of State, on appeal and subject to a legal agreement relating to the above matters, amongst others, such as the capacity of the local Waste Water Treatment Works (WWTW) at Neaves Lane. Therefore, subject to the important detailed criteria contained in the policy, as modified for clarity and to reflect the current position (**MMs 06/10/11/12**), I am entirely satisfied that policy SP6 is sound.

***Policy SP7 - Land at Harbour Heights, Newhaven***

94. Newhaven is the smallest of the four towns in the district, **but the Plan's** strategy includes its regeneration as one of the key priorities and new housing, together with the additional population that will bring, is seen as pivotal in achieving that aim. I agree. A number of potential redevelopment opportunities have been identified by the Councils within the town, but in order to deliver strategic scale new housing an outward expansion on a greenfield site is necessary and justified in this particular local and policy context in addition to existing commitments.
95. Land in the south west of the town at Harbour Heights, largely between Court Farm Road and Gibbon Road, would be reasonably well located in relation to the town centre, with part having previously been allocated for housing development in the 2003 LP (Policy NH8) and a further 3ha or so at the Meeching Quarry Industrial Estate ripe for redevelopment for employment-led uses within a wider mixed use scheme. In total an area of around 15ha is available, which is capable of accommodating about 400 new homes.
96. Parts of the site originally identified in the 2003 LP, largely that furthest to the west, would be quite prominent in the local landscape and this would be slightly more so with the extended site now put forward. Therefore, potential impacts will require careful consideration in detailed design terms, notably in relation to the need to protect the undeveloped nature of the coast from visual intrusion in accord with policy CP 2 of this Plan. Nevertheless, the site essentially lies between existing housing areas and a new school has recently been built adjacent to the northern boundary and so the site appears as largely within the present physical boundaries of Newhaven.
97. Moreover, a limit on the western extent of the site so that it does not project beyond the western end of Hill Top Way, with its accurate name, should ensure that a suitable gap is maintained between Newhaven and Peacehaven in this vicinity. Views from various vantage points, including the cliff top and the Newhaven Fort/Castle Hill need not be significantly altered as a result.
98. Built development should also avoid areas that might be subject to cliff top erosion in the foreseeable future, but none of these factors is so significant as to preclude new housing and related development in principle in this location, given the clear opportunities for mitigation, for example through robust landscaping, judicious layout incorporating necessary open spaces and a somewhat lower density of housing to the west compared to the east.
99. The likely traffic generation from a mixed use scheme of this scale will also require highway improvements on the adjacent road network, including on the junction of South Road and South Way, as well as some junctions of the Newhaven Ring Road. Principally, however, what is needed is a travel plan delivering better links to the town centre by non car modes, as required by the policy. In practice, this is most likely to mean better bus services.
100. For sustainability reasons and to assist with the wider objectives for the overall regeneration of the town, it is also necessary that the scheme incorporates a significant element of employment provision to comply with policy CP 4 and complement the new housing and other facilities to be

provided. This would logically and most realistically be achieved through the redevelopment of the existing industrial estate at the eastern end of the site, rather than in any other location.

101. **The Council’s viability work to date clearly indicates that, given all the** various infrastructure provisions and contributions, including the CIL, necessary to bring this scheme forward with the important employment elements and without material delay, it is not financially viable to expect a 40% affordable housing contribution. However, the same evidence confirms that a sizeable and satisfactory viability margin or buffer would exist with a 30% contribution. Accordingly, I consider that this divergence from the normal expectations of policy CP1 is adequately justified in this case and that, bearing in mind the total number of new affordable homes to be provided, a contribution of 30% from this scheme is acceptable in principle in this particular instance for viability reasons.
102. Taking into account all of the above considerations, it is also entirely reasonable that the policy is modified to require a comprehensive masterplan for the whole site, to guide development of this major project for the town, not least in the reasonable expectation that delivery is most likely to occur in a number of stages over the plan period. Overall, I am satisfied that the proposals for this site represent a sustainable scheme that should be formally allocated in the Plan to bring forward its early delivery to help meet the local housing needs of the town and district and that, as modified, policy SP7 is sound (**MM13**).

***Policy SP8 - Lower Hoddern Farm, Peacehaven***

103. The submitted plan included provision for a minimum of 660 net additional residential units at Peacehaven during the plan period, over 500 of which were said to be dependent on demonstrating that a co-ordinated package of multi-modal transport measures to mitigate the impacts of such development on the A259 coast road could be delivered. This road already suffers from congestion, particularly during peak hours, as it acts as a main commuter link into Brighton from the east, and at Rottingdean, where there is an air quality management area (AQMA), mainly relating to nitrogen dioxide levels, and little realistic scope for physical highway improvements.
104. Notwithstanding, it was agreed at the hearings by ESCC, the local highway authority, that further technical assessment work since the 2011 Newhaven Transport Study, including transport modelling and a masterplan report for the 11 ha site at Lower Hoddern Farm, has satisfactorily shown that there are **“reasonable prospects” of this important proviso being properly met in** connection with the development of that site for around 450 new homes. In addition to improvements to the operation of the A259/Telscombe Cliffs Way junction, the Sutton Avenue roundabout and the Newhaven Ring Road, the main element of the necessary travel plan to achieve this outcome would relate to public transport improvements along the A259, notably significant enhancements of bus service no. 14, including in terms of frequency.
105. Consequently, the previous constraint affecting development on the land at Lower Hoddern Farm no longer precludes its allocation as a strategic new housing site for early delivery to help meet the local needs identified in earlier

versions of the Plan, including for affordable housing. Moreover, new policy SP8 contains suitable and appropriate criteria requiring the submission and implementation of a satisfactory travel plan, as well as specific compliance with policy CP9 in respect of air quality.

106. All of these matters would have to involve consultations with Brighton and Hove Council and Rottingdean Parish Council regarding detailed mitigation and compliance, but cannot reasonably be made subject to any form of veto exercisable by an adjacent local authority. Therefore, I am satisfied that the specific wording of the new policy is generally appropriate and requires only an addition for clarification in respect of traffic or transport matters.
107. Although greenfield, the site lies outside the NP and is adjacent to the existing built up area of the settlement with suitable points of access available, notably from the west. It also adjoins the major new Peacehaven Centenary Park to the south and is not at risk of flooding. Whilst identified as an archaeological notification area, this does not preclude development, rather that prior assessment and potential field evaluation would be necessary before any building takes place. It is clearly the most sustainable and only reliably deliverable strategic scale site available in the settlement as things stand.
108. Although the very modern and very large Peacehaven Waste Water Treatment Works (WWTW) is close by, a recent technical assessment and regular monitoring by Southern Water confirm that there are no discernible odours affecting the locality and no significant contributions from the WWTW likely to cause odour nuisance. In the light of all of the above, this site constitutes a sustainable location for new housing on a strategic scale to help meet local and district new housing needs. Its formal allocation is therefore necessary and appropriate and new policy SP8 is endorsed accordingly (**MM14**).

### *Housing Omission Sites*

109. As modified, the Plan now fully allocates a sustainable site on land north of Bishops Lane, Ringmer (policy SP6) as a strategic scale new housing site for about 110 units. In addition, the recently adopted Neighbourhood Plan for the settlement has also identified sufficient smaller sites to almost meet the new dwelling numbers set out in policy SP2 to 2030. The level of development in policy SP2 is such that Ringmer, as one of the largest and most sustainable villages in the district, is making an equitable and reasonable contribution to the wider housing needs of the district, as well as meeting its own locally generated ones. Accordingly, there is no overriding need to identify any further strategic scale new housing sites in the settlement at present.
110. Elsewhere in the district, I do not consider that any of the alternative potential strategic sites put forward as alternatives or additions to those now allocated represents a more sustainable and therefore preferable option, justifying a change in the Plan. In some cases, including at Burgess Hill, there are also remaining doubts about capacity, availability and deliverability of possible strategic sites, including in respect of the timing of when any new housing might reasonably be expected to be built along with the necessary services and infrastructure.
111. Should the Plan fail to deliver new housing as projected such areas may need

to be considered afresh in any future review. Moreover, those sites of less than 100 units or so can also be considered in the Part 2 LP process and allocated if sustainable and suitable to help deliver the requirements set out in policy SP2. Brownfield sites can come forward in any event, if suitable in principle, under other plan policies and in accord with the NPPF. Therefore, I am satisfied that it is not appropriate or necessary to allocate any further strategic scale new housing sites in this Plan.

## **Issue 5 - Housing Policies (Policies CP1, CP2, CP3)**

*5) Are the thresholds and percentages for affordable housing justified by clear and robust evidence of local housing needs and viability, with sufficient flexibility if viability is an issue and are the housing policies suitable, appropriate and consistent with the NPPF/PPG and/or justified by robust and credible evidence ?*

### ***Policy CP1 – Affordable Housing***

112. The Affordable Housing and CIL Viability Study (AHVS) (CD 053) (2011) has tested various targets and thresholds across the district, including taking into account the introduction of the Community Infrastructure Levy (CIL) and the full Level 4 requirements of the Code for Sustainable Homes as they then were. It provides robust evidence that includes sensitivity testing and which has not been seriously challenged, that a districtwide target of 40%, with a graduated threshold essentially based on the number of new units, would be viable in the vast majority of cases.

113. Accordingly, policy CP1, including an expected tenure split of 75% affordable rented and 25% intermediate tenure to reflect local needs and with a 40% affordable housing target, that is subject to viability, is considered sound in principle. Following the successful legal challenge of July 2015 to the Written Ministerial Statement of November 2014, intended to support small scale developers, custom and self-builders, the Councils have withdrawn the formerly proposed modifications (MM 15) to the relevant thresholds in parts 1 and 2 of the policy, which therefore remain as in the submitted plan.

### ***Policy CP2 – Housing Type, Mix and Density***

114. Alongside affordable housing, the Councils also properly seek to help meet identified overall local housing needs through the provision of a range of size and type of new homes across the district. The Local Housing Needs Assessment (CD 082) (2011) indicates that as well as family homes and small units for couples and single persons, there is a strong demand for dwellings for older people in an area that attracts those wishing to retire to the coast.

115. Accordingly, it is appropriate that policy CP2 (and its supporting text) should refer to the need for flexible and adaptable accommodation and flag up the need for Part 2 LPs to identify sites for special needs housing of all types over the plan period. However, Lifetime Homes Standards are no longer applicable. (**MM 16**). Subject to the above, the policy is soundly based on robust evidence in requiring a mix of size and type of new homes to reflect local needs, albeit also taking account of site specific circumstances, including viability.

116. In respect of density, in the absence of national guidance, it is necessary to



balance the requirement to make the most efficient and effective use of the limited amount of new housing land that is available with the characteristics of the locality and its surroundings, much of which is within the sensitive landscape setting of the NP and/or subject to other important environmental considerations, such as flood risk. Therefore, also bearing in mind the average densities that have been achieved in both the towns and the villages of the district in recent years as guidelines, it is reasonable and realistic in all the relevant local circumstances to set indicative ranges only in policy CP2, rather than any more specific requirements. This allows for some flexibility so that the individual attributes and constraints of particular sites can also be taken into account. However, whilst essentially sound, the policy wording has to be clear to facilitate its application in practice to particular schemes (**MM 16**).

### ***Policy CP3 – Gypsy and Traveller Accommodation***

117. Up to date evidence of gypsy and traveller accommodation needs in East Sussex is available from the 2014 Gypsy and Traveller Accommodation Assessment. This gives a need for 13 net additional permanent pitches in Lewes district to 2030, of which 8 should be within the NP and 5 outside. In addition, there is a further requirement for 8 net additional transit pitches in East Sussex as a whole, the provision of which is a joint responsibility with the other East Sussex local planning authorities. However, no specific need for Travelling Showpeople accommodation has been found in the district at present. Policy CP3 and its accompanying wording need to be updated and clarified accordingly in the light of the above to be sound (**MM 18**).

118. The policy also sets out a list of criteria that are appropriate for a Part 1 LP that is to be followed by the Part 2 LP and South Downs LP making the relevant site allocations, both to guide the site selection process in those LPs and also against which any relevant planning applications will be judged. These are consistent with the NPPF and the PPG and require only an addition to refer also to “waste water facilities” in part 1 to be sound (**MM 17**).

### **Issue 6 – Employment Policies (Policy CP4)**

***6) Is the policy suitable, appropriate and consistent with the NPPF and PPG and/or justified by robust and credible evidence ?***

#### ***Policy CP4 – Economic Development and Regeneration***

119. Policy CP4 seeks to assist delivery of the same key strategic economic objectives as policy SP1, not just through the provision of new sites but also by improving the economic potential of existing employment sites and premises, including through encouraging new investment therein. Given the obvious constraints that severely limit the realistic potential for peripheral **expansion of the district’s towns, it is appropriate and reasonable in this area** to seek to safeguard existing employment sites from other competing uses, in principle at least.

120. However, the policy also needs to acknowledge that not all existing sites will remain suitable and viable for employment uses alone over the plan period, particularly as modern requirements change. In certain circumstances, as recognised in the NPPF, mixed and/or alternative uses may need to be considered to ensure that land is not left underused, vacant or derelict for any

significant period. Therefore, part 2 of policy CP4 (and para 7.44) needs to be amended to clarify the criteria that will apply to any such proposals on a consistent basis so as to facilitate operation in practice (**MM 19**).

121. **This should help to ensure that existing employment sites are not “lost” to other uses unnecessarily where they remain viable, but also that they are not “held in reserve” for needs that are not realistically likely to arise and can instead be used for other purposes in the wider economic interests of the community.** Otherwise, policy CP4 is considered to be consistent with the NPPF and PPG and sound.

## **Issue 7 – Tourism, Retail and Town Centres (Policies CP5 and CP6)**

*7a) Is the policy reasonable, realistic and consistent with the NPPF and PPG ?*

### *Policy CP5 - The Visitor Economy*

122. Tourism is an important part of the local economy in the district (about 7% of jobs), with recognised potential for growth, including through support for a year round visitor economy and reflecting the designation of the NP. Policy CP5 suitably sets out the measures necessary to sustainably develop tourism locally, including by improving the availability of all types and budget levels of visitor accommodation, as evidenced in the recent Hotel Futures Study. The policy wording is essentially consistent with the expectations of the NPPF and PPG in this regard and no modifications are required for soundness.

*7b) Is the policy suitable and appropriate to implement the strategy for retail ?*

### *Policy CP6 – Retail and Town Centres*

123. Consistent with the NPPF, the key strategic objective for town centres is to maintain and enhance their vitality and viability, including regarding retail related uses. The Plan therefore identifies a retail hierarchy for the district. Lewes and Seaford as main town centres are at the top, given their present levels of shopping floorspace and opportunities for limited improvements in their retail offers that would reinforce their individual characters and widen their range of services. At the next level, Peacehaven (Meridian Centre) is defined as a District Retail Centre, reflecting its range of convenience and comparison shops.
124. Although there has been a recent decline in the range of retail and related services in the centre of Newhaven, largely as a result of the recent recession, regeneration of the town is one of the main aims of the plan and this seems to have strong local support. Also taking the other Plan proposals into account, **including the infrastructure investment planned, policy SP7, and the town’s strategic location between Seaford and Peacehaven, where it is well placed to help meet retail needs arising in those settlements, there are at least reasonable prospects that the vitality and viability of the town centre will materially improve in the short to medium term.**
125. Accordingly, I consider that Newhaven town centre (within the ring road) should be designated as a District Retail Centre, as the Councils now propose, rather than as a Local Centre only as originally, for the above reasons. Appropriate modifications to properly reflect this change are therefore required

to policy CP6 for soundness (**MM 22**). It is also necessary to clarify the intent of the policy and the purposes of identifying Primary Shopping Areas and Primary Shopping Frontages in the Plan by adding a sentence to policy CP6 confirming that the loss of retail units within those defined areas will be resisted to facilitate implementation in practice, in respect of both Main Town and District Centres (**MMs 20/21**).

126. **Outside the district’s towns, the Councils seek to retain and enhance local shopping and community facilities in villages, as far as possible, as they provide valuable social and economic functions for rural communities.** However, for soundness and consistency with the NPPF and PPG, part 4 of policy CP6 needs to be made more explicit as to the processes to be undertaken and the evidence provided in the event that such uses are considered to be no longer viable (**MM 23**).

### **Issue 8 – Infrastructure (Policy CP7)**

*8) Is the policy and are the proposals suitable and appropriate to deliver the necessary infrastructure improvements alongside new development ?*

#### *Policy CP7 - Infrastructure*

127. The Infrastructure Delivery Plan (IDP) (LDC **071**), which is a “living” document to be kept under review, was last updated in July 2015 alongside the proposed modifications to the Plan. As a result it takes into account the increased requirement for a minimum of 6,900 net new homes in the district between 2010 and 2030 as well as the implications of the other changes to the Plan in respect of likely demands for services, community facilities and the like. It concludes that there are no critical outstanding infrastructure issues (or “showstoppers”) that would prevent or delay the development proposed in the Plan and there is no substantive evidence available to indicate otherwise.

128. However, there are some schemes that are essential for delivery to particular timescales and these are listed together with details of their risks, likely implementation timings and funding/costs. Overall, the evidence is clear and robust, providing the necessary reassurance that there are reasonable prospects of delivery, when needed. Importantly, this includes in respect of each of the allocated strategic sites for new housing. Nevertheless, it remains essential that the Councils, together with ESCC as local highway authority, continue to closely monitor the long term effectiveness of measures to manage and reduce car traffic. This is particularly so on the main A27 and A259 east west roads, key strategic routes through the district, in conjunction with Highways England (HE), where some funding is already committed for improvements east of Lewes.

129. Policy CP7 of the Plan provides the planning policy basis for all of the above, including the updating of the IDP, emphasising the need to retain and enhance community facilities and services alongside new development and confirming the intention to introduce a CIL in both the NP and separately in the remainder of the district. Further details of local scale community needs for services and facilities will also be addressed in the Part 2 LP and South Downs LP. Part 2 of policy CP7 also provides suitable and sensible criteria against which proposals involving the loss of a community service or facility will be considered,

including in terms of its ongoing viability. Overall, the policy is suitable and sufficient to help deliver the infrastructure needed, consistent with national policies/guidance and sound in all respects.

### ***Policy CP8 – Green Infrastructure***

130. The available evidence, as referenced in para 7.82 of the Plan, identifies existing deficiencies in access to green infrastructure across the district. Taken together with the adopted standards for the provision of outdoor playing space, this provides a robust basis on which to plan for the **management, protection and, where possible, enhancement of the district’s** existing green infrastructure, alongside new housing and other development. Accordingly, policy CP8 sets out a number of reasonable and realistic measures to help provide a connected network of multi-functional spaces and facilities throughout the district by 2030, including through the identification and allocation of opportunities in the Part 2 LP and South Downs LP. This is consistent with national policies and guidance and sound without modification.

### **Issue 9 – Environment, Landscape, Heritage, Design (Policies CP9, CP10, CP11 and CP12)**

*9) Are the policies dealing with the environment, landscape, heritage and design consistent with the NPPF and PPG and likely to prove effective in protecting the district’s assets and qualities, including the South Downs National Park and the relevant SACs/SPAs, whilst facilitating appropriate development ?*

### ***Policy CP9 – Air Quality***

131. This policy reflects current legislation and national guidance, as well as the Air Quality Action Plan (AQAP) for Lewes town centre, where an Air Quality Management Area (AQMA) was declared in 2005 under Part 4 of the Environment Act 1995. Nitrogen dioxide emissions from transport have also led to the more recent (2014) declaration of an AQMA for Newhaven town centre and LDC is formally committed to produce an AQAP for that area during 2016. Policy CP9 is sound, including in respect of requiring suitable mitigation measures where new development and/or its associated traffic would adversely affect any declared AQMA, not just those in Lewes district.

### ***Policy CP10 – Natural Environment and Landscape***

132. In order to conserve and, where possible, enhance the natural environment of the district, as well as apply the highest status of protection to the landscape and scenic beauty of the NP, in accord with the NPPF, parts 1 and 2 of policy CP10 suitably set out a series of tests to be met by all new development in order to achieve those objectives. Save for amendments necessary to clarify that the intention is to maintain and, where possible, enhance, as distinct from just seeking to do so, and to more clearly express the expectations of development in and in the setting of the NP (**MM 24**), those parts of the policy are sound and in line with national guidance.

133. As recognised in the Habitats Regulations Assessment and the Ashdown Forest Strategic Access Management Strategy, it is necessary to mitigate any potential harm on protected birds arising from new housing in Lewes district within 7km of the Ashdown Forest Special Area of Conservation and Special

Protection Area. In requiring the provision of Suitable Alternative Natural Green Space (SANGS) at a ratio of 8 ha per 1,000 new residents, part 3 of the policy would meet that need. This is further evidenced by the work undertaken for the Councils in August 2015, in the light of a recent legal challenge to the equivalent policy provisions in neighbouring Wealden district. This confirmed that this policy approach is the most appropriate for Lewes district, albeit some rewording (**MM 25**) is necessary for clarity and for development management purposes in relation to residential development within the 7km zone.

134. The fact that Natural England is content with policy CP10, as modified, reinforces my conclusion that the policy is sound and requires no further change or addition for effectiveness. This includes in respect of the short term pending the identification and implementation of one or more suitable SANGS sites, which I heard at the hearings from the Councils is imminent.
135. Part 4 of the policy relating to water quality also needs to **refer to “improved where necessary, or maintained where appropriate” to provide the appropriate emphasis and for consistency with the Environment Agency’s River Basin Management Plan for the South East (MM 26)**.

#### *Policy CP11 – Built and Historic Environment and Design*

136. **In accord with the NPPF and the Plan’s objectives, policy CP11 expects high quality design in all new development and that it should contribute positively to the character and distinctiveness of the district’s built and natural heritage.** Subject to clarification of its wording in relation to the purposes of the NP in part ii) (**MM 27**), the policy is sound and should help to achieve this aim.

#### *Policy CP12 – Flood Risk, Coastal Erosion and Drainage*

137. **In order to help reduce the district’s vulnerability** to the impacts of climate change, amongst other things, policy CP12 addresses flood risk, coastal erosion, sustainable drainage and slope stability. This includes the need to work with partner authorities to implement the current Shoreline Management Plan, Catchment Flood Management Plan and other relevant strategies, including that for flood alleviation in Newhaven.
138. **In a district where flood risk is a significant concern all of the policy’s** requirements are essential in the interests of sustainable development locally. Notwithstanding, some clarification of text is desirable in paras 7.110 and 7.111 to facilitate implementation and delivery in practice (additional minor modifications list) in relation to the differing elements of flood risk and how they should be addressed in connection with development projects.

#### **Issue 10 – Transport (Policy CP13)**

*10) Is the policy consistent with the NPPF and PPG and suitable to help deliver the necessary transport improvements, whilst minimising adverse environmental impacts and encouraging sustainable travel ?*

#### *Policy CP13 – Sustainable Travel*

139. As part of the key strategic objective to reduce the need to travel and promote

a sustainable transport system across the district, policy CP13 seeks to encourage walking, cycling and the use of public transport, rather than private cars. Taking into account such relevant local factors as the presently increasing levels of traffic on the A27 and air quality in town centres such as Lewes and Newhaven in particular, as well as the need to work closely with ESCC, as local highway authority and other relevant agencies such as HE, the requirements of the policy are entirely consistent with the NPPF and PPG. They require no modification save in respect of omitting direct reference to delivering the priorities of the East Sussex Local Transport Plan, which is not appropriate in a LP policy (**MM 28**).

### **Issue 11- Energy (Policy CP14)**

*11) Is the policy relating to renewable energy and the use of resources consistent with the NPPF and PPG and likely to prove effective in practice ?*

#### *Policy CP14 – Renewable and Low Carbon Energy*

140. Regarding energy, and climate change especially, policy CP14 seeks to help deliver a reduction in the causes of the latter and carbon dioxide emissions in particular, alongside the recently updated national Building Regulations. In furtherance thereof, the Councils have commissioned a Renewable Energy and Low Carbon Development Study, part of which has led to an Energy Opportunities Map to identify potential (Appendix 6).

141. Accordingly, policy CP14 encourages renewable and low carbon energy in all development and supports applications for such installations, subject to a list of important and relevant criteria, including the need to protect the special qualities and setting of the NP. Subject to some limited rewording so that it is up to date in relation to the national position and for clarity (**MM 29/30/31**), this part of the policy is therefore sound.

142. Part of policy CP14 deals with water consumption and, given that the district is **defined as one of “serious water stress”, it is appropriate that it imposes a** limit of no more than 110 litres per person per day on all new homes. The cost implications of compliance for builders, which are not great and readily assessed, were taken into account in the viability evidence supporting the Plan, e.g. the AHVA, and this part of the policy is thus also sound in principle, subject to clarification of its wording (**MM 32**).

### **Issue 12 – Implementation, Flexibility, Delivery, Monitoring**

*12) Are the mechanisms in the Plan sufficient to achieve its objectives, is the Plan reasonable flexible to enable it to deal with changing circumstances, is the necessary funding likely to be available to viably deliver the development proposed and will monitoring be suitably comprehensive to achieve its objectives ?*

143. Since the examination hearings planning permission has been granted, on appeal, for the strategic housing site at Ringmer (policy SP6) and a resolution to grant permission, subject to a legal agreement, approved by the SDNPA for the North Street Quarter scheme at Lewes (policy SP4). Both reinforce the conclusion that these projects have good prospects of an early start to implementation, with no evidence of any outstanding constraints that would inhibit delivery in accord with the latest revised housing trajectory in Appendix

4 of the Plan (**MM 35**).

144. Similarly, there is nothing tangible to suggest that there are any known barriers to the other strategic housing sites allocated in the Plan coming forward as presently envisaged by the Councils. However, the site at Old Malling Farm in Lewes has not previously been identified and is less far forward in the development pipeline than others as a result. For example, there was no prospective developer involved at the time of the hearings and there is an essential need for a masterplan and/or design brief to be agreed on this sensitive site. Therefore, it may reasonably be assumed that this site will not deliver new houses as quickly as others. However, this has been accounted for in the revised housing trajectory.
145. Otherwise, the evidence from the Councils and others, including in the Infrastructure Delivery Plan (LDC/071) (June 2015) is that there are no major outstanding or significant infrastructure issues remaining to be resolved before development can proceed on the allocated strategic sites. This includes in respect of funding prospects. Notwithstanding, the Councils will need to closely monitor progress to ensure that delivery proceeds as anticipated in accord with the revised and updated Monitoring and Delivery framework in Appendix 3 (**MM 34**). They must also be prepared to take positive action, including in terms of considering the need for new/alternative sites to come forward and/or an early review of the Plan, in the event that it does not for whatever reason.
146. Additional non-strategic sites will also be allocated in the Part 2 LP and South Downs LP, to provide additional flexibility on delivery plus others in Neighbourhood Plans, many of which are presently being pursued across the district. Therefore, I see no necessity for this Plan to seek to identify any **“reserve” sites, particularly as this would have inevitably led to further delay** before adoption to allow for public consultation and sustainability appraisal to be undertaken.

## Assessment of Legal Compliance

147. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Plan is identified within the approved LDS Addendum of May 2014, which sets out an expected, albeit indicative, adoption date of early 2015. The delay has arisen largely as a result of the need for main modifications and in all other respects the <b>Plan’s</b> content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2011 and consultation has been compliant with the requirements therein, including that on the post-submission proposed <b>‘main modification’</b> changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate, including in respect of the main modifications.

Appropriate Assessment (AA)	The Habitats Regulations Assessment Report (September 2014) shows that there will be no significant adverse effect on any protected sites arising from the implementation of the plan and sets out why AA is not therefore necessary, as agreed by Natural England (NE).
National Policy	The Plan complies with national policy, except where indicated and main modifications are recommended.
National Park Management Plan (NPMP)	Satisfactory regard has been paid to the NPMP.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

148. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues.**
149. **The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Lewes District Local Plan Part 1 – Joint Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Nigel Payne*

Inspector

This report is accompanied by the Appendix containing the Main Modifications